



Partners for Justice

REPORT ON THE SITUATION OF DISABLED PERSONS IN NIGERIA

Examining the principles of the Convention on the Rights of Persons with Disabilities, Global Rights looks at how well Nigeria complies with the convention and its principles, which Nigeria signed and ratified in 2010.

Global Rights: Partners for Justice is a human rights organization that works in partnership with local activists in Africa, Asia and Latin America to build grassroots movements that promote and protect the rights of populations marginalized because of gender, ethnicity, race, socioeconomic status, gender orientation or disability.

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INTRODUCTION

Nigeria has a population of approximately 19 million persons with disabilities living in the nation.¹ Recognizing the rights of those individuals, Nigeria signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2007. It subsequently signed and ratified the CRPD's Optional Protocol three years later in 2010. The Nigerian government and local organizations dedicated to promoting the rights of disabled persons have made some attempt to endorse the guiding principles of the CRPD and have initiated programs that work to implement the Convention's goals.

However, while Nigeria has committed itself to protecting and promulgating the rights of persons with disabilities, disabled individuals in the country still remain largely ignored. The nation has passed no antidiscrimination laws regarding disability, and it has taken virtually no steps to ensure their equal treatment and equal enjoyment of rights. Under the previous regime, the Nigerians with Disabilities Decree of 1993 provided for the "clear and comprehensive legal protection and security of for Nigerians with disability" and contained an equal treatment provision.²

With this law no longer in force under the new regime, attempts to pass a disability law in the legislature have repeatedly failed due to an almost complete lack of political will or interest.³ This is further complicated by the fact that the process of domesticating the CRPD in Nigeria would also entail ratification by the individual states. Therefore, not only have efforts to pass a national bill failed, but there has been no effort to build political will or interest at the state level. This means that even if a national bill were to pass, there would still be significant obstacles in ensuring that states agree to its provisions. Nigeria also lacks other significant programs to promote the equality and rights of persons with disabilities, and the government largely confines itself to sporadically providing vocational training and prosthetic assistive devices.⁴ This all means that there is no noticeable governmental promotion of the rights of persons with disabilities and virtually no communication between the government and persons with disabilities or disabled persons organizations.

Ideological beliefs, environmental barriers, and other obstacles often prevent persons with disabilities from fully engaging with the community and realizing their rights. Nigerian society implicitly does not view persons with disabilities as necessarily entitled to equal rights. For example, begging is viewed as an acceptable profession for persons with disabilities, and abuse is common. This is complicated by the fact that Nigeria has not domesticated the CRPD or the

¹ DR. RAYMOND LANG & LUCY UPAH, SCOPING STUDIES: DISABILITY ISSUES IN NIGERIA 17 (2008); Kunle Oderemi, *Nigeria has 19 million people living with disabilities*, NIGERIA TRIBUNE, Dec. 5, 2011, <http://tribune.com.ng/index.php/news/32267-nigeria-has-19-million-persons-living-with-disabilities-yaradua-foundation>.

² Nigerians with Disability Decree (1993), §§ 1, 2(1), *available at* <http://dredf.org/international/nig1.html>.

³ LANG & UPAH, *supra* note 1, at 22; The most recent attempt to pass such a bill was in 2011. A Bill for An Act to Ensure Full Integration of Nigerians with Disability into the Society and to Establish a National Commission for Persons with Disability and Vest it With the Responsibilities for Their Education, Health Care and the Protection of Their Social, Economic, Civil and Political Rights (2011) [hereinafter A Bill for An Act to Ensure Full Integration of Nigerians with Disability].

⁴ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT – NIGERIA 47-48 (2011).

Optional Protocol. Without domestication, the CRPD does not have the force of law in Nigeria.⁵ This means that the CRPD usually can only serve as an example of good principles, and it often receives little attention even in that role. As a result of both the lack of domestication and lack of attention, Nigeria remains largely noncompliant regarding the CRPD.

THE CURRENT SITUATION OF DISABLED PERSONS IN NIGERIA AS IT REGARDS THE SPECIFIC RIGHTS OF THE CRPD

Article 5: Equality and Nondiscrimination

There is no disability discrimination legislation enacted in Nigeria. There have been several attempts to pass such a law, most recently in 2011, but none have succeeded in the legislature.⁶ Further, the Nigerian constitution does not include disability in its closed list antidiscrimination provision.⁷ Within society, persons with disabilities continue to face discrimination and a lack of equality. The government has taken little to no action to remedy this beyond some provision of assistive devices.⁸ Most activity in the disability arena remains in the hands of disabled persons organizations or other nongovernment entities.

