

CHAPTER 6

ENGENDERING FINANCIAL INCLUSION FOR PERSONS WITH DISABILITIES IN NIGERIA

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Summary

The Central Bank of Nigeria introduced the National Financial Inclusion Strategy in 2012 to tackle financial exclusion and push back on the barriers that debar financial access in Nigeria. Subsequently, women, youth, rural dwellers, and persons in the North-East and North-West of Nigeria, who represent the most excluded societal segments, have been the focus of financial inclusion laws, policies, and initiatives. One group of persons, however, that seems to be overlooked and not adequately catered for by financial inclusion laws, policies and interventions are persons with disabilities. This article examines the challenges of accessing and using financial services for persons with disabilities as well as the regulatory framework for financial inclusion in Nigeria. The article further elucidates the criticality of financial services for persons with disabilities whilst highlighting the negative impacts of lack of access to finance. It finds that persons with disabilities are confronted with multidimensional difficulties due to the inadequacy of laws to advance financial access to them. Seven recommendations are proffered by the authors. These are to: strengthen relevant laws and institutions; tailor financial services to the needs of persons with disabilities; prioritise accessibility as a minimum benchmark for financial services; improve staff training for financial service providers; foster stakeholder collaboration; promote enforcement and implementation of laws; and adopt monitoring and evaluation mechanisms. It is expected that these recommendations will demonstrate the gap in the legal framework on financial access for persons with disabilities and the attendant need for ameliorating policy initiatives.

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1 Introduction

The World Health Organisation (WHO) reports that about 1.3 billion people, representing 16 per cent of the global population, have a significant disability.¹ Thus, disability is part of the human experience and diversity.² The Convention on the Rights of Persons with Disabilities (CRPD) conceptualises disability as ‘an evolving concept’ resulting from the interaction between persons with impairments and the attitudinal and environmental barriers hindering their full and effective participation in society on the same basis as others.³ It results from the interaction between impairments and an array of contextual factors including societal attitudes, environmental barriers, social inequalities and inequitable laws and policies.⁴ Accordingly, the CRPD describes persons with disabilities as:

[T]hose who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.⁵

There are about 29 million Nigerians with disabilities, including those with visual, hearing, physical, intellectual, and communication impairments.⁶ Many are faced with social, cultural, political, and economic barriers to their inclusion in society.⁷ They are more likely to be excluded from formal education, healthcare, and employment and suffer discrimination, disempowerment, stigmatisation, and poverty.⁸ There are few financial inclusion initiatives addressing the needs of persons with disabilities.⁹

1 World Health Organisation (WHO) *Global report on health equity for persons with disabilities* (2022) 2.

2 WHO (n 1) 2.

3 UN General Assembly, Convention on the Rights of Persons with Disabilities: Resolution adopted by the General Assembly, 24 January 2007, UN Doc A/RES/61/106 (2007), Preamble (e).

4 WHO (n 1) 2; K Imandojemu and others ‘Financial inclusion and people living with disabilities in Nigeria: A disaggregated analysis’ (2018) 42 *CBN Bullion* 60, 65.

5 CRPD (n 3) art 1.

6 K Shettima & E Sines ‘Make way for the disability rights agenda in Nigeria’ MacArthur Foundation (18 January 2023) <https://www.macfound.org/press/perspectives/make-way-for-the-disability-rights-agenda-in-nigeria> (accessed 10 February 2024).

7 RM Martinez & V Vemuru ‘Social inclusion of persons with disabilities in Nigeria: Challenges and opportunities’ (29 September 2020) <https://blogs.worldbank.org/en/nasikiliza/social-inclusion-persons-disabilities-nigeria-challenges-and-opportunities> (accessed 7 March 2024); V Vemuru and others ‘Disability inclusion in Nigeria: A rapid assessment’ (2020) 1 <https://documents1.worldbank.org/curated/en/780571593336878236/pdf/Disability-Inclusion-in-Nigeria-A-Rapid-Assessment.pdf> (accessed 10 February 2024); B Bailey ‘How technology can accelerate financial inclusion for disabled people’ *Business Day* 13 July 2022 <https://businessday.ng/financial-inclusion/article/how-technology-can-accelerate-financial-inclusion-for-disabled-people/> (accessed 10 February 2024); O Victor-Laniyan ‘Towards economic and social inclusion of persons with disabilities’ *Financial Nigeria* 20 June 2022 <https://www.financialnigeria.com/towards-economic-and-social-inclusion-of-persons-with-disabilities-sustainable-1551.html> (accessed 10 February 2024).

8 Victor-Laniyan (n 7); Vemuru and others (n 7).

9 Imandojemu and others (n 4) 61.

Most of the laws and policies regulating financial inclusion in Nigeria are also not attuned to the needs of persons with disabilities.

Financial services and products are often inaccessible to persons with disabilities and financial service providers (FSPs) generally fail to provide information in accessible formats to persons with disabilities. FSPs also fail to provide support personnel and assistive devices for accessing such services and products.¹⁰ The buildings and facilities of FSPs such as banking halls, doors, counters, and automated teller machines (ATMs) are also usually inaccessible to persons with disabilities, on account of unsuitable architectural designs.¹¹ Also, negative attitudes of staff of FSPs and limited access to digital financial service solutions such as e-banking and mobile banking, contribute to their exclusion and financial disenfranchisement.¹²

The lack of attention to persons with disabilities by FSPs overlooks the opportunity to promote diversity, equity, and inclusion. Notably, FSPs that practice inclusion as a minimum benchmark achieve universality of services, customer loyalty and reputational gains, and strengthen risk management and mitigation strategies.¹³ This is because persons with disabilities, being the world's largest unbanked minority, present a substantial unexploited market for financial products and services, offering a key opportunity for FSPs.¹⁴ FSPs that are disability-inclusive could improve their profit margins by also attracting customers and investments from friends and families of persons with disabilities.¹⁵ FSPs must therefore prioritise addressing the accessibility needs of persons with disabilities while ensuring that their policies and practices align with legal frameworks that promote inclusion and prohibit discrimination.

This article examines what financial inclusion entails for persons with disabilities and how it can be achieved in the Nigerian context. The paper

- 10 O Tade 'Solving financial exclusion of people living with disabilities' *Vanguard* 28 April 2021 <https://www.vanguardngr.com/2021/04/solving-financial-exclusion-of-people-living-with-disabilities/> (accessed 22 February 2024); K Adebajo 'How banks in Nigeria, Ghana deny people with disabilities services' *Premium Times* 23 April 2022 <https://www.premiumtimesng.com/news/headlines/525180-how-banks-in-nigeria-ghana-deny-people-with-disabilities-services.html?tztc=1> (accessed 22 February 2024).
- 11 Adebajo (n 10).
- 12 Infibranches Technologies 'Advancing financial inclusion for people with disabilities in Nigeria' (8 December 2023) https://www.linkedin.com/pulse/advancing-financial-inclusion-people-disabilities-nigeria-rfy2f/?trk=public_post_main-feed-card_feed-article-content (accessed 12 March 2024).
- 13 International Finance Corporation 'Inclusive banking: Emerging practices to advance the economic inclusion of persons with disabilities' (2022) 10 <https://www.ifc.org/content/dam/ifc/doc/mgrt/202203-inclusive-banking-for-persons-with-disabilities.pdf> (accessed 12 March 2024).
- 14 Centre for Financial Inclusion 'Panel discussion: Key to the future, financial inclusion and opportunity for all' (3 December 2013) at the s?2723br?board room, Secretariat Building United Nations Headquarters, New York <https://www.un.org/disabilities/documents/idpd/idpd2013financialinclusionpanel.pdf> (accessed 20 September 2024).
- 15 International Finance Corporation (n 13) 10.

is divided into five sections. This section introduces the article. The second section explains the concept of financial inclusion. The third section assesses the legal and regulatory framework guaranteeing persons with disabilities access to financial services and the extent of compliance by Nigerian FSPs and examines the CRPD, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol),¹⁶ the Discrimination against Persons with Disabilities (Prohibition) Act (Discrimination Prohibition Act) of 2018¹⁷ and five Central Bank of Nigeria (CBN) policies. The fourth section examines proffers recommendations to address the challenges while the fifth section concludes the article.

