

IFE JOURNAL OF THEORY AND RESEARCH IN EDUCATION

ISSN: 0794-6754

IJOTRE

JOURNAL OF THE INSTITUTE OF EDUCATION

Obafemi Awolowo University, Ile-Ife.



Bi-Annual
VOL 13 Nos. 1 & 2, 2011



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Human Rights, Advocacy and Special Needs Education

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Abstract

The term human rights and advocacy have been carefully defined and properly positioned in this paper. In addition, what special needs people are all about is discussed with factors that interfere with their human rights. Furthermore, the paper presented an overview of advocacy for children with special needs education. Finally, the paper highlighted the measures for promoting and safeguarding human rights, advocacy and special needs education in Nigeria.

Introduction

The fundamental human rights give every human being the opportunity to live and participate in the society notwithstanding one's impairment, colour or race. To this end, persons with special needs in our contemporary society are still not enjoying their fundamental human rights as expected. They still experience all forms of discrimination because of their disabilities. The cultural beliefs and attitudes of the people in our society interfere in one way or the other with the rights of the persons with disabilities (David, 2004). This ugly situation prompted the member states of the Organization of African Unity to adopt the African Charter on the rights and welfare of the child. Anderson (2004) stated that the charter affirmed the right of children with disabilities to protective services under conditions which would guarantee their dignity encourage self-reliance and enable active participation in the community. According to him, the chart sought to ensure access to training, preparation for employment, and recreational opportunities designed to promise the fullest possible social integration of the disabled persons.

Obtaining equal rights by persons with special education needs is becoming increasingly difficult because of the negative attitude of the society towards them and poor awareness of the public about their potentials. Consequently, they are seen as second-class citizens. Charles (2004) said that basic rights are denied to many persons with disabilities. According to him, he argued that segregation and marginalization keep disabled individuals at the bottom of the economic ladder by denying equal

opportunities and equal access to many aspects of the society. Furthermore, the continued disempowerment and marginalization of persons with special needs does not just have economic consequences, but, it has social dimension as well (Sesana, 2000).

To this end, the prevailing discrimination against persons with special needs, makes advocacy for their rights by themselves, parents, teachers, psychologists, social workers and all those who are involved in the well-being of persons with special needs necessary, in order to give them sense of belonging in the society. Advocacy has to do with demanding for the rights of persons with special needs from the government or all stakeholders who are involved with education and well-being of persons with special needs.

The concept of Advocacy

Every man wants to live a good life, hence, he makes attempt to influence his political, economic and social environment to favour him. He is found at one time or the other influencing decision makers. This kind of situation is not far from what advocacy is all about. World Health Organization (WHO) (2004) defined advocacy as the pursuit of influencing outcomes- including public policy and resource allocation decisions within political, economic and social systems and institutions that directly affect people's lives. Advocacy represents the strategies devised, actions taken and solutions proposed to influence decision-making at the local and state level to create positive change for people and their environment.

Advocacy could be done through a process called lobbying. Lobbying simply means, concluding activities aimed at influencing public officials and especially members of a legislative body on legislation by influencing public officials, to attempt to influence or sway a public official towards a desired action. Advocacy is usually done by a group of individuals that are referred to as advocacy groups. Advocacy groups according to young & Everett (2004) are any organization that seeks to influence government policy, but not to govern. This definition includes social movements or network of organizations which are also focused on encouraging social change.

In Nigeria, advocacy groups have been of tremendous help in alleviating the sufferings of persons with special needs. The groups that have been advocating for individuals with special needs include- National Council for Exceptional Children (NCEC), Nigeria Special Education Teachers (NASSET), National Association of Individuals Living with Disabilities (NAILD), Special Persons' Club and National Association of Special Education Students (NASSES).

The functions of these Advocacy groups include:

- Assist in the development of better public policy that has to do with persons with special needs.
- Ensure governments' accountability to citizens, especially those with special needs.
- Give a voice to citizen's interests, especially those with special needs.

What is Human Rights?

Gerison (2008) defined human rights as the rights that everyone has by being

human. According to him, you don't have to be a member of a particular group and nobody needs to give you your rights. Everyone is automatically entitled to enjoy the full range of human rights.

The violation of human rights means that an individual or group of people is treated as though they are not human. Gerison (2008) stated that human rights recognizes and affirms that the human dignity of all people must be respected. According to him, human rights can also be seen as those basic needs without which people cannot live with dignity. Human rights are basic needs of every human being and there should be equality and non-discrimination in gaining access to fundamental human rights by persons with special needs. In other words, all individuals are equal as human beings and are entitled to their human rights without discrimination of any kind.

Human rights cut across every aspect of life, hence, we have civil and education rights. Civil rights are those that enable you to perform your obligations as a bonafide member of the community, disabilities notwithstanding. Such rights include the right to vote and be voted for, the right to gainful employment and other aspects of fundamental human rights, while educational rights have to do with the right of an individual to have access to quality education, irrespective of age, colour, ethnicity, disabilities or any other condition.

