



FROM LEGAL RECOGNITION TO LIVED REALITY: IMPLEMENTATION GAPS IN THE PROTECTION OF STUDENTS WITH HEARING IMPAIRMENT IN PUBLIC UNIVERSITIES IN SOUTH-SOUTH NIGERIA

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ABSTRACT

Nigeria has, over the past decade, developed an increasingly robust legal framework for the protection of persons with disabilities. The 1999, the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the ACHPRs 1981, the Protocol to the African Charter on the Rights of Persons with Disabilities 2018, and the CRPD 2006 collectively establish guarantees of equality, non-discrimination, accessibility and inclusive education. Notwithstanding this layered normative regime, questions persist regarding the extent to which these guarantees translate into lived inclusion within Nigerian higher education. This article adopts a qualitative approach to interrogate the implementation gap between law and practice. Drawing on a census study of sixty-two students with hearing impairment across four public universities in South-South Nigeria, the article examines how communication barriers, inconsistent provision of sign language interpretation, inaccessible pedagogical methods and fragmented institutional structures affect scholastic adjustment. It argues that scholastic adjustment is not merely a pedagogical concern but an indicator of substantive equality and legal compliance. Through doctrinal analysis and empirical mapping, the article demonstrates that while Nigeria's disability rights framework is normatively progressive, institutional mainstreaming remains uneven. The persistence of structural barriers reveals a disconnect between legal recognition and institutional practice. The article concludes by proposing targeted reforms aimed at strengthening enforcement, mainstreaming accommodation policies and embedding inclusive education within university governance systems.

KEYWORDS: *Disability Rights, Inclusive Education, Scholastic Adjustment, and Reasonable Accommodation*

1. INTRODUCTION

The protection of persons with disabilities has undergone a marked transformation in international and domestic legal discourse over the past two decades. Historically approached through welfare or charity models, disability is now firmly situated within a rights-based framework grounded in equality, dignity and non-discrimination. This normative shift is most clearly reflected in the adoption of the United Nations Convention on the Rights of Persons with Disabilities.¹ The CRPD affirms that persons with disabilities are entitled to the full and equal enjoyment of all human rights

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¹ United Nations Convention on the Rights of Persons with Disabilities 2006 (CRPD)



and fundamental freedoms, and it requires States Parties to eliminate discrimination and ensure accessibility and inclusion, including in the sphere of education.²

Nigeria ratified the CRPD and its Optional Protocol in 2007, thereby assuming binding international obligations to promote inclusive education and reasonable accommodation.³ Article 24 of the CRPD recognises the right of persons with disabilities to education without discrimination and on the basis of equal opportunity, and obliges States Parties to ensure an inclusive education system at all levels.⁴ The Convention further requires the provision of reasonable accommodation and appropriate support measures to facilitate effective education.⁵ These obligations are not merely aspirational; they represent a shift towards substantive equality, demanding structural reform of institutions, including universities.

At the domestic level, Nigeria enacted the Discrimination Against Persons with Disabilities (Prohibition) Act (Disability Act) in 2019. The Act prohibits discrimination on the basis of disability and guarantees equal access to public buildings and services, including education.⁶ It also recognises the duty to provide reasonable accommodation and establishes the National Commission for Persons with Disabilities to oversee implementation.⁷ The enactment of the Disability Act marked a significant legislative milestone, signaling a formal commitment to disability inclusion within Nigeria's legal order.

Notwithstanding these developments, the Nigerian constitutional framework presents a more complex picture. The Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees the dignity of the human person under section 34 and freedom from discrimination under section 42. However, disability is not expressly listed among the prohibited grounds of discrimination in section 42(1). Furthermore, while section 18 obliges the State to direct its policy towards ensuring equal and adequate educational opportunities at all levels,⁸ the justiciability of this provision is constrained by section 6(6)(c), which renders the Fundamental Objectives and Directive Principles of State Policy generally non-justiciable.

The locus classicus on the non-justiciability of Chapter II of the Constitution remains *Archbishop Anthony Olubunmi Okogie & Ors v Attorney-General of Lagos State*,⁹ where the Court of Appeal held that the Directive Principles cannot be enforced by the courts. The Court emphasised that

² Convention on the Rights of Persons with Disabilities 2006 (adopted 13 December 2006, entered into force 3 May 2008) 2515 UNTS 3.

³ United Nations Treaty Collection, Status of the CRPD (Nigeria ratification 24 September 2007).

⁴ CRPD, Art 24(1).

⁵ CRPD, Arts 2 and 24(2)(c).

⁶ Discrimination Against Persons with Disabilities (Prohibition) Act 2019, ss 1–3, 17.