2 Financial inclusion and persons with disabilities in Nigeria

Financial inclusion is simply access to quality and varied financial services at an affordable cost to users, including low-income and underserved groups.¹⁸ It grants women including women with disabilities, better control over their finances resulting in improved educational opportunities, better health outcomes, and increased decision-making power within households.¹⁹ It also aids better financial management and increases economic opportunities that contribute to their households, businesses, and society.²⁰ Financial inclusion encourages innovation in the financial sector by influencing the development of new technologies that meet the needs of underserved populations such as persons with disabilities, and promoting digital inclusion through access to digital financial services.²¹

16 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol) https://au.int/sites/default/files/treaties/36440-treaty-protocol_to_the_achpr_on_the_rights_of_persons_with_disabilities_in_africa_e.pdf (accessed 18 October 2024).

17 Discrimination against Persons with Disabilities (Prohibition) Act of 2018 <https://ncpwd.gov.ng/pdfs/6document.pdf> (accessed 18 October 2024).

18 Corporate Finance Institute (CFI) 'Financial inclusion' <https://corporatefinanceinstitute.com/resources/economics/financial-inclusion/> (accessed 12 March 2024); Credolab '2023 Expert guide: The importance of financial inclusion strategies and policies' (29 June 2023) <https://www.linkedin.com/pulse/2023-expert-guide-importance-financial-inclusion-strategies-policies/> (accessed 12 March 2024); Central Bank of Nigeria (CBN) 'Frequently asked questions (FAQs)' 3 https://www.cbn.gov.ng/Devfin/CPD_FAQs.pdf (accessed 14 March 2024); Financial Action Task Force (FATF) 'FATF guidance: Anti-money laundering and terrorist financing measures and financial inclusion' (2013) 38 <http://www.fatf-gafi.org/media/fatf/content/images/Updated-2017-FATF-2013-Guidance.pdf> (accessed 14 March 2024); M Grant 'Financial inclusion: Definition, examples, and why it's important' <https://www.investopedia.com/terms/f/financial-inclusion.asp> (accessed 14 March 2024).

19 Grant (n 18).

20 Consultative Group to Assist the Poor (CGAP) 'What is financial inclusion' <https://www.cgap.org/financial-inclusion> (accessed 14 March 2024).

21 Grant (n 18).

Furthermore, financial inclusion is crucial for improving access to social protection programmes, such as unemployment benefits and conditional cash transfers, for marginalised groups, including persons with disabilities.²² By utilising FSPs to deliver cash transfers and voucher assistance through mobile money platforms and digital payment systems, the distribution of social benefits can be enhanced, reducing barriers to participation in government-driven social protection initiatives.²³ However, lack of inclusive financial services can place persons with disabilities at a disadvantage, further excluding them from such programmes despite the fact that they are part of the intended beneficiaries.²⁴ Additionally, the effectiveness of cash transfers and electronic/mobile payments may be hindered by factors such as limited mobile phone ownership, poor network coverage, unreliable electricity, and inadequate financial literacy.²⁵

Disability often intersects with multiple vulnerabilities such as gender, poverty, geography, type of disability, age, and mental health conditions, compounding challenges in accessing financial services. For example, a rural-dwelling woman with a disability, low education levels, and material deprivation may experience significant difficulties. Similarly, older adults living in rural areas with mobility, visual, or cognitive impairments face added obstacles. These layered vulnerabilities create complex barriers to financial inclusion, highlighting the need for targeted policies and adaptive financial products that consider the unique challenges faced by these populations.

Financial inclusion in Nigeria exhibits notable regional disparities, with the South, particularly the South-West, achieving higher inclusion rates than the North, especially the North-East due to low levels of education and financial literacy, and some religious tenets.²⁶ It could therefore be inferred that persons with disabilities in the north may be more financially excluded than those in the South.

22 S Kidd 'The perils of linking social protection to financial inclusion' Development Pathways (21 August 2020) <https://www.developmentpathways.co.uk/blog/the-perils-of-linking-social-protection-to-financial-inclusion/> (accessed 22 September 2024); H Ullmann and others *Non-contributory cash transfers: An instrument to promote the rights and well-being of children with disabilities in Latin America and the Caribbean* (2021) 19-20; M Rutkowski and others 'Responding to crisis with digital payments for social protection: Short-term measures with long-term benefits' *World Bank blogs* 31 March 2020 <https://blogs.worldbank.org/en/voices/responding-crisis-digital-payments-social-protection-short-term-measures-long-term-benefits> (accessed 23 September 2024); United Nations Department of Economic and Social Affairs *Promoting inclusion through social protection – Report on the World Social Situation* (2018) 63-76.

23 G Iazzolino 'Digitising social protection payments: Progress and prospects for financial inclusion' (2018) 57 *Bath Papers in International Development and Wellbeing* 6-13.

24 Kidd (n 22).

25 Kidd (n 22); Enhancing Financial Innovation and Access (EFInA) and others 'Opportunities and barriers to digitising social protection and humanitarian payments in Nigeria' (2022) <https://www.fsdafrica.org/wp-content/uploads/2022/02/Nigeria-Digitisation-of-Cash-Transfers-MAIN-REPORT.pdf> (accessed 21 September 2024).

26 EFInA (n 25) 18.

Gender further complicates financial inclusion patterns, as men are more financially included than women, with 79 per cent of men and 70 per cent of women having access to financial services according to Enhancing Financial Innovation and Access (EFInA)'s 2023 report.²⁷ The gender gap in access to finance is more pronounced in rural areas, where 54 per cent of men own formal accounts, compared to only 24 per cent of women.²⁸

The absence of specific data on financial inclusion for persons with disabilities requires us to infer that women with disabilities are more likely to face compounded challenges, experiencing discrimination both as women and as persons with disabilities.

Cultural norms and patriarchal structures in Nigeria such as the belief that women's role is primarily that of caregiving, also limit women's mobility and decision-making power, leading many to defer to their partners without exercising financial autonomy.²⁹ Some women may be excluded from formal financial services due to their inability to provide collateral, such as property title, registered under male relatives' names.³⁰ Religious norms also limit the financial inclusion of women. In the North, the charging of interest known as 'riba',³¹ on conventional banking products like loans, are considered unjust and exploitative, and therefore discouraged.³²

Another significant intersection in financial inclusion involves the type of disability, specifically physical and intellectual disabilities, which presents distinct challenges for persons with disabilities. For persons with physical impairments, accessing banking infrastructure such as ATMs or buildings without ramps or elevators, can be highly restrictive.³³ Those

27 EFInA (n 25) 17.

28 Alliance for Financial Inclusion (AFI) 'Increasing women's financial inclusion and closing the women's SME credit gap in Nigeria through enabling financial policy and regulation' (2022) 4 <https://www.afi-global.org/wp-content/uploads/2023/03/Increasing-Womens-Financial-Inclusion-and-Closing-the-Womens-SME-Credit-Gap-In-Nigeria-Through-Enabling-Financial-Policy-Regulation-1.pdf> (accessed 21 September 2024).

29 Rockefeller Philanthropy Advisors 'Understanding women's access to credit and loans overview and gender-disaggregated data analysis of the Nigerian lending market' (2022) 72 https://poverty-action.org/sites/default/files/publications/Deep-Dive-Report-on-Womens-Access-to-and-Use-of-Credit-in-Nigeria_Gender-Centre-of-Excellence-RPA.pdf (accessed 29 September 2024).

30 Rockefeller Philanthropy Advisors (n 29). See also Women Entrepreneurs Finance Initiative 'Solving the access to finance challenge for Nigerian women entrepreneurs' (2023) <https://we-fi.org/finance-access-gap-in-nigeria/> (accessed 29 September 2024).

31 Riba means 'charging interest, usury, or high-interest rates' which is proscribed in Islam because it is considered unfair, exploitative, and detrimental to society. See F Akinnibi 'Riba in Islam: Unpacking riba in the context of investing' <https://cowrywise.com/blog/riba-in-investing/> (accessed 2 October 2024).