Article 6: Women with Disabilities

As in many other nations, women with disabilities face greater risk than other disabled persons. Women with disabilities are at a higher risk of sickness, injury, neglect, negligent treatment, maltreatment and exploitation.⁹ They are also more likely to be victims of violence, rape, or sexual abuse, and they are less likely to report such violence when it occurs. This is due both to the widespread lack of legal protection as well as the fact that women with disabilities tend to remain socially or physically isolated due to a lack of awareness of basic rights and necessary services. Women with disabilities are generally overlooked within disabled persons organizations, and only two of these groups focus on women with disabilities.¹⁰

Article 7: Children with Disabilities

There are two primary issues in Nigeria regarding children with disabilities. First, only a small percentage of children with disabilities are enrolled in primary and secondary school.¹¹ Of these children, a very small percentage receive the inclusive education that they need. Secondly, many families view children with disabilities as liabilities, leading to abuse or neglect. As a result, many children are forced out of the home and onto the street at an early age; many of these

⁵ CONSTITUTION OF NIGERIA (1999), §12.

⁶ *E.g.*, A Bill for An Act to Ensure Full Integration of Nigerians with Disability, *supra* note 3.

⁷ CONSTITUTION OF NIGERIA (1999), §15(2) (“...discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.”).

⁸ LANG & UPAH, *supra* note 1, at 6.

⁹ *The Duty Nigeria Owes Women and Girls with Disabilities*, DAILY TRUST, Dec. 27, 2011, <http://www.dailytrust.com.ng/index.php/other-sections/city-news/150913-th-duty-nigeria-owes-women-a-girls-with-disabilities>; Celine Ebere Osukwu, *The Place of Women with Disabilities in Nigeria*, WORLD PULSE, Mar. 21, 2010, <http://worldpulse.com/node/18821>.

¹⁰ These two groups are the Advocacy for Women with Disabilities Initiative (AWWDI) and the Family-Centered Initiative for Challenged Persons.

¹¹ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47-48.

children are reduced to begging as their only income.¹² These are especially exacerbated when a child has an intellectual disability.¹³

Nigeria has ratified the Convention on the Rights of the Child, and the country has domesticated it with the Child Rights Act of 2003. These instruments contain a number of guarantees intended to protect the rights of children with disabilities. The Child Rights Act ensures freedom from discrimination on the grounds of disability, and Article 23 of the Convention on the Rights of the Child ensures that children with disabilities have effective access to education, vocational training, recreation opportunities, and a number of other services. A number of Nigerian states have endorsed the Child Rights Act, but there is little movement as regards children with disabilities. They are largely still ignored, and there does not seem to be any significant attention focused on these children despite the legal obligation to institute such programs.

Article 8: Awareness-raising

Any type of awareness-raising by Nigeria is virtually non-existent. The government department tasked with disability issues, the Federal Rehabilitation Department, is vastly underfunded, and its only programs focus on distributing assistive devices.¹⁴ Drawing attention to disability rights and disability concerns falls to disabled persons' organizations, and these groups largely still utilize the charity and welfare approach to disability. There is little effort to promulgate the concept of disability rights.

Article 9: Accessibility

Accessibility remains a major concern in Nigeria as the community is highly inaccessible to persons with disabilities. The nation suffers from highly inaccessible public buildings, inaccessible transport services, and a marked lack of accessible information.¹⁵ These physical barriers contribute to persons with disabilities being treated as second-class citizens in many areas of the country.¹⁶ Partially due to this fact, many persons with disabilities either remain in the home with the family or make their living begging.

Article 10: Right to Life

- "State Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others."
- This is usually interpreted as working to prevent the abortion of fetuses with disabilities

Article: Situation of Risk and Humanitarian Emergencies

- Ensure protection and safety of DPs in situations of risk
- Situations of risk include natural disasters, armed conflict, and humanitarian emergencies

¹² *Id.* at 47.

¹³ See generally Jiril O. Abdulmalik & Shehu Sale, *Pathways to psychiatric care for children and adolescents at a tertiary facility in Northern Nigeria*, 3 J. OF PUB. HEALTH IN AFRICA 15 (2012).

¹⁴ LANG & UPAH, *supra* note 1, at 28.