⁷ *Ibid*, ss 31–33.

⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 18(1).

⁹ (1981) 2 NCLR 337 (CA).



although Chapter II sets out important governmental objectives, it does not confer legally enforceable rights unless supported by specific legislation.¹⁰ This position long defined the orthodox understanding of socio-economic rights within Nigerian constitutional law.

However, subsequent judicial pronouncements have refined this position. In *Attorney-General of Ondo State v Attorney-General of the Federation*,¹¹ the Supreme Court recognised that the National Assembly may enact legislation to give effect to matters contained in Chapter II of the Constitution. Once enacted, such legislation becomes enforceable.¹² This decision opened a doctrinal pathway through which otherwise non-justiciable objectives may acquire legal force.

An additional and significant development arose from the domestication of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act 1981. In *Abacha v Fawehinmi*,¹³ the Supreme Court affirmed that the African Charter, having been incorporated into Nigerian law, possesses the force of statute and is enforceable in Nigerian courts. The African Charter recognises the right to education under article 17. Building upon this foundation, the ECOWAS Court of Justice in *SERAP v Federal Republic of Nigeria*¹⁴ held that the right to education is justiciable and enforceable. Although delivered by a regional court, the decision underscores the enforceability of educational rights through treaty-based mechanisms binding on Nigeria.

Taken together, these authorities demonstrate that while Chapter II of the Constitution may not be directly enforceable, educational rights and non-discrimination guarantees may nonetheless acquire legal effect through legislation and domesticated treaties. In principle, therefore, disability-inclusive education in Nigeria is not merely a matter of policy discretion but one of legal obligation. Yet the existence of normative recognition does not automatically translate into lived equality. Across many public universities in Nigeria, students with hearing impairment continue to encounter structural barriers that impede effective participation in academic life. Communication barriers in lecture halls, inadequate provision of sign language interpretation, limited access to assistive technologies, and insufficient institutional support mechanisms remain recurring concerns. Such barriers are not merely inconveniences; they directly affect students' ability to adjust to university life, participate meaningfully in academic activities, and enjoy equal educational opportunities.

This article interrogates the gap between Nigeria's robust disability rights framework and the lived experiences of students with hearing impairment in public universities in South-South Nigeria. It asks whether constitutional guarantees, statutory protections, and international obligations have translated into substantive institutional transformation within higher education. The analysis draws

¹⁰ *Ibid.*

¹¹ (2002) 9 NWLR (Pt 772) 222 (SC).

¹² *Ibid.*

¹³ (2000) 6 NWLR (Pt 660) 228 (SC).

¹⁴ (ECW/CCJ/APP/08/08, Judgment of 30 November 2010) ECOWAS Court of Justice.



upon a qualitative socio-legal study involving a census of sixty-two students with hearing impairment drawn from four public universities in South-South Nigeria: University of Uyo (3 students), University of Calabar (37 students), University of Benin (3 students), and Ignatius Ajuru University of Education (19 students). These institutions were selected because they host special education departments and enroll students with hearing impairment. Given the small population size, a census sampling approach was adopted to capture the full range of student experiences.

By analysing student narratives against Nigeria's constitutional, statutory and treaty-based obligations, this article argues that scholastic adjustment is not merely a psychological or pedagogical matter but a measure of substantive equality. Where structural barriers impede communication, participation and inclusion, the failure is not only institutional but legal. The persistence of such barriers raises important questions regarding enforcement, monitoring and accountability within Nigeria's disability rights regime.

The article therefore contributes to ongoing scholarly and policy debates on disability inclusion in higher education by situating scholastic adjustment within a rights-based legal framework. It contends that the true test of disability legislation lies not in its textual sophistication but in its capacity to transform institutional practice. In examining the implementation gap between legal recognition and lived reality, the article seeks to illuminate the challenges and possibilities of achieving genuine inclusion for students with hearing impairment in Nigerian public universities.

2. CONCEPTUAL AND THEORETICAL FRAMEWORK

The examination of implementation gaps in the protection of students with hearing impairment in Nigerian public universities requires a coherent conceptual and theoretical foundation. This section develops four interrelated frameworks that guide the analysis in this article: (i) the social model of disability; (ii) the rights-based approach to disability protection; and (iii) the concept of scholastic adjustment within higher education. Together, these frameworks provide the analytical structure for evaluating whether Nigeria's constitutional, statutory and treaty-based commitments have translated into substantive inclusion within university environments.