32 Akinnibi (n 31); A Demirguc-Kunt and others 'Islamic finance and financial inclusion-measuring use of and demand for formal financial services among Muslim adults' (2013) *World Bank Policy Research Working Paper* WPS 6642 2 <https://documents1.worldbank.org/curated/en/611351468337493348/pdf/WPS6642.pdf> (accessed 2 October 2024).

33 Adebajo (n 10).

with intellectual or cognitive disabilities may face barriers in accessing FSPs as they may be perceived as incapable of fulfilling financial obligations.

An intersectional approach is therefore crucial for understanding the structures of inequality and exclusion experienced by persons with disabilities.³⁴ Addressing social, political, and economic inequalities requires a holistic approach. Intersectionality highlights the unique obstacles faced by persons with disabilities with regards to accessible and inclusive financial services while offering strategies to tackle these complexities.³⁵ It underscores the importance of policymakers addressing the financial access barriers faced by persons with disabilities. Empowering schemes that enhance their financial participation and independence are essential. For women with disabilities, gender-disaggregated data, gender-blind application processes, and alternative credit-scoring methods can help eliminate bias.³⁶ Gender-sensitive product design, such as flexible payment schedules, longer-term loans, and capacity building, will further support this demographic.³⁷

There are few financial schemes that cater to the needs of persons with disabilities in Nigeria. Persons with disabilities often lack access to the financial services provided by FSPs such as payment services, loans, pensions, insurance, and investment portfolios.³⁸ Clients with disabilities, particularly visually impaired clients, often depend on third parties such as family, friends, caregivers and escorts for access to financial services at the risk of disclosure of their personal information such as their personal identification numbers.³⁹ A key consequence of this disclosure is increased susceptibility to fraudulent practices, financial exploitation and abuse perpetrated by such parties whom persons with disabilities rely on and trust to assist them navigate the non-inclusive elements of financial services provision.⁴⁰ Some clients with disabilities also have to arrange for third parties to go with them to banks to aid them in filling out documents, sometimes at extra cost, due to unavailability of documents in braille, sign language interpretation, audio-visual aids, voice guides, and disability-friendly apps.⁴¹

34 S El Gharib 'What is intersectionality and why is it important?' <https://www.globalcitizen.org/en/content/what-is-intersectionality-explained/> (accessed 29 September 2024); M Wickenden 'Disability and other identities? – How do they intersect?' (2023) 4 *Frontiers in Rehabilitation Sciences* 2 <https://doi.org/10.3389/fresc.2023.1200386> (accessed 2 October 2024). See also K Crenshaw 'Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics' (1989) 1 *University of Chicago Legal Forum* 139.

35 See Crenshaw (n 34) 139-167; El Gharib (n 34).

36 Rockefeller Philanthropy Advisors (n 29).

37 Women Entrepreneurs Finance Initiative (n 29).

38 Imandojemu and others (n 4) 61.

39 Tade (n 10).

40 L Puli and others 'Financial inclusion for people with disability: A scoping review' (2024) 17 *Global Health Action* 7 doi: 10.1080/16549716.2024.2342634 (accessed 2 October 2024).

The structures and facilities of FSPs such as banking halls, doors, counters, ramps and automated teller machines (ATMs) are usually inaccessible occasionally resulting in persons with disabilities being attended to outside banking halls and exposed to the elements.⁴² Some security measures, such as metal detectors installed in the doors of banks in Nigeria, restrict access for persons with physical impairments, including wheelchair users. Findings from a study involving 70 banks in Lagos State showed that less than 50 per cent of the banks have ramps for persons with wheelchairs and about 57.1 per cent of the banks do not have accessible doors for persons on wheelchairs.⁴³ The study also revealed that only 29 per cent of security officials working in banks with facilities for persons with disabilities are aware they have ramps.⁴⁴ Persons with visual impairment have also acknowledged their decisions not to own ATM cards of their own volition or on the advice of bank staff. This is because ATM galleries are not disability-friendly and the likelihood of their dependence on others to perform transactions could result in fraud or data compromise.⁴⁵ Poor treatment by staff of FSPs and limited access to digital financial service solutions such as phone-based banking, e-banking and mobile banking, also contribute to their exclusion and financial disenfranchisement.⁴⁶

The exclusion of persons with disabilities by FSPs disregards the potential benefits of fostering customer loyalty and enhancing reputational standing.⁴⁷ Essentially, this could improve FSPs profit margins, attract investments for FSPs, and expand their customer base (including persons with disabilities, their families and friends).⁴⁸ Besides, the failure of FSPs to attend to accessibility needs of persons with disabilities disregards the provisions of laws and policies that prohibit discrimination. There is therefore need for adequate legal and policy frameworks to facilitate financial inclusion for persons with disabilities.

41 Adebajo (n 10).

42 Tade (n 10), Adebajo (n 10).

43 B Jamiu 'Reporter's diary: Inside Lagos banks where people with disabilities are neglected' *Foundation for Investigative Journalism* 8 August 2022 <https://fij.ng/article/reporters-diary-inside-lagos-banks-where-people-with-disabilities-are-neglected/> (accessed 27 March 2024). See also V Ogunlade 'Self-advocacy: A study of access to banking halls and services by persons with disabilities in Southwest Nigeria' (2015) 14 *Journal of Culture, Society and Development* 1, 6. 'Challenges of visually impaired in using banking apps' *Radio Nigeria* 22 October 2023; LS Rawen & KS Yise 'Influence of bank access on persons with disabilities in Plateau North, Nigeria' (2022) 2 *AAU Journal of Business Educators* 72, 77-78.

44 Jamiu (n 43).

45 Adebajo (n 10); Tade (n 10).

46 Puli et al (n 47) 6; Infibranches Technologies (n 12).

47 International Finance Corporation (n 13) 10.

48 As above.

3 Legal and policy framework for financial inclusion for persons with disabilities in Nigeria

This section examines the provisions of the CRPD, African Disability Protocol, the Discrimination Prohibition Act and the CBN policies pertaining to financial inclusion.

3.1 Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD,⁴⁹ to which Nigeria is a party,⁵⁰ contains several provisions pertinent to financial inclusion for persons with disabilities. They include articles 12(5), 3, 9, 21 and 5, as well as Preambles (v) and (o).

Article 12(5) on the legal capacity to control one's financial affairs provides that appropriate and effective measures be taken to guarantee that persons with disabilities manage their financial affairs and have equal access to bank loans, mortgages, and other forms of financial credit. According to the Committee on the Rights of Persons with Disabilities (CRPD Committee), this requires states to adopt legislative, administrative, judicial and other practical measures, to safeguard their rights with respect to their financial dealings, on the same basis as others.⁵¹ Thus, legal frameworks that deny legal capacity to persons with disabilities regarding their financial affairs must be replaced with those that ensure support in the exercise of legal capacity.⁵² This is pertinent because as the CRPD Committee points out, the right to legal capacity cannot be enjoyed by persons with disabilities if they are prevented from making financial decisions, on an equal basis with others.⁵³ As such, disability may not be used to justify discrimination in finance matters.⁵⁴

Despite article 12(5), persons with disabilities in Nigeria have traditionally been excluded from accessing financial services because of exclusionary practices and policies.⁵⁵ Article 12(5) is therefore germane to their involvement and empowerment in matters pertaining to access to finance and to services offered by FSPs. Unfortunately, there is no

49 CRPD (n 3).

50 Nigeria signed the CRPD on 30 March 2007 and ratified it on 24 September 2010. See Status of the CRPD <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&msgid=IV-15&chapter=4&clang=en> (accessed 22 March 2024).

51 Committee on the Rights of Persons with Disabilities, General Comment 1 (2014): Article 12: Equal recognition before the law, 19 May 2014, UN Doc CRPD/C/GC/1 (2014) para 23.

52 As above.

53 P Oyugi 'The implementation of article 12 of the Convention on the Rights of People [Persons] with Disabilities in Kenya' (2021) 3 *Kabarak Journal of Law and Ethics* 21, 27.