Persons with Special Needs

Persons with special needs are children and adults who deviate in one way or the other from an average person in the community, to the extent that they require the service of professionals before they live a successful life. Isaiah and Adekanmi (2009) opined that, persons with special needs are children and adults who have one impairment or the other, such as mental, physical or emotional. Person with special needs also include the intellectually gifted. They stressed further that, persons with special needs are those who need help from professionals in order to function socially, psychologically and educationally in the society. Also, persons with special needs include children who need modification of curriculum and instruction in order to maximize their learning potentials (Howard, 2003).

Since the persons with special needs are part of the society, it should be the concern of all, that is, the parents, teachers, professionals and government should meet their needs so that they can contribute their quota to nation building.

Persons with Special Needs and Human Rights

In our contemporary society, persons with disabilities are not yet given the right recognition they deserve. They are still seen as second-class citizens who have nothing to offer their generation. Hence, this negative attitude of the society makes it easy for them to be looked down upon. In view of the above, Masakhwe (2004) said that, obtaining an appropriate education, entering the work-force and being accepted in society are difficult to achieve when citizens with special needs are viewed negatively or dismissed out of hand.

Scholars have discovered that persons with disabilities are denied basic human rights in the areas of health care and social services. This group of individuals includes children and adults with sensory, mental, physical or emotional impairments including

the intellectually gifted. Eleweke (2004) said that in many nations of Africa, inadequate health care and social services are other reasons behind a significant number of cases of disability. According to him, the status of special education in Nigeria is 200 years behind what is obtained in Europe and North America and individuals with disabilities continue to be denied what the world considers a basic human rights to education.

Factors that Interfere with the Human Rights of Persons with Special Needs

Several factors have been advanced by scholars as hindrances that interfere with the human rights of persons with special needs. For example, Eleweke (2004) identified the following factors as hindrances to the human rights of persons with special needs in Nigeria:

- The absence of primary care programmes.
- Absence of enabling policies and legislation
- Lack of systematic structure of funding special education services.
- Failure to promote inclusive education services
- Inadequate personnel training programmes.
- Lack of facilities, such as modern assistive technological devices and failure to promote inclusive attitudes.

Also, Ndurumo (2001) said that special education programmes and schools are few and many of them originated during the colonial era, but often poorly equipped and under-funded, staffed with under-equipped, under-paid and overburdened teachers. According to him, private schools for children with disabilities are usually equipped to provide better services, but many families cannot afford the tuition. He concluded that the government has failed to equip schools to meet the needs of persons with disabilities, despite the stated goal of primary education for all children.

Several non-governmental organizations are making efforts to alleviate the problems of persons with special needs in our community, but it seems that the efforts are not yielding the expected results, due to lack of adequate finance. In the light of this, Njoku (2004) said that although non-governmental organizations serving persons with disabilities exist, they also face insufficient financial support, manpower and resources. According to him, many of them are staffed with inadequately trained persons.

The Impact of Advocacy on the Well-being of Children with Special Needs

Advocacy has to do with making life easy for persons with special needs. Through advocacy programmes, the society is aware of the potentials of the persons with special needs. In the light of the above, Olorode (2006) opined that advocacy groups have made life more worth living for persons with special needs. According to him, the term advocacy is derived from two Latin words "ad" meaning "to" and vocal meaning call. The combination of these words means "to call". He found out that advocacy is about people with disabilities making their voices heard. It involves the coming together of persons with disabilities to have a say in policy matters that affect their well-being. An individual or a group of people with disabilities could carry out advocacy. Advocacy is about group of people with disabilities coming together to support each other and to have a say in the policies and practices which affect their daily lives. Again, it is about all men and women, children and older people, from all ethnic groups and background,

people with profound and multiple disabilities, people who may have additional mental or physical health problems fighting their cause for a better living.

Furthermore, Canadian Human Rights Movement (2004) identified the following impacts of advocacy on the well-being of children with special needs rights:

- to attend school;
- of each pupil to an individualized education plan based on identified need;
- of early identification and education intervention: appropriate testing and evaluations.
- to a written education plan;
- to placement in the least restrictive environment;
- of special needs students as they have their interests represented through guaranteed due process; and
- to access records and confidentiality.

These rights have to be pursued by all advocacy groups in order to make life worthwhile for them. Focus Adolescent Support Services (2008) identified the fact that some children experience difficulties in school, ranging from problems with concentration, learning, language and perception to problems with behaviour and peer relationships. These difficulties may be due to one or more of the following: physical disorders, psychological disorders, emotional problems and learning disorders or disabilities. Focus Adolescent Support Services observed that children with special needs are usually entitled to receive special services or accommodation through the public schools.

An Overview of Advocacy for Children with Special Needs Education

The following Acts are available for the protection of the rights of persons with special needs.