¹⁵ *Id.* at 23; N. Amusat, *Disability Care in Nigeria: The Need for Professional Advocacy*, 1 AFRICAN J. OF PHYSIOTHERAPY AND REHABILITATION SCIENCES 30, 30-31 (2009).

¹⁶ *Id.* at 22 (citing LEONARD CHESHIRE DISABILITY, THREE YEAR STRATEGIC PLAN FOR NIGERIA 5 (2007)).

Article 12: Equal Recognition Before the Law

Persons with disabilities are not actively barred from exercising their legal capacity, but Nigeria provides very little of the support that is often necessary to exercise this capacity. The Nigerian constitution's equality clause contains no reference to disability, and there are no laws ensuring equal recognition before the law or non-discrimination.¹⁷ Additionally, the nation has established no laws or other provisions intended to ensure equal rights in other areas, such as property inheritance or control over financial concerns.

Article 13: Access to Justice

Disabled people in Nigeria generally face a wide range of barriers to accessible public spaces, and this situation is no different in procedural accommodations in the courts.¹⁸ There are no rules intended to ensure that judicial procedures are accessible and understandable to persons with disabilities, and there are very few provisions intended to facilitate their participation. Disability concerns are largely unknown to the government, and, as a result, there are no provisions to ensure their effective access to justice. Furthermore, there is little to no appropriate training for officials.¹⁹ In the prison context, persons with disabilities are not provided with any additional services, though a few prisons have made an effort to provide "specialized mental health facilities" for prisoners with intellectual disabilities.²⁰

Article 14: Liberty and Security of Persons

Because mental health services are often lacking in Nigeria, there are not significant issues regarding forced institutionalization or similar deprivations of liberty. Instead, it is not uncommon for persons with mental or intellectual disabilities to live on the streets when their families either no longer want them or are unable to care for them.²¹ However, a form of forced institutionalization often occurs as regards children with disabilities. These children are frequently forcibly placed in special schools that isolate them from the rest of the community.²² A step forward for Nigeria would likely entail instituting laws and practices that address the situation that persons with intellectual disabilities face, both on the street and as children.

Article 15: Freedom from Torture or Cruel, Inhumane or Degrading Treatment or Punishment

Nigeria's laws contain no provisions regarding guardianship or similar practices, and government provision of mental health care services is virtually nonexistent.²³ Due to this, there is less concern with the issue of persons with disabilities being subjected to forced experimentation and procedures. The dominant course of action by the government is to simply totally ignore them.²⁴ Persons with disabilities still suffer from degrading treatment, but the most dominant forms of such treatment are often the result of communities and private individuals

¹⁷ CONSTITUTION OF NIGERIA (1999), §12.

¹⁸ See LANG & UPAH, *supra* note 1, at 23.

¹⁹ See also, e.g., *Yale Contingent Confronts Mental Illness Stigma in Nigeria*, YALE SCHOOL OF MEDICINE (Jan. 4, 2012), <http://medicine.yale.edu/psychiatry/newsandevents/nigeria.aspx>.

²⁰ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47.

²¹ J.O. Shopeju et al., *Sociology of Mental Illness: The Study of the Un-institutionalized Mentally Challenged in Abeokuta, Ogun State, Nigeria*.

²² LANG & UPAH, *supra* note 1, at 22.

²³ See *Yale Contingent Confronts Mental Illness Stigma in Nigeria*, *supra* note 19.

²⁴ See LANG & UPAH, *supra* note 1, at 23.

rather than the government. For example, persons with disabilities may face exploitation in their local communities or abuse by their families. Families also sometimes place children with disabilities in isolating special schools when it is discovered that they possess an intellectual disability.²⁵

Article 16: Freedom from Exploitation, Violence and Abuse

Violence and abuse directed towards disabled persons is one of the more problematic areas for Nigeria. Disabled children are often abused, neglected, and forced out onto the street since they are often viewed as a burden on their family.²⁶ Children with disabilities continue to face the most significant amount of such abuse and violence, though other individuals with disabilities may also be targets. For example, many persons with disabilities in Nigeria face widespread exploitation as they are forced to turn to begging on the streets as their main source of income.²⁷ In Nigeria, persons with disabilities are often an invisible and ignored population, meaning that exploitation and abuse perpetrated against them often goes undocumented, and there are no legislative or other protections to guard against such abuse.²⁸

Article 17: Protecting the Integrity of the Person

This article is most relevant in relation to issues of consent and forced treatment, especially in regards to psychiatric care and intellectual disabilities. Nigeria does not suffer the practice of widespread forced institutionalization, primarily due to the fact that there is a significant lack of any kind of facilities designed to address intellectual disabilities.²⁹ This is compounded by widespread beliefs that such disabilities are the result of a curse or similar source.³⁰ However, children with disabilities are often abused, neglected, and eventually forced onto the street.³¹ This is not a direct assault on an individual's integrity as treatment without consent would be, but such treatment is intrusive of their physical integrity and affects their self-determination.