54 As above.

55 Imandojemu and others (n 4) 61; Adebajo (n 10).

provision in this regard in the Nigerian Discrimination Prohibition Act and the CBN policies do not contain adequate provisions to enable persons with disabilities to exercise legal capacity to control their financial affairs.

Article 3(c) on the principle of full and effective participation and inclusion in society is a core principle whose achievement underscores the enjoyment of the rights in the CRPD.⁵⁶ Inclusion requires respect for persons with disabilities and their right to have meaningful relationships, and engagement in society.⁵⁷ It provides an avenue for countering systemic and structural barriers to full participation in society.⁵⁸ According to Jones, there are three facets to inclusion:

a non-discriminatory attitude towards people with disabilities; the guarantee of access to participation in every area of life; and the facilitation of people with disabilities to limit the impact of disability.⁵⁹

Inclusion therefore requires dynamic policymaking, proactive thinking, and unending commitment.⁶⁰

Preamble (o) to the CRPD affirms the principle of participation and inclusion to the effect that 'persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them'.⁶¹ Similarly, the CRPD requires States Parties to eliminate all barriers that could hinder the full and effective participation of persons with disabilities in society on an equal basis with others.⁶²

Additionally, the provisions of the CRPD on accessibility, as a value in the Preamble⁶³ and as both a principle⁶⁴ and a substantive right, are pertinent to the financial inclusion of persons with disabilities.⁶⁵ Article 9 provides for measures to be taken to ensure accessibility to the physical environment, transportation, information and communications, including information and communications technologies and systems, and to other amenities and services afforded to the public in urban and rural areas.⁶⁶ The measures recommended comprise the identification and removal of obstacles and barriers to accessibility and are applicable to a wide range of areas. They include buildings, roads, transportation, and other indoor and

56 VD Fina 'Article 3 [general principles]' in VD Fina and others (eds) *The United Nations Convention on the Rights of Persons with Disabilities: A commentary* (2017) 119, 126.

57 M Jones 'Inclusion, social inclusion and participation' in MH Rioux and others (eds) *Critical perspectives on human rights and disability law* 57.

58 Jones (n 57) 57.

59 Jones (n 57) 58.

60 Jones (n 57) 57.

61 CRPD (n 3) Preamble (o).

62 CRPD (n 3) art 1.

63 CRPD (n 3) Preamble (v).

64 CRPD (n 3) art 3(f).

65 CRPD (n 3) art 9.

66 CRPD (n 3) art 9(1).

outdoor facilities, including schools, housing, medical facilities and workplaces, information, communications and other services, including electronic services and emergency services.⁶⁷

Article 9 also requires appropriate measures to be taken to ensure access to public facilities and services, information, public signage in easy to read and understandable formats, and new information and communications technologies and systems, including the internet.⁶⁸ Stakeholders should be trained on accessibility issues facing persons with disabilities⁶⁹ and support personnel including guides, readers and specialised sign language interpreters, should be provided to enable access to public buildings and facilities.⁷⁰ In line with this, the CRPD Committee in *Lockrey v Australia* stated that in denying the claimant steno-captioning to perform jury duty, Australia had violated the accessibility standards in article 9 along with his rights to freedom of expression and opinion, non-discrimination and reasonable accommodation.⁷¹ Similarly, in *Vela v Mexico*, the Committee noted that:

States Parties must take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to information and must promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information.⁷²

Accessibility is therefore a prerequisite for persons with disabilities to participate fully and equally in society and enjoy their human rights unhindered.⁷³

Article 21 provides for relevant measures to be taken to enable persons with disabilities to exercise rights including the freedom to seek, receive and impart information and ideas on an equal basis with others. It further provides that this right could be realised by public and private entities providing information in accessible formats, in a timely manner, and without additional cost as well through accessible modes of communication.⁷⁴

67 As above.

68 CRPD (n 3) art 9(2)(a), (b), (d), (f), (g) & (h).

69 CRPD (n 3) art 9(2)(c).

70 CRPD (n 3) art 9(2)(e).

71 *Lockrey v Australia* Communication 013/2013, CRPD Committee 08 Apr 2013), CRPD/C/15/D/13/2013 (2016), para 8.6.

72 *Vela v Mexico* Communication 32/2015, CRPD Committee (19 August 2015), CRPD/C/22/D/32/2015 (2015), para 10.5.

73 Committee on the Rights of Persons with Disabilities, General Comment 2 (2014): Article 9: Accessibility, 22 May 2014, UN Doc CRPD/C/GC/2 (2014) paras 1 & 15.

74 CRPD (n 3) art 21. The modes of communication prescribed in art 2 of the Convention: languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

The provisions on equality and non-discrimination in the CRPD are also vital to the financial inclusion of persons with disabilities. Equality and non-discrimination are both principles and substantive rights in the CRPD. The CRPD recognises that discrimination on the basis of disability violates the inherent dignity and worth of the human person,⁷⁵ while ‘non-discrimination’, ‘equality of opportunity’ and ‘equality between men and women’ are general principles of the CRPD.⁷⁶

Article 5(1) of the CRPD provides that every person is equal before and under the law and entitled to equal protection and benefits of the law without discrimination. The CRPD Committee opines that equality under the law is ‘unique to the Convention’ and ‘refers to the possibility to engage in legal relationships’.⁷⁷ On the other hand, equality before the law is equivalent to the right to equal protection by the law which guarantees substantive equality referring to the ‘right to use the law for personal benefit’ and an acknowledgement that no laws should deny, restrict or limit the rights of persons with disabilities.⁷⁸ Article 5(2) obligates States Parties to prohibit discrimination on the basis of disability and guarantees legal protection against all forms of discrimination against persons with disabilities. Discrimination on the basis of disability is defined as:

Any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms.⁷⁹

Consequently, article 5(2) explicitly prohibits discrimination such that when persons with disabilities are subjected to any distinction, exclusion, or restriction because of their disability, it amounts to discrimination on the basis of disability. Accordingly, States Parties are required to promote equality and eliminate discrimination by taking all appropriate steps to ensure that reasonable accommodation is provided.⁸⁰ The CRPD defines reasonable accommodation as:

necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.⁸¹

75 CRPD (n 3) Preamble (h).

76 CRPD (n 3) art 3(b), (e) & (g).

77 Committee on the Rights of Persons with Disabilities, General Comment 6 (2018) on equality and non-discrimination, 26 April 2018, UN Doc CRPD/C/GC/6 (2018) para 15.

78 General Comment 6 (n 77) para 15.

79 CRPD (n 3) art 2.

80 CRPD (n 3) art 5(3).

81 CRPD (n 3) art 2.

Examples of reasonable accommodations in the financial context include making existing FSP facilities structures, products, services and information accessible to persons with disabilities; modifying equipment; or enabling access to support personnel.⁸² The provision of reasonable accommodation is essential to the realisation of the right to non-discrimination.⁸³ It requires a wide range of private and public actors, including States Parties, to appropriately modify policies and programmes that exclude persons with disabilities.⁸⁴ It is noteworthy that reasonable accommodation differs from accessibility as the duty to provide accessibility is 'broad and standardised' while reasonable accommodation is individualised and could fall beyond the 'scope of accessibility standards'.⁸⁵

Despite these provisions, persons with disabilities are excluded from accessing financial services in Nigeria on an equal basis with others which amounts to discrimination. The laws and policies relating to financial inclusion often fail to ensure that required and suitable adjustments are provided for them and that policies, structures, facilities, and services are inclusive to them without any distinction and on an equal basis with others.

3.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol), to which Nigeria is a party,⁸⁶ was adopted in January 2018 and entered into force on 5 June 2024.⁸⁷ The primary purpose of the Protocol is to promote, protect, and guarantee the full and equal enjoyment of all human and people's rights by persons with disabilities in Africa and ensure respect

82 General Comment 6 (n 77) para 23.

83 General Comment 6 (n 77) para 23; United Nations Human Rights Council 'Equality and non-discrimination under article 5 of the Convention on the Rights of Persons with Disabilities: Report of the Office of the United Nations High Commissioner for Human Rights' UN Doc A/HRC/34/26 (2016) para 31 <https://digitallibrary.un.org/record/859577?ln=en> (accessed 27 March 2022).