2.1 Conceptualising Disability: From Medical Paradigm to Social Model

For much of the twentieth century, disability was predominantly understood through what has been described as the medical or individual model. Under this paradigm, disability was treated as a personal deficit arising from physical or sensory impairment, requiring medical correction, rehabilitation or charitable support.¹⁵ This approach located the source of disadvantage within the individual rather than within social arrangements.

The emergence of the social model of disability marked a decisive intellectual shift. Developed by disability scholars and activists, particularly within the United Kingdom, the social model argues

¹⁵ Michael Oliver, *The Politics of Disablement* (Macmillan 1990).



that disability arises not merely from impairment but from socially constructed barriers that restrict participation.¹⁶ In this formulation, inaccessible buildings, communication barriers, discriminatory attitudes and exclusionary institutional practices are the true sources of disablement.

This re-conceptualisation has profoundly influenced contemporary disability law. The CRPD reflects the social model by recognising disability as an evolving concept resulting from interaction between persons with impairments and attitudinal and environmental barriers.¹⁷ The emphasis is therefore on removing structural obstacles rather than correcting individual difference.

In the context of higher education, the social model directs attention to lecture delivery methods, communication systems, assessment formats, institutional policies and administrative responsiveness. For students with hearing impairment, barriers may include absence of sign language interpretation, lack of captioning, rapid speech delivery without visual support, or failure to provide accessible materials. These barriers are institutional in character. The analytical focus of this article therefore shifts from impairment to structure, consistent with the social model's core insight.

2.2 The Rights-Based Approach and Substantive Equality

Closely connected to the social model is the rights-based approach to disability protection. Earlier welfare frameworks often treated disability inclusion as a matter of governmental benevolence. By contrast, the rights-based approach recognises persons with disabilities as rights holders entitled to enforceable legal guarantees.¹⁸

The CRPD embodies this normative transformation. Article 5 affirms equality and non-discrimination, while Article 24 guarantees the right to inclusive education at all levels. The Convention requires States Parties to provide reasonable accommodation and appropriate support measures to ensure effective education.¹⁹ Importantly, reasonable accommodation is defined as necessary and appropriate modification that does not impose a disproportionate or undue burden.²⁰ It is therefore a legal obligation, not an act of charity.

The concept of substantive equality is central to this framework. Substantive equality recognises that formal identical treatment may perpetuate disadvantage where structural inequalities exist.²¹ Accordingly, differential treatment in the form of accommodation may be necessary to achieve genuine equality.

¹⁶ Colin Barnes and Geof Mercer, *Exploring Disability* (2nd edn, Polity 2010).

¹⁷ CRPD 2006, Preamble para (e).

¹⁸ Gerard Quinn and Theresia Degener, *Human Rights and Disability* (United Nations 2002).

¹⁹ CRPD 2006, Art 24(2)(c)–(e).

²⁰ *Ibid*, Art 2.

²¹ Sandra Fredman, *Discrimination Law* (2nd edn, OUP 2011).



In Nigeria, the Discrimination Against Persons with Disabilities (Prohibition) Act 2019 reinforces this rights-based orientation. The Act prohibits discrimination on the ground of disability and guarantees access to public services, including education.²² It further mandates accessibility and establishes a National Commission to promote and protect disability rights.²³ The Act thus provides statutory reinforcement of Nigeria's international obligations.

2.3 Conceptualising Scholastic Adjustment in Higher Education

The concept of scholastic adjustment originates in educational and psychological scholarship addressing how students adapt to academic environments. Scholastic adjustment refers to the process by which students manage academic demands, navigate institutional expectations, and integrate socially within educational settings.²⁴

In higher education research, adjustment is commonly understood to include academic engagement, interaction with peers and lecturers, participation in institutional life, and psychological adaptation to new learning environments.²⁵ Adjustment is therefore multidimensional rather than purely academic.

In this article, scholastic adjustment is conceptualised in structural rather than individual terms. For students with hearing impairment, adjustment difficulties may arise not from inability, but from communication barriers, inaccessible pedagogy, and institutional unpreparedness. Where such barriers impede effective participation, the issue transcends pedagogy and enters the domain of rights compliance. Thus, impaired scholastic adjustment may signal institutional failure to provide reasonable accommodation or ensure accessibility. Adjustment becomes, in this sense, an empirical indicator of the effectiveness of disability law implementation within universities.

3. LEGISLATIVE FRAMEWORK GOVERNING DISABILITY AND INCLUSIVE EDUCATION IN NIGERIA

The protection of students with hearing impairment within Nigerian public universities is situated within a multi-layered legal framework comprising constitutional guarantees, statutory enactments, regional human rights instruments and international treaty obligations. This section examines the relevant provisions of the Constitution of the Federal Republic of Nigeria 1999, the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the African Charter on Human and Peoples' Rights 1981, the Protocol to the African Charter on the Rights of Persons with Disabilities 2018, and the Convention on the Rights of Persons with Disabilities 2006. Particular attention is paid to the question of justiciability and the extent to which these instruments create enforceable obligations in the context of higher education.

