

**THE NIGERIAN CHILD’S RIGHTS ACT
AND RIGHTS OF CHILDREN WITH DISABILITIES:
WHAT HOPE FOR ENFORCEMENT?**

Michael Akpa AJANWACHUKU*
Hemen Philip FAGA**

ABSTRACT: *The Nigerian Child’s Rights Act 2003 guarantees the provision of ‘special protection measures’ or special needs of disabled children to enhance their enjoyment of rights contained in the Act. However, the Act makes the provision of such special needs or facilities subject to the availability of resources on the part of government or the person who has the duty to provide them. This paper analysed the implication of the ‘subject to available resources’ clause in the Act on the enjoyment of the rights of children with disabilities in Nigeria. It argued that although, the clause renders the rights of disabled children under the Act non-justiciable, the combined effect of other legislations and constitutional provisions guarantees at least the right of the disabled child to provision of special educational needs in a manner that may be enforceable in the court of law. The paper however, recommended an amendment of the Act to remove the offensive clause and the enactment of other legislations to guarantee specifically the provision of special needs for disabled children in various aspects of social, economic and political life.*

KEYWORDS: *Disabled children; child rights Act; available resources clause; non-justiciable; enforcement*

JEL CODE: *K38*

* Ph.D, senior lecturer, and former Dean, Faculty of Law, Ebonyi State University, Abakaliki, NIGERIA.

** LL.M, senior lecturer, Faculty of Law, Ebonyi State University, Abakaliki, NIGERIA.