84 JE Lord & R Brown 'The role of reasonable accommodation in securing substantive equality for persons with disabilities: The UN Convention on the Rights of Persons with Disabilities' in MH Rioux and others (eds) *Critical perspectives on human rights and disability law* (2011) 273, 278-279.

85 General Comment 2 (n 73) paras 25 & 26.

86 Nigeria ratified the African Disability Protocol on 22 January 2024.

87 African Commission on Human and Peoples' Rights 'Press release on the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa' (9 June 2024) <https://achpr.au.int/en/news/press-releases/2024-06-09/entry-force-protocol-persons-disabilities> (accessed 22 September 2024); African Disability Forum 'Press release: Ratifications of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa' (26 June 2024) <https://africandisabilityforum.org/press-release-ratifications-of-the-protocol-to-the-african-charter-on-human-and-peoples-rights-on-the-rights-of-persons-with-disabilities-in-africa/> (accessed 22 September 2024).

for their inherent dignity.⁸⁸ It augments the CRPD by addressing the rights of persons with disabilities from an African perspective, incorporating their lived experiences in keeping with the CRPD's core principles.⁸⁹

The African Disability Protocol contains several provisions pertinent to the financial inclusion of persons with disabilities which are similar to the CRPD. They include the right to control one's financial affairs,⁹⁰ the principle of full and effective participation and inclusion⁹¹ and the right to accessibility.⁹² However, the accessibility provisions in the Protocol are less comprehensive compared to the CRPD. Notably, the Protocol omits several key points that the CRPD addresses. For instance, it fails to require private entities that offer public services and facilities to consider the accessibility needs of persons with disabilities.⁹³ It also fails to obligate States to provide training on accessibility issues affecting persons with disabilities and to promote access to new information and communication technologies, including the internet, for persons with disabilities.⁹⁴

The Protocol also aligns with the CRPD on the right to access information⁹⁵ but fails to require internet providers, including private entities, to make services accessible to persons with disabilities.⁹⁶ This omission is critical, as many financial products from FSPs rely on internet access, potentially excluding persons with disabilities from essential financial services.

Like the CRPD, the African Disability Protocol prohibits discrimination against persons with disabilities.⁹⁷ The Protocol's definition of disability⁹⁸ and its provisions on reasonable accommodation are similar to that of the CRPD.⁹⁹ The Protocol defines 'reasonable accommodation' as

necessary and appropriate modifications and adjustments where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human and people's rights.¹⁰⁰

88 African Disability Forum (n 87).

89 As above.

90 African Disability protocol (n 16) art 7(h).

91 African Disability protocol (n 16) Preamble and art 3(c).

92 African Disability protocol (n 16) art 15.

93 Kenya National Commission on Human Rights (KNCHR) 'Advisory to the Ministry of Labour, Social Security and Services on Kenya's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa' (2020) 19 <https://www.knchr.org/Portals/0/InternationalObligationsReports/Disability/Advisory%20on%20the%20African%20Disability%20Protocol.pdf?ver=2020-01-20-081705-857> (accessed 22 September 2024).

94 KNCHR (n 93) 19.

95 See African Disability Protocol (n 16) art 24.

96 KNCHR (n 93) 17.

97 African Disability Protocol (n 16) art 5.

98 African Disability Protocol (n 16) art 1.

99 African Disability Protocol (n 16) arts 1 & 3(g).

100 African Disability Protocol (n 16) art 1.

However, in contrast to the CRPD, the Protocol does not incorporate the threshold of ‘disproportionate or undue burden’ in its definition of reasonable accommodation.¹⁰¹ This omission is significant because it avoids ambiguity and subjectivity in determining accommodations, reducing the risk of inconsistent application. Without the threshold, FSPs cannot easily justify failing to provide necessary accommodations, thereby promoting greater accountability and inclusion for persons with disabilities.

3.3 Discrimination against Persons with Disabilities (Prohibition) Act

The Discrimination against Persons with Disabilities (Prohibition) Act (Discrimination Prohibition Act) 2018¹⁰² is the result of years of advocacy for a law to address the discrimination and exclusion experienced by persons with disabilities.¹⁰³ The purpose of the Act is to accommodate persons with disabilities in society, and to establish the National Commission for Persons with Disabilities, which is vested with the responsibility for their education, healthcare, social, economic, and civil rights.¹⁰⁴ Although the Discrimination Prohibition Act contains no specific provision on financial inclusion, its provisions on discrimination, accessibility and first consideration in queues are pertinent to enhancing financial inclusion for persons with disabilities.

The Discrimination Prohibition Act prohibits discrimination on the basis of disability and imposes sanctions of fines and imprisonment on corporate bodies and individuals who contravene this provision.¹⁰⁵ The Act defines discrimination as ‘differential treatment and its verb and infinite form, discriminate, to discriminate have corresponding signification’.¹⁰⁶ However, this definition is vague and falls short of the definition in the CRPD as it neither conveys the meaning of differential treatment nor what discrimination denotes under the Act.

The Discrimination Prohibition Act also provides that persons with disabilities have the right access the physical environment and buildings in public premises on an equal basis with others.¹⁰⁷ It also mandates that accessibility aids such as lifts and ramps in public buildings for access and

101 KNCHR (n 93) 15.

102 Discrimination against Persons with Disabilities (n 17).

103 A Ewang ‘Nigeria passes disability rights law: Offers hope of inclusion, improved access’ *Human Rights Watch* 25 January 2019 <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law#:~:text=On%20January%2023%2C%20Nigeria's%20President,disability%20rights%20groups%20and%20activists> (accessed 29 September 2024).

104 The Discrimination Prohibition Act 2018 (n 17) explanatory memorandum.

105 Discrimination Prohibition Act (n 17) sec 1(1) & (2).

106 Discrimination Prohibition Act (n 17) sec 57.

107 Discrimination Prohibition Act (n 17) sec 3.

use by persons with disabilities.¹⁰⁸ It also provides for a transitory period of five years from the commencement of the Act within which all existing public buildings and structures that are inaccessible to persons with disabilities are expected to be modified to be accessible to them including those on wheelchairs.¹⁰⁹ The Act also directs that before any building is erected, the relevant authority, that is departments under the ministries of Land, Physical Planning and Urban Development, must ensure that the building's plans conform to the building code.¹¹⁰ Such a building must not be approved if it fails to meet the accessibility standards.¹¹¹ Any officer who approves or directs the approval of a building that does not conform to the building codes commits an offence.¹¹²

The Act also provides that where the environment is inaccessible, persons with disabilities have a right to make a complaint of inaccessibility to the relevant authority in charge of the environment.¹¹³ Failure to act upon receipt of such complaint is an offence.¹¹⁴

The Discrimination Prohibition Act also provides that persons with disabilities be given first consideration in queues.¹¹⁵ This provision is particularly useful as there are usually long queues in banks in Nigeria. However, there is no evidence that this provision is being observed. Lastly, the Act provides that there must be a representative from the finance ministry in the Governing Council of the National Commission for Persons with Disabilities.¹¹⁶

Undoubtedly, the Discrimination Prohibition Act contains some salient provisions but offers less protection than the CRPD. For instance, it does not contain any provisions guaranteeing reasonable accommodation for persons with disabilities. Additionally, its provisions on accessibility fall short of the provisions in the CRPD. This is because it fails to obligate private entities offering public services to ensure accessibility, offer training on accessibility issues affecting persons with disabilities and encourage access to information and communication technologies for persons with disabilities. It also does not contain provisions on the right to legal capacity to control one's financial affairs and the principle of full and effective participation and inclusion in society. It is imperative that the Act is amended to reflect these standards and align with international human rights standards in this regard.