²² Discrimination Against Persons with Disabilities (Prohibition) Act 2019, ss 1–3, 17.

²³ Fredman (n 20), ss 31–33.

²⁴ John W Santrock, *Educational Psychology* (5th edn, McGraw-Hill 2011).

²⁵ Ernest T Pascarella and Patrick T Terenzini, *How College Affects Students* (Jossey-Bass 2005).



3.1 Constitution of the Federal Republic of Nigeria 1999

The constitutional foundation for disability protection in Nigeria lies primarily in section 42 of the Constitution. Section 42(1) provides that: “a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not... be subjected to any disability or deprivation merely by reason of the circumstances of his birth.”²⁶

Although disability is not expressly listed among the prohibited grounds, the provision reflects a broad anti-discrimination principle. The omission of disability has been criticised in academic commentary for limiting textual clarity, yet the equality guarantee may arguably be interpreted purposively to encompass disability-based discrimination under the broader framework of equal protection and dignity.²⁷

In addition, the Constitution guarantees the dignity of the human person and prohibits degrading treatment.²⁸ Denial of reasonable accommodation that effectively excludes students with hearing impairment from meaningful participation in university life may, in appropriate circumstances, implicate dignity concerns, particularly where exclusion results in humiliation or systemic marginalisation.

Section 18 of the Constitution, located in Chapter II (Fundamental Objectives and Directive Principles of State Policy), obliges the State to direct its policy towards ensuring “equal and adequate educational opportunities at all levels.”²⁹ Subsection (3) further provides that the Government shall strive to eradicate illiteracy and provide free education when practicable.³⁰

However, the enforceability of section 18 is constrained by section 6(6)(c), which provides that judicial powers shall not extend to matters contained in Chapter II.³¹ This provision has historically rendered socio-economic rights, including the right to education, non-justiciable in Nigerian courts. The locus classicus on the non-justiciability of Chapter II remains *Archbishop Anthony Olubunmi Okogie & Ors v Attorney-General of Lagos State*,³² where the Court of Appeal held that the Directive Principles are not enforceable by the courts. The Court emphasised that while Chapter II sets out important governmental objectives, it does not confer legally enforceable rights absent legislative intervention.³³

²⁶ CFRN 1999, s 42(1).

²⁷ Ben Nwabueze, *Constitutional Democracy in Africa* (Spectrum 2003).

²⁸ CFRN 1999, s 34(1).

²⁹ CFRN 1999, s 18(1).

³⁰ *Ibid*, s 18(3).

³¹ *Ibid*, s 6(6)(c).

³² (1981) 2 NCLR 337 (CA).

³³ *Ibid*.



This position, however, has been refined. In *Attorney-General of Ondo State v Attorney-General of the Federation*,³⁴ the Supreme Court held that although Chapter II provisions are generally non-justiciable, the National Assembly is competent to enact legislation to give effect to those provisions under Item 60(a) of the Exclusive Legislative List.³⁵ Once enacted, such legislation becomes enforceable. This decision established that socio-economic objectives may acquire justiciable status through statutory implementation.

A further significant development arose in *Abacha v Fawehinmi*,³⁶ where the Supreme Court affirmed that the African Charter on Human and Peoples' Rights, having been domesticated, possesses the force of law in Nigeria.³⁷ Although inferior to the Constitution, it is superior to other domestic statutes and enforceable in Nigerian courts.³⁸

The ECOWAS Court of Justice reinforced this trajectory in *SERAP v Federal Republic of Nigeria*,³⁹ holding that the right to education is justiciable and enforceable under the African Charter.⁴⁰ While decisions of the ECOWAS Court operate within a regional framework, Nigeria is bound by its treaty commitments.

Taken together, these authorities demonstrate that although section 18 of the Constitution is textually non-justiciable, educational rights may become enforceable through statutory enactments and domesticated treaties. The constitutional framework therefore does not foreclose judicial protection of disability-inclusive education; rather, it channels enforcement through legislative and treaty-based mechanisms.

3.2 Discrimination Against Persons with Disabilities (Prohibition) Act 2018 (Signed 2019)

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 (signed into law on 17 January 2019) represents Nigeria's most comprehensive domestic disability legislation. Section 1 prohibits discrimination on the ground of disability and declares that persons with disabilities have the right to equal opportunity in all spheres of life. The provision establishes a general anti-discrimination norm applicable to public and private institutions.