The Individuals with Disabilities Education Act (IDEA)

This is a federal law ensuring services to children with disabilities throughout the United States. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities, such as serious emotional disturbance, learning disabilities, mental retardation, traumatic brain injury, autism, vision and hearing impairments, physical disabilities, and other health impairments.

IDEA 2004 aligns closely with the No child Behind (NCLB) Act, which reauthorizes the Elementary and Secondary Education Act (ESEA), calls for "increased accountability for states, school districts and greater choice for parents.

Section 504 of the Rehabilitation Act of 1973

This is a civil rights statute that requires that schools should not discriminate against children with disabilities and should provide them with reasonable accommodation. It covers all programs or activities, whether public or private, that receive federal financial assistance. Reasonable accommodation includes untimed tests, sitting in front of the class, modified home work, and the provision of necessary services. Typically, children covered under Section 504 either have less severe disabilities than those covered

by eligibility categories of IDEA. Under section 504, any person who has an impairment that substantially limits a major life activity is considered disabled. Learning and social development are included under the list of major life activities.

The American with Disabilities Act (ADA)

The ADA prohibits the denial of educational services, programs or activities to students with disabilities and prohibits discrimination against all such students.

Between states, there are different criteria for eligibility, services available, procedures for implementing the federal laws, and procedure safeguards. It is important for parents to be aware of these laws and regulations in their particular areas in order to safe guard the rights of the children with disabilities.

Advocacy for Individuals with Special Needs - The Nigeria Situation

Having viewed the various Acts by various developed nations of the world like US, Britain and Canada, it is very important to examine the situation in Nigeria. The Nigeria Disability Decree of 1993 is a stone in the right direction. The decree stated that:

- Government organs shall ensure vocational training to develop skills to individuals with disabilities.
- Government shall take measures to promote the employment of the individuals with disabilities.
- Employer of labour shall reserve not less than 10% of their labour force for the individuals with disabilities and
- Private employers of individuals with disabilities shall be entitled to 15% tax rebate.

This decree has fantastic plans for persons with special needs in Nigeria, but they are just on paper, they have not been fully implemented. Obani (20004) posited that they are more than mention in public places. The problem, however, according to him, is that they remain the mention level and no action.

Furthermore, advocacy is a necessary tool for ensuring that the decree is enforced on those concerned, in order to protect the Human rights of Nigerians with special needs.

Recommended Measures for Promoting and Safeguarding Human Rights, Advocacy and Special Needs Education

The following measures are recommended for ensuring effective promotion and safeguarding of human rights in the Nigerian society:

- There is need to entrench fundamental human rights in a written constitution. This will protect them from flagrant violations by the government, its agencies or even fellow citizens.
- There is the need to ensure the independence of the judiciary. The existence of independent and transparent judiciary is a necessity in the effort to safeguard fundamental human rights of citizens. Pat-Acholonu (1999) rightly stated that Nigerian public will rely on a virile and highly independent judiciary, which will not play second fiddle to the executive, or frightened by legislature, to ensure

that the human rights of the people are safeguarded and where there is infraction of such rights, the court will deal with the matter with dispatch and zeal.

There is also the need to sustain the present democratic system of government in the country. Democracy creates a conducive environment for the practice and safeguarding of fundamental human rights of citizens.

The Nigerian public should develop greater confidence in the police force as a necessary agency for the protection of human rights. However, the Nigeria Police Force should be better equipped, effectively trained and appropriately directed towards community-oriented aspects of their policing.

There is the need for public enlightenment on the rights and obligations of citizens, especially those of persons with special needs. Nigerians must be empowered by the knowledge that the laws and institutions that form the basis of their system are there to uphold their rights and enforce responsibilities of every member of their community.

The government should remain resolute and committed towards the protection of the rights of children with special needs. The rule of law should prevail in all aspects of national life.

There is the need for a free, vibrant and fearless press, which will expose cases of human rights violations.

The policy on state of origin should not be pursued at the detriment of the fundamental rights of Nigerian people with special needs who reside in states other than their own.

There is the need for children with special needs to have speedy and unimpeded access to justice. Access to justice is an inseparable aspect of human rights and democracy. This demands that efforts should be made to decongest the courts.

The government and its agencies should guard against the use of excessive force to quell civil unrest in any part of the country.

There should be public awareness by professionals about the rights of persons with special needs.

Parents, teachers and professionals should collaborate in order to advocate for the rights of persons with special needs in our society.

Inclusive education should be given a chance to survive in Nigeria, in order to ensure educational and social integration of persons with special needs.

Population census of persons with special needs should be carried out in Nigeria in order to plan adequately for them by the government.

The policies made by the government concerning the rights of persons with special needs should not be on paper alone, they should be executed. There should also be proper monitoring by the government.

Conclusion

Since it has been observed that persons with special needs are members of the society, they should be made to enjoy equal rights with their counterparts who are without disabilities, so that they can contribute maximally to the development of the nation.

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