108 Discrimination Prohibition Act (n 17) sec 4.

109 Discrimination Prohibition Act (n 17) sec 6.

110 Discrimination Prohibition Act (n 17) sec 7(1).

111 Discrimination Prohibition Act (n 17) sec 7(2).

112 Discrimination Prohibition Act (n 17) sec 7(3).

113 Discrimination Prohibition Act (n 17) sec 8(1).

114 Discrimination Prohibition Act (n 17) sec 8(2).

115 Discrimination Prohibition Act (n 17) sec 26.

116 Discrimination Prohibition Act (n 17) sec 32(2)(c).

3.4 Central Bank of Nigeria (CBN) Policies

The CBN has several policies which directly or indirectly address financial inclusion for persons with disabilities in Nigeria as highlighted below.

3.4.1 National Financial Inclusion Strategy 2022

Nigeria signed the Maya Declaration which set targets for improving financial inclusion.¹¹⁷ In line with this, the CBN introduced the National Financial Inclusion Strategy 2012¹¹⁸ which was revised in 2018¹¹⁹ and 2022¹²⁰ to set clear targets for improving financial inclusion and removing barriers to accessing finance. The National Financial Inclusion Strategy 2022 (NFIS 2022) notes that ‘financial inclusion is achieved when adult Nigerians have easy access to a broad range of formal financial services that meet their needs at affordable costs’.¹²¹ The NFIS 2022 further contends that services should extend to broad payments, savings, credit, insurance, pension, and capital market products offered simply in consideration of the peculiarities of the users.¹²² These provisions could be applied to persons with disabilities as they are a segment of the Nigerian population and constitute users or potential users of financial services.

Nevertheless, the NFIS 2022 makes very little provision for persons with disabilities. It only refers to the word ‘disabilities’ twice. The first reference acknowledges that ‘while data is not readily available on access to financial services for persons with disabilities, available information suggested that they were also highly excluded’.¹²³ The second reference is merely incidental.

3.4.2 CBN Guidelines on the Operations of Electronic Payment Channels

The CBN Guidelines on the Operations of Electronic Payment Channels in Nigeria contain some provisions relevant to persons with disabilities. The guidelines provide that two per cent of ATMs should be equipped with tactile graphic symbol for visually impaired clients and that the locations

117 Alliance for Financial Inclusion ‘Maya declaration: Commitments you can bank on’ (2018) https://www.afi-global.org/sites/default/files/publications/2018-08/MAYA_FS_18_AW_digital.pdf (accessed 22 February 2024).

118 National Financial Inclusion Strategy (2012) <https://www.cbn.gov.ng/out/2013/ccd/nfis.pdf> (accessed 22 February 2024).

119 National Financial Inclusion Strategy (Revised) (2018) <https://www.cbn.gov.ng/out/2019/ccd/national%20financial%20inclusion%20strategy.pdf> (accessed 22 February 2024).

120 National Financial Inclusion Strategy 2022 (NFIS 2022) <https://www.cbn.gov.ng/Out/2022/CCD/NFIS1.pdf> (accessed 22 February 2024).

121 NFIS 2022 (n 120) para 1.1.2.

122 NFIS 2022 (n 120) vii.

123 Adebajo (n 10).

of the ATMs should be clearly publicised on corporate websites.¹²⁴ The guidelines prohibit discrimination by any card scheme against any ATM owner or acquirer.¹²⁵ The guidelines also provide that ATMs should be accessible and safe, well-lit for safe access and good visibility in the absence of natural light, and designed to ensure privacy.¹²⁶ ATM terminals are required to adequately display helpdesk contacts and have a functional and manned telephone line for fault reporting.¹²⁷ Receipt prints and screen display should also be legible.¹²⁸ The guidelines impose monetary penalties, or suspension of the acquiring or processing service, or both, on erring FSPs that fail to comply with the provisions of the guidelines.¹²⁹ The guidelines further promote the advancement of operational, low risk, low cost and practical financial services to customers and businesses through the internet.¹³⁰ While these are not wholly disability specific, they can also aid persons with disabilities.

3.4.3 *Micro, Small and Medium Enterprises Development Fund (MSMEDF) Guidelines 2015*

The Micro, Small and Medium Enterprises Development Fund (MSMEDF) Guidelines establish a development fund to provide financial services to Micro, Small and Medium Enterprises to increase their productivity and employment, and foster inclusive growth.¹³¹ The only explicit provision on persons with disabilities in the MSMEDF Guidelines is that two per cent of the general component of the Fund be dedicated to 'economically active persons with disabilities (excluding mental disabilities)'.¹³² Even so, two per cent of the general fund is insufficient to guarantee financial inclusion to entrepreneurs with disabilities because they are usually excluded from accessing financial services in Nigeria. Moreover, the exclusion of persons with mental disabilities amounts to discrimination and serves to disempower them. The MSMEDF Guidelines also stipulate that 60 per cent of the Fund should be allocated for providing financial services to women entrepreneurs.¹³³ Whilst this provision could be construed to include women with disabilities, it is

124 CBN Guidelines on the Operations of Electronic Payment Channels 1.1(g) <https://www.cbn.gov.ng/out/2016/bpsd/approved%20guidelines%20on%20operations%20of%20electronic%20payment%20channels%20in%20nigeria.pdf> (accessed 22 February 2024).

125 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 1.1(e).

126 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 1.2(h), (i) & (k).

127 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 1.3(b).

128 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 1.3(e) & (r).

129 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 1.8.

130 CBN Guidelines on the Operations of Electronic Payment Channels (n 124) 4.2.4.

131 Micro, Small and Medium Enterprises Development Fund Guidelines (MSMEDF Guidelines) 2014, secs 1.0 & 1.2 <https://www.cbn.gov.ng/out/2014/dfd/msmedf%20guidelines%20%20.pdf> (accessed 22 February 2024).

132 MSMEDF Guidelines (n 131) sec 1.0.

133 MSMEDF Guidelines (n 131) secs 1.0 and 4.2 (f).

necessary for female entrepreneurs with disabilities to be assigned a proportion of the allocated 60 per cent.

3.4.4 Consumer Protection Framework 2016

The Consumer Protection Framework aims to ‘enhance consumer confidence in the financial services industry and promote financial stability, growth and innovation’.¹³⁴ Although the Framework does not explicitly refer to persons with disabilities, it contains some provisions that can be construed as applicable to them. The Framework provides that consumers be treated fairly without prejudice at every stage of their association with financial institutions.¹³⁵ It also provides that all consumers be accorded equal access to basic banking services and that the needs of vulnerable groups are taken into consideration.¹³⁶ It further provides that financial institutions act in the best interest of consumers in the provision of advice and execution of transactions.¹³⁷ In addition, consumers are also to be offered appropriate and clear financial advice as well as information on the features of products and services to enable them to make informed decisions.¹³⁸ To ensure effective delivery of financial education to consumers, they shall be ‘segmented’ by age, geographical location, level of education, and ability (physical and mental).¹³⁹ The Framework provides for the establishment of policies and mechanisms to improve access to financial products/services, particularly amongst vulnerable groups.¹⁴⁰ It prohibits financial institutions from discriminating against consumers on grounds of social standing, physical ability, marital status, gender, age, religion or tribe.¹⁴¹ Likewise, it provides for fair treatment of consumers, regardless of any complaint and dispute already existing between them, their financial knowledge or status, physical ability, age, gender, tribe or religion.¹⁴² Lastly, it provides for the emplacement of multiple toll-free redress channels (including electronic and non-electronic channels) to lodge complaints using simple, efficient and effectual resolution mechanisms.¹⁴³

134 Central Bank of Nigeria ‘Consumer Protection Framework’ sec 1.1 [https://www.cbn.gov.ng/out/2016/cfpd/consumer%20protection%20framework%20\(final\).pdf](https://www.cbn.gov.ng/out/2016/cfpd/consumer%20protection%20framework%20(final).pdf) (accessed 22 February 2024).