In the university context, this prohibition extends to admission processes, access to facilities, teaching methods and assessment practices. Any exclusionary practice that disadvantages students with hearing impairment solely on the basis of disability would prima facie violate section 1.

³⁴ (2002) 9 NWLR (Pt 772) 222 (SC).

³⁵ (n 34).

³⁶ (2000) 6 NWLR (Pt 660) 228 (SC).

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ ECW/CCJ/APP/08/08 (Judgment of 30 November 2010).

⁴⁰ *Ibid.*



Section 17 of the Act provides that a person with disability has the right to free education to secondary school level in public institutions and that all public educational institutions must be inclusive and accessible.⁴¹ The Act further requires the provision of reasonable accommodation and appropriate support measures.

Importantly, the Act mandates accessibility in public buildings and services.⁴² Although originally framed with physical accessibility in mind, accessibility must also be understood in communication terms, especially for persons with hearing impairment. The absence of sign language interpretation or captioning in lecture halls may therefore raise compliance questions.

3.3 African Charter on Human and Peoples' Rights 1981

The African Charter on Human and Peoples' Rights 1981 occupies a distinctive place in Nigerian law due to its domestication through the African Charter (Ratification and Enforcement) Act.⁴³ Article 17(1) of the Charter provides that every individual shall have the right to education. Article 2 guarantees enjoyment of rights without distinction of any kind. Although disability is not expressly listed, the non-discrimination clause is broad. Unlike Chapter II of the Nigerian Constitution, the Charter's provisions are justiciable in Nigeria due to domestication. In *Abacha v Fawehinmi*,⁴⁴ the Supreme Court affirmed its enforceability.

Consequently, students with hearing impairment may invoke the Charter's educational guarantees before Nigerian courts. In *SERAP v Federal Republic of Nigeria*,⁴⁵ the ECOWAS Court held that the right to education under the Charter is justiciable and enforceable. This reinforces the proposition that educational rights, including inclusive education, are legally cognisable within Nigeria's broader human rights framework. The African Charter thus provides an important regional anchor for disability-inclusive education, particularly where domestic constitutional provisions appear limited.

3.4 Protocol to the African Charter on the Rights of Persons with Disabilities 2018

The Protocol to the African Charter on the Rights of Persons with Disabilities in Africa was adopted in 2018 to strengthen disability-specific protection within the African human rights system. The Protocol recognises the right of persons with disabilities to inclusive education and obliges States Parties to ensure reasonable accommodation, accessibility and support services. It reflects the normative influence of the CRPD while adapting it to African contexts.

⁴¹ Discrimination Against Persons with Disabilities (Prohibition) Act 2018, ss. 18 and 20.

⁴² *Ibid* ss. 3 – 5.

⁴³ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria 2004.

⁴⁴ (n 36)

⁴⁵ (n 39)



Under section 12 of the Nigerian Constitution, treaties require domestication before acquiring the force of law. Accordingly, the enforceability of the Protocol within Nigeria depends upon ratification and legislative incorporation. Nonetheless, even prior to domestication, the Protocol possesses persuasive authority in interpreting existing human rights obligations under the African Charter and domestic law. The Protocol signals a continental commitment to disability inclusion and reinforces the normative expectation that educational systems be transformed to accommodate diversity.

3.5 Convention on the Rights of Persons with Disabilities 2006

The CRPD represents the most comprehensive international instrument on disability rights. Article 5 guarantees equality before the law and prohibits discrimination on the basis of disability. It recognises denial of reasonable accommodation as a form of discrimination.⁴⁶ This provision is particularly relevant to university environments, where failure to provide communication support may constitute indirect exclusion.

Article 9 obliges States Parties to ensure accessibility to buildings, information and communications. For students with hearing impairment, accessibility extends to lecture delivery, educational materials and digital platforms. Article 24 mandates inclusive education at all levels and requires States to ensure that persons with disabilities are not excluded from the general education system on the basis of disability. It further requires the provision of reasonable accommodation and necessary support measures.⁴⁷

The Committee on the Rights of Persons with Disabilities, in General Comment No. 4, emphasises that inclusive education requires systemic reform rather than parallel special systems. Universities must therefore adapt mainstream teaching methods rather than rely solely on specialised departments.

4. LAW IN ACTION: EMPIRICAL FINDINGS FROM PUBLIC UNIVERSITIES IN SOUTH-SOUTH NIGERIA

The preceding section demonstrates that Nigeria possesses a layered and relatively robust normative framework for the protection of persons with disabilities, however, the practical effectiveness of these guarantees must ultimately be assessed against lived experience. This section presents the empirical findings of the qualitative study conducted among students with hearing impairment in four public universities in South-South Nigeria. The purpose is not merely descriptive. Rather, the findings are examined through a socio-legal lens to determine whether

⁴⁶ CRPD 2006, Art 2.

⁴⁷ *Ibid*, Art 24(2).



constitutional, statutory and treaty-based commitments have translated into meaningful inclusion within higher education.

The study adopted a qualitative design grounded in a socio-legal methodology. The population comprised sixty-two (62) students with hearing impairment enrolled in four public universities in South-South Nigeria: University of Uyo (3 students), University of Calabar (37 students), University of Benin (3 students), and Ignatius Ajuru University of Education (19 students). These institutions were selected because they host special education departments and enroll students with hearing impairment. Given the relatively small size of the population, a census sampling approach was adopted to ensure comprehensive coverage.

Data were collected directly from students with hearing impairment. No lecturers or administrators were included in the sample. The findings therefore reflect the lived experiences and perceptions of students navigating university environments shaped by mainstream pedagogical practices. Several recurring themes emerged across the institutions. Although the intensity of challenges varied, the structural character of the barriers was strikingly consistent.

4.1 Communication Barriers in Lecture Halls

The most pervasive theme across the four universities was communication difficulty during lectures. Students reported that lecture delivery methods were predominantly oral, fast-paced and rarely adapted to accommodate hearing impairment. Where lecturers relied heavily on spoken explanation without visual reinforcement, students struggled to follow discussions in real time.

In many instances, students depended on lip-reading. However, this method proved unreliable when lecturers turned away from the class while writing on boards, covered their mouths, or moved rapidly across lecture halls. In large classes, visibility constraints further compounded comprehension difficulties. Students described experiencing partial understanding of lectures, leading to gaps in note-taking and comprehension.

From a socio-legal perspective, these communication barriers implicate the obligation to provide reasonable accommodation under the Disability Act and Nigeria's commitments under Article 24 of the CRPD. Where teaching methods remain unmodified despite known communication needs, the burden of adaptation shifts disproportionately onto students, undermining substantive equality.

4.2 Absent or Inconsistent Sign Language Interpretation

Although the presence of special education departments in the selected universities suggests some level of institutional awareness, the provision of sign language interpretation was inconsistent. In some cases, interpreters were available for certain courses but not others. In other instances, interpretation was limited to particular levels of study or depended on informal arrangements rather than structured institutional policy.



Students reported that the absence of interpreters in core or compulsory courses significantly hindered their participation. Even where interpreters were provided, concerns were raised about the adequacy of training, subject-matter familiarity, and scheduling constraints. Delayed interpretation or incomplete translation of technical concepts affected comprehension, particularly in disciplines requiring specialised vocabulary.

The inconsistency of interpretive support reveals an institutional gap between recognition and implementation. While the Disability Act prohibits discrimination and mandates inclusive access to education, the practical reality suggests uneven institutional compliance. The reliance on special departments, rather than university-wide inclusion frameworks, resulted in fragmented accommodation.

4.3 Inaccessible Teaching Methods and Learning Materials

Beyond interpretation, students highlighted challenges relating to teaching methods and learning resources. Lecture notes were not always made available in advance, limiting students' ability to prepare for classes where auditory comprehension would be constrained. Audio-visual materials were sometimes used without captions or transcripts. Digital learning platforms, where utilised, were not consistently adapted to ensure accessibility. Students expressed the need for written summaries, structured outlines, and visual aids to enhance understanding.

These findings underscore that accessibility extends beyond physical infrastructure. Communication accessibility which encompasses teaching methods, instructional materials and technological platforms, is central to inclusive education. The persistence of inaccessible pedagogy suggests that institutional reforms have not fully internalised the inclusive education paradigm articulated in international and domestic frameworks.

4.4 Examination and Assessment Challenges

Assessment practices presented another area of difficulty. Students reported time constraints during examinations, particularly where comprehension required additional cognitive processing through lip-reading or partial interpretation. In some cases, questions were read aloud without simultaneous visual clarification.

There were accounts of limited flexibility in examination arrangements. Requests for additional time or clarifications were not uniformly granted. Students perceived that some lecturers viewed accommodation requests as special treatment rather than legal entitlement. The examination process, being central to academic progression, directly affects scholastic adjustment. Where assessment practices fail to account for communication needs, students experience heightened anxiety and diminished confidence. The absence of standardised accommodation policies across departments contributed to uncertainty and inconsistency.