135 Consumer Protection Framework (n 134) sec 2.5.

136 As above.

137 Consumer Protection Framework (n 134) sec 2.2.2.

138 Consumer Protection Framework (n 134) sec 2.2.2.

139 Consumer Protection Framework (n 134) sec 2.4.1.

140 Consumer Protection Framework (n 134) sec 2.5.1.

141 Consumer Protection Framework (n 134) sec 2.5.2.

142 Consumer Protection Framework (n 134) sec 3.1(g).

143 Consumer Protection Framework (n 134) sec 2.7.1(1).

3.4.5 *The Nigerian Sustainable Banking Principles*

The Central Bank of Nigeria's Implementation of Nigerian Sustainable Banking Principles by Banks, Discount Houses and Development Finance Institutions in Nigeria (Nigerian Sustainable Banking Principles) were established to develop standards and guidelines for the Nigerian banking sector.¹⁴⁴ Principle 5 of the Nigerian Sustainable Banking Principles seeks to promote financial inclusion by providing financial services to individuals and communities that traditionally have had limited or no access to the formal financial sector. In line with this, the Nigerian Sustainable Banking Principles provide that banks should promote 'accessible and affordable financial products and services to disadvantaged groups who are either not served or are underserved by the formal financial sector' in accordance with the NFIS.¹⁴⁵ The Principles seek to realise this by ensuring banks develop and implement financial inclusion, provide commercially viable support to small and medium enterprises (SMEs), improve financial literacy and institutional practices, and improve access to bank facilities and services.¹⁴⁶ By accommodating their needs, marginalised persons are integrated into the mainstream economy thereby enhancing their opportunities for robust livelihoods and financial stability.¹⁴⁷ This will ultimately result in poverty reduction, abatement of the barriers to economic participation of disadvantaged groups, and enhancement of financial education and literacy for everyone.¹⁴⁸ Principle 5 of the Nigerian Sustainable Banking Principles is applicable to persons with disabilities as they are disadvantaged, marginalised and have been excluded or underserved by the formal financial sector. It could therefore operate to promote their access to the financial sector.

The Nigerian Sustainable Banking Principles also aim to promote women's economic empowerment through a gender-inclusive workplace culture in business operations and seek to provide products and services designed specifically for women.¹⁴⁹ The Nigerian Sustainable Banking Principles seek to realise this goal by ensuring that banks develop and implement economic empowerment policies and committees directed at women, establish programmes to promote women's empowerment, invest and dedicate resources for female talent and create a sector-wide fund for women's empowerment.¹⁵⁰

144 Central Bank of Nigeria 'Implementation of sustainable banking principles by banks, discount houses and development finance institutions in Nigeria' (2012) 3 <https://www.cbn.gov.ng/out/2012/ccd/circular-nsbp.pdf> (accessed 22 February 2024).

145 Central Bank of Nigeria (n 144) 21.

146 Central Bank of Nigeria (n 144) 21-22.

147 Central Bank of Nigeria (n 144) 21.

148 Central Bank of Nigeria (n 144) 21.

149 Central Bank of Nigeria (n 144) 19.

150 Central Bank of Nigeria (n 144) 19-20.

If properly implemented, the Nigerian Sustainable Banking Principles could significantly enhance access to financial services for persons with disabilities, particularly women with disabilities, and foster inclusive opportunities that address their unique challenges.

4 Recommendations

The Nigerian banking sector has undergone some significant reforms, yet these reforms have not focused on access to financial services for persons with disabilities.¹⁵¹ The Discrimination Prohibition Act and CBN policies do not contain robust provisions to adequately ameliorate the challenges experienced by persons with disabilities due to poor implementation, enforcement and monitoring mechanisms. Interventions that manifestly reflect the needs of persons with disabilities are therefore required. Accordingly, recommendations in this regard are proffered below.

4.1 Strengthen the extant laws and policies

It is crucial to implement the Discrimination Prohibition Act and CBN policies in all states of Nigeria to enable persons with disabilities to assert financial access rights. The Discrimination Prohibition Act should also be amended to include the right of persons with disabilities to control their financial affairs and access financial services and products.

The CBN should also develop a suitable financial inclusion strategy that addresses the unique challenges faced by persons with disabilities in Nigeria, include them financially and ensure they enjoy the full benefits of banking.¹⁵² The two per cent of funds designated for persons with disabilities under the CBN's MSMEDF Guidelines is insufficient to guarantee access to financial services to entrepreneurs with disabilities because persons with disabilities have typically been excluded from accessing financial services in Nigeria. The percentage should be increased to at least 30 per cent to ensure a fairer distribution of resources and offer equal access to funding for entrepreneurs across Nigeria's diverse regions, ethnic backgrounds, and economic levels. Moreover, the MSMEDF Guidelines should be amended to include persons with intellectual disabilities who meet the criteria for the fund. A portion of the 60 per cent of the Fund allocated to providing financial services to women entrepreneurs should also be assigned to women with disabilities.

Education about relevant laws and policies is also crucial to promoting adherence and curbing stigma against persons with disabilities. Education programmes should also include persons with disabilities and their

151 Adebajo (n 10).

152 Imandojemu and others (n 4) 75.

organisations, heads of communities, religious leaders, teachers, and healthcare professionals. It should also involve the use of Pidgin English, local languages and dialects. Simplified and accessible reporting avenues for non-compliance accompanied by strict penalties should be adopted to deter contravention and drive effectiveness. Institution-level policies could also facilitate access of financial products and services for people with disabilities.

4.2 Tailor financial services to the unique needs of persons with disabilities

FSPs should consider developing products and services that specifically cater to the needs of persons with disabilities, including low-cost assistive channels of communication to aid inclusion, such as braille, audio visual and contactless offerings. Similarly, FSPs should consider developing suitable products and services for the needs of persons with disabilities. These include flexible account options, affordable loan programmes, microfinance initiatives, cards in Braille or insurance products that address specific disability-related risks.¹⁵³ FSPs should therefore strive at understanding the needs of their current and prospective clients with disabilities.¹⁵⁴

FSPs should also engage in financial education programmes for persons with disabilities about their products and services to promote financial literacy and financial inclusion.¹⁵⁵ The financial education programmes could focus on savings, budgeting, debt management, and loan services, and be delivered in suitable accessible formats.¹⁵⁶

4.3 Prioritise accessibility as a minimum benchmark for financial services

It is imperative that FSPs prioritise accessibility to attract the patronage of persons with disabilities. To effectively measure progress in ensuring accessibility for a wide range of persons with disabilities, FSPs should at the initial phases of product deployment, conduct environmental and products accessibility audits. These audits should be carried out in

153 UBA Group 'Financial inclusion for people living with disabilities' (2023) <https://www.ubagroup.com/57-marina/financial-inclusion-for-people-living-with-disabilities/> (accessed 2 March 2024).

154 J Musiitwa 'Why the accessibility gap in financial services needs to be closed' *World Economic Forum* 4 September 2018 <https://www.weforum.org/agenda/2018/09/the-accessibility-gap-in-financial-services-needs-to-be-closed/> (accessed 12 March 2024).

155 AN Jiya and others 'Achieving financial inclusion for persons with disabilities: exploring preparedness and accessibility of financial services for persons with disabilities in Malawi' (2021) *Journal of Disability Policy Studies* 1, 8. doi:10.1177/10442073211027533.

156 UBA Group (n 153).

consultation with the product development team, persons with disabilities and the staff involved in relationship management to ensure diverse, inclusive, suitable and accessible products and services. In line with the CBN 2019 Rule Book, banks should provide avenues for increased access to products and services through platforms such as cash centres, e-branches, and mobile money to increase their efficiency to serve more clients.¹⁵⁷

Other recommendations for improving accessibility include equipping ATMs and bank branches with voice recognition and audio functions for clients with hearing impairments, as well as providing documents in braille and large fonts, sharp colour contrasts, and screen magnifiers for the visually impaired. Anti-slip tiles and ramps should also be provided to aid navigation for clients with crutches and on wheelchairs. Likewise, ATMs, restrooms and counters in banking halls should be built to accommodate the needs of clients with mobility impairments. In-branch banking should be encouraged by installing automatic security door openers to give access to persons on wheelchairs.¹⁵⁸

Banking documentation should also be readily available in alternative formats such as audio, accessible e-text, or DAISY formats and braille. The CBN should endeavour to make notes of different denominations easily distinguishable from each other by size, smell, colours and braille lettering.¹⁵⁹ Digital banking technologies such as online banking should also be made more inclusive.¹⁶⁰

4.4 Improve FSP staff training to cater to the needs of persons with disabilities

Staff training can improve customer experience and engagement as well as drive empathy and sensitivity. Staff should be trained on the national and international legal framework on the rights of persons with disabilities.¹⁶¹ Sensitivity training should also be offered at all organisational levels to foster proactivity amongst FSP staff and sensitise them on the importance

157 Central Bank of Nigeria (CBN) 'Rule Book (A Compendium of Policies and Regulations)' Vol IV <https://www.cbn.gov.ng/Out/2022/FMD/CBN%20Rule%20Book%20Volume%204.pdf> (accessed 27 March 2024).