4.5 Lecturer Attitudes and Institutional Culture

A recurring theme across institutions was lecturer attitude. While some lecturers demonstrated understanding and willingness to adapt, others appeared unfamiliar with disability obligations or reluctant to modify teaching practices. Students described instances of impatience, minimal eye contact, or reluctance to repeat explanations.

Importantly, most reported challenges were not overtly discriminatory. Rather, they reflected systemic unpreparedness and limited disability mainstreaming. The absence of structured training for academic staff on inclusive teaching practices was evident. Institutional culture plays a significant role in bridging the gap between normative obligations and practical implementation. Where disability inclusion is not embedded within governance structures, accommodation becomes dependent on individual goodwill rather than institutional policy.

4.6 Peer Interaction and Social Integration

Scholastic adjustment extends beyond classroom participation to encompass social integration. Students with hearing impairment reported varying experiences in peer engagement. Some developed supportive peer networks, relying on classmates for note-sharing and clarification. Others experienced social isolation due to communication barriers. Group assignments posed particular challenges. Rapid exchanges during group discussions were difficult to follow, especially without structured turn-taking or written communication. Students sometimes felt marginalised during collaborative tasks.

Social integration is closely linked to academic confidence and psychological well-being. The findings indicate that communication barriers can produce secondary effects on self-esteem and participation in extracurricular activities. Where social environments are not inclusive, scholastic adjustment becomes more burdensome.

4.7 Coping and Adaptive Strategies

Despite institutional challenges, students demonstrated resilience and adaptive strategies. Many relied heavily on peer note-sharing, independent study, and informal support networks. Some cultivated strong reading habits to compensate for lecture comprehension gaps. Others developed close relationships with particular lecturers who were responsive to accommodation requests.

These coping mechanisms, while commendable, reveal a critical structural dynamic: students often internalised the responsibility for overcoming systemic barriers. Rather than institutional reform preceding inclusion, adaptation was frequently individualised. From a rights-based perspective, reliance on personal resilience should not substitute for institutional compliance. Accommodation is a legal duty, not a discretionary favour contingent upon student persistence.



4.8 Institutional Structures and Disability Governance

Although the universities selected host special education departments, the findings suggest that disability inclusion was not always mainstreamed across faculties. Accommodation often depended on departmental arrangements rather than university-wide policies. Students with hearing impairment outside special education department would most likely report greater difficulty securing consistent support.

The absence of clearly articulated institutional disability policies or accessible complaint mechanisms limited accountability. Students were often uncertain about formal procedures for raising accommodation concerns. The fragmented nature of disability governance within the institutions reinforces the socio-legal insight that law in books does not automatically produce law in action. Formal legislative guarantees require administrative structures, monitoring mechanisms and resource allocation to achieve practical effect.

5. TOWARDS SUBSTANTIVE REALISATION: PROPOSALS FOR REFORM

The empirical findings demonstrate that the challenge confronting students with hearing impairment in public universities in South-South Nigeria is not the absence of law, but the insufficiency of implementation. The constitutional framework, the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Persons with Disabilities in Africa, and the Convention on the Rights of Persons with Disabilities collectively establish a robust normative regime. The difficulty lies in translating these guarantees into consistent institutional practice. Reform must therefore be structural, regulatory and cultural. The following are proposals that can be beneficial.

5.1 Institutional Mainstreaming of Disability Inclusion

Disability inclusion must move from peripheral accommodation to institutional mainstreaming. The presence of special education departments in the universities studied has facilitated access for students with hearing impairment. However, reliance on such departments risks compartmentalising disability support rather than embedding inclusion across faculties.

Universities should adopt comprehensive disability inclusion policies applicable to all academic units. These policies must clearly articulate the right to reasonable accommodation, outline procedures for requesting support, and establish timelines for implementation. Inclusion should not depend on informal negotiations between individual students and lecturers. Instead, institutional policy should create predictable and enforceable standards. Dedicated Disability Support Units (DSUs) should be strengthened or established where absent. Such units should coordinate interpretation services, facilitate accessible materials, and serve as central complaint and monitoring mechanisms. Importantly, DSUs must be adequately funded and integrated into university governance structures to ensure authority and sustainability.



5.2 Standardised Reasonable Accommodation Frameworks

There is a need for standardised accommodation frameworks within universities. The empirical findings reveal inconsistency in the provision of sign language interpretation, examination adjustments and accessible materials. A structured accommodation framework would reduce arbitrariness and ensure uniformity. Universities should develop clear guidelines specifying minimum accommodation standards for students with hearing impairment. These may include: guaranteed provision of qualified sign language interpreters for all courses; advance distribution of lecture notes and visual materials; captioning of recorded lectures and digital content; and reasonable examination adjustments, including additional time where appropriate. Such measures align with section 18 of the Disability Act and Article 24 of the CRPD, which require reasonable accommodation and inclusive education. The adoption of formal guidelines would operationalise these obligations at the institutional level.

5.3 Capacity Building and Staff Training

It is trite that effective implementation requires capacity building. The findings suggest that some lecturers lack awareness of disability rights obligations or inclusive pedagogical techniques. Institutional reform must therefore include mandatory training programmes for academic and administrative staff. Training should address: legal obligations under the Disability Act and relevant treaties; principles of inclusive pedagogy; communication strategies for engaging students with hearing impairment; and the concept of reasonable accommodation as a legal duty rather than discretionary benevolence. By fostering awareness and competence, universities can shift institutional culture from reactive accommodation to proactive inclusion.

5.4 Regulatory Oversight and Accountability

It should be reiterated that stronger regulatory oversight is essential. The National Commission for Persons with Disabilities, established under the Disability Act, should develop sector-specific guidelines for tertiary institutions. Periodic compliance audits could assess whether universities meet accessibility and accommodation standards.

In addition, the National Universities Commission (NUC), as the primary regulatory body for universities in Nigeria, should integrate disability inclusion benchmarks into accreditation and quality assurance processes. Incorporating inclusion metrics into accreditation frameworks would create systemic incentives for compliance. Transparency mechanisms are equally important. Universities should publish annual reports on disability inclusion measures, including data on accommodation requests and responses. Such reporting would promote accountability and public scrutiny.



5.5 Strategic Litigation and Rights Awareness

It should be pointed out that strategic litigation may play a role in clarifying and enforcing obligations. As judicial authorities have established that statutory enactments and domesticated treaties are enforceable, students whose rights are denied may seek redress in appropriate forums. Carefully selected cases could establish jurisprudential clarity regarding the scope of reasonable accommodation in higher education. However, litigation should be complemented by rights awareness campaigns. Students must be informed of their entitlements under the Disability Act and related instruments. Empowerment through knowledge enhances accountability.

5.6 Resource Allocation and Technological Investment

Finally, reform must address resource constraints. Inclusive education often requires investment in interpretation services, assistive technologies and accessible digital platforms. Universities and government authorities should allocate dedicated funding for disability inclusion within annual budgets. Technological innovation offers opportunities for cost-effective solutions, including real-time captioning software, digital transcription services and accessible e-learning platforms. Strategic investment in such tools can enhance communication accessibility across disciplines.

6. CONCLUSION/RECOMMENDATIONS

This article has examined the gap between legal recognition and lived reality in the protection of students with hearing impairment in public universities in South-South Nigeria. It began by outlining the constitutional, statutory, regional and international frameworks governing disability and inclusive education. Although section 18 of the Constitution is textually non-justiciable, judicial developments in cases such as *Okogie, Attorney-General of Ondo State v Attorney-General of the Federation*, and *Abacha v Fawehinmi* demonstrate that educational rights may be rendered enforceable through legislation and domesticated treaties. The Disability Act 2018, the African Charter, and the CRPD collectively establish binding obligations requiring non-discrimination, accessibility and reasonable accommodation.

Yet the qualitative findings of this study reveal that normative strength does not automatically produce institutional transformation. Communication barriers, inconsistent interpretation services, inaccessible teaching methods and fragmented governance structures continue to shape the scholastic adjustment of students with hearing impairment. While access to university education has expanded, substantive inclusion remains uneven.

The analysis underscores a central socio-legal insight: the existence of protective legislation is only the beginning of rights realisation. The true measure of effectiveness lies in institutional practice. Where accommodation depends on informal arrangements rather than structured policy, rights remain precarious.



Scholastic adjustment, as conceptualised in this article, serves as an empirical indicator of substantive equality. When students must rely primarily on personal resilience to navigate structural barriers, the promise of inclusive education remains incomplete. Conversely, when institutions proactively remove barriers and embed accommodation within governance systems, equality becomes tangible.

The path forward requires mainstreaming disability inclusion across university structures, strengthening regulatory oversight, enhancing staff capacity, and ensuring adequate resource allocation. These reforms are not merely policy preferences; they are legal imperatives grounded in Nigeria's constitutional commitments, statutory enactments and treaty obligations. Ultimately, the protection of students with hearing impairment in higher education is a test of Nigeria's fidelity to its disability rights framework. Bridging the gap between legal recognition and lived reality demands sustained institutional commitment. Only then can inclusive education move from aspiration to enduring practice.