158 Tade (n 10).

159 Imandojemu et al (n 4) 75.

160 D Montagner 'Financial services failing disabled consumers' *The Banker* (Western Europe) 24 October 2023 <https://www.thebanker.com/Financial-services-failing-disabled-consumers-1698133308> (accessed 10 February 2024).

161 Centre for Financial Inclusion 'A new financial access frontier: People with disabilities' (June 2010) <https://www.miusa.org/wp-content/uploads/2015/07/ACCION-2010-New-Financial-Frontier.pdf> (accessed 10 February 2024).

of non-discrimination.¹⁶² Assistance to persons with disabilities by FSP staff must be done with respect to the principles of non-discrimination, dignity and privacy. Staff must be professional and not embody an ableism mind-set that further serves to exclude and discriminate against persons with disabilities. It is also imperative that FSPs increase the hiring of persons with disabilities.

4.5 Foster stakeholder collaboration

Collaboration fosters financial inclusion. Stakeholders, including government agencies, financial institutions, non-governmental organisations, as well as persons with disabilities and their organisations, must collaborate to create an inclusive financial sector.¹⁶³ Such collaboration should focus on creating awareness, providing training, and advocating for inclusive policy changes.¹⁶⁴ The collaboration could also foster financial education by ensuring the development and delivery of financial literacy programmes to a wider audience.¹⁶⁵ The collaboration further allows the government to leverage expertise, resources and networks to drive financial inclusion for persons with disabilities, enable their active participation in the economy and improve their quality of life.¹⁶⁶

4.6 Promote enforcement and implementation of laws

Nigeria requires a multifaceted approach that integrates the efforts of multiple stakeholders and legal frameworks. Town planning agencies can play a crucial role in enforcing compliance with new building approvals in line with the provisions of the Discrimination Prohibition Act. Although the Act provides for a five-year transition period to ensure public buildings meet accessibility standards, monitoring beyond this period will be key to ensuring ongoing compliance. Also, the Freedom of Information (FOI) Act¹⁶⁷ can be a powerful tool for enabling advocacy groups and citizens to request records from town planning and building approval agencies to confirm that new buildings and facilities meet accessibility requirements.

162 Centre for Financial Inclusion and others 'A case for financial inclusion of persons with disabilities: CBM livelihood technical guideline' (2016) https://aspirecircle.org/wpcontent/uploads/2022/01/Case_for_Financial_Inclusion_final_May_2016-DNI.pdf (accessed 12 March 2024).

163 Infibranches (n 12).

164 Infibranches (n 12); Musiitwa (n 154).

165 'Four challenges of financial inclusion: Diving into solutions for success' *Credolab* 5 September 2023 <https://www.credolab.com/blog/four-challenges-of-financial-inclusion-diving-into-solutions-for-success-score-82> (accessed 22 February 2024).

166 As above.

167 Freedom of Information Act 2011 <https://archive.gazettes.africa/archive/ng/2011/ng-government-gazette-dated-2011-05-30-no-36.pdf> (accessed 22 October 2024).

Public interest litigation can also promote accountability by challenging non-compliant building approvals through the courts. Consequently, timely interventions could result in injunctions that halt projects or mandate retrofitting accessibility features into existing buildings and facilities. This approach would not only reinforce adherence to legal obligations but also establish legal precedents that discourage future violations. The judiciary can adjudicate cases of non-compliance, establishing the necessary legal precedents to protect the rights of persons with disabilities in both physical and digital financial spaces.

The National Commission for Persons with Disabilities, through its powers under the Discrimination Prohibition Act, can audit financial institutions to ensure that accessibility measures such as ramps, accessible ATMs, and customer service that prioritises persons with disabilities, are in place. The Commission can also implement robust accessibility reporting mechanisms in financial spaces. Imposing fines for non-compliance and offering targeted training programmes can improve service delivery to persons with disabilities and promote banks' inclusivity. Strengthening the capacity of the Commission is crucial, particularly by allocating sufficient resources for monitoring and enforcement activities. These resources should go toward hiring and training staff with expertise in accessibility standards and investing in technology capable of tracking compliance in real time.

The CBN, can enforce its existing regulatory framework by incorporating explicit provisions that prioritise accessibility for persons with disabilities from the product design stage and ensure ATMs and bank branches are accessible. A structured monitoring system can track compliance, while dedicated helplines and feedback channels can provide persons with disabilities with the means to report non-compliance. Collaboration between the CBN and disability advocacy groups could promote the development of inclusive products and services, while training for FSPs can foster a more accessible financial system. Furthermore, the introduction of incentives may encourage FSPs to actively pursue accessibility improvements.

By combining legal enforcement with proactive strategies from regulatory bodies and other relevant groups, Nigeria can create a more inclusive financial environment for persons with disabilities to participate fully and access financial services with dignity and respect.

4.7 Adopt monitoring and evaluation mechanisms

Monitoring fosters human rights protection and strengthens a country's responsibility to respect, protect and fulfil the rights of persons with

disabilities.¹⁶⁸ It can achieve legal reform, establishment of relevant protocols or practices, trainings aimed at relevant actors and stakeholders, determination of funding requirements, establishment of required services and a harmonised community response.¹⁶⁹ To achieve greater financial inclusion at the national level, it is essential to adapt to the continuously evolving financial landscape by incorporating a comprehensive approach in monitoring and evaluating financial inclusion initiatives. This will identify effective initiatives and those that require improvement,¹⁷⁰ as well as ensure that safe and affordable financial services are provided to persons with disabilities.¹⁷¹

5 Conclusion

Persons with disabilities are an integral part of society with diverse experience. However, the attention given to them regarding financial access has been inadequate. Financial inclusion underpins economic development in Nigeria and ensuring meaningful financial inclusion for people with disabilities requires a 'nuanced approach'.¹⁷² This article considered the exclusion of persons with disabilities from financial services due to inadequacy of legal protections, undiversified financial offerings and insensitivity to the accessibility needs of persons with disabilities in accessing finance. The article finds that the CBN as the regulator of the financial sector has made little effort to enable their financial access and calls for a change. Financial services are critical to all, including persons with disabilities, and their continued exclusion by FSPs impacts negatively on individual and economic levels, as they lose opportunity to broaden their customer base.

By addressing physical, attitudinal, and technological barriers, implementing inclusive laws and policies, promoting financial literacy, and fostering collaboration, Nigeria can pave the way for a more equitable and inclusive financial landscape.¹⁷³ The Nigerian government and the private sector however need to put in place key digital services, including connectivity, cybersecurity, data privacy, digital ID, and physical infrastructure, to facilitate the safe digital access to finance and inclusion of persons with disabilities. A gender perspective is also imperative as

168 Office of the United Nations High Commissioner for Human Rights *Manual on human rights monitoring* (2011) 4.

169 Credolab (n 165).

170 S Osakwe 'How is Nigeria's national financial inclusion strategy going?' Centre for Financial Inclusion (6 April 2021) <https://www.centerforfinancialinclusion.org/how-is-nigerias-national-financial-inclusion-strategy-going> (accessed 12 March 2024).

171 Akinnibi (n 32).

172 Infibranches Technologies (n 12).

173 Infibranches Technologies (n 12).

women's financial inclusion including those with disabilities, can close the gender gap in access to finance in Nigeria.