Additionally, most of the information available as relates to these issues is specifically in reference to children with intellectual disabilities. Little to no readily accessible information is available as regards adults with intellectual disabilities, leading to the assumption that they are either hidden away in the home or rejected by the family as children.

Article 18: Liberty of Movement and Nationality

- Right to liberty of movement, freedom to choose residence and nationality on an equal basis with others
- No arbitrary deprivation of nationality based on disability
- Freedom to leave the country
- Children with disabilities have the right to a name, nationality, and to know and be cared for by their parents.

²⁵ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 39.

²⁶ *Id.* at 47.

²⁷ *See id.* at 47; LANG & UPAH, *supra* note 1, at 22.

²⁸ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47-48.

²⁹ *See also* Abdulmalik & Sale, *supra* note 8, at 15-16 (discussing the extremely small percentage of those living in northern Nigeria who were aware of the idea of mental or psychiatric health care).

³⁰ *Id.*

³¹ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47.

Article 19: Living Independently and Being Included in the Community

Provision of community-based services for individuals with intellectual disabilities is one of the most apparent weaknesses in the nation's treatment of persons with disabilities. Most especially in rural Nigeria, there remains a strong belief that persons with intellectual disabilities are cursed or bewitched. As a result they are often excluded from the community or hidden away.³²

Partially as a result of these beliefs, there is very little provision of inclusive support services. Services available to the general community are often not accessible to persons with disabilities, including those with physical disabilities due to physical inaccessibility of locations or financial constraints.

Article 20: Personal Mobility

The government makes little effort to facilitate access for persons with disabilities. Public buildings and transport services are often inaccessible, making it difficult for persons with disabilities to fully participate in their community. The small number of assistive devices the government does provide are inadequate to meet the need for them, and they are often too expensive for the average citizen.³³ There is also no state-backed program focused on training in mobility skills to persons with disabilities or to train specialized staff.

Article 21: Freedom of Expression and Opinion, and Access to Information

There are legal provisions allowing for the use of alternative forms of communication, such as Braille, in some settings, but this is usually confined to the electoral context.³⁴ However, these are not always complied with, and accessible information is not readily available in everyday life. Though there is some attention paid to the need for information to be made available in Braille, there is no attention paid to easy to read formats that would assist those with intellectual disabilities in participating in community life.

Article 22: Respect for Privacy

- No arbitrary or unlawful interference with his or her privacy, or family home
- No interference with correspondence or other types of communication
- No unlawful attacks on his/her honor or reputation. DPs should have legal protection against such attacks.
- States should protect DPs privacy (including as regards personal, health, and rehabilitation information) on equal basis with others.
- This often tends to focus on practices of forced institutionalization and guardianship, neither of which Nigeria has in any widespread capacity.

Article 23: Respect for Home and the Family

Nigeria does not encourage practices that would interfere with the practice of marriage or child rearing. There also does not appear to be any attempts to control the reproduction of persons with disabilities by practices such as sterilization and the like. Despite these facts, there also remains

³² *Yale Contingent Confronts Mental Illness Stigma in Nigeria*, *supra* note 19.

³³ LANG & UPAH, *supra* note 1, at 21; *See Nigerian Government Unveils Scheme for Persons with Disabilities*, GLOBAL ACCESSIBILITY NEWS, July 6, 2011, <http://globalaccessibilitynews.com/2012/07/06/nigerian-government-unveils-scheme-for-persons-with-disabilities/>.

³⁴ Electoral Act (2011), §56.

no legal protection for persons with disabilities if their family or community attempts to deprive them of their ability to marry freely or bear children. This is not a common practice within communities as families tend to either reject or ignore persons with disabilities.³⁵ The more pressing issue in Nigeria remains the treatment of disabled children. Children with disabilities, especially intellectual disabilities, are often abandoned, and the state has no provision or program intended to care for these children when the family chooses not to do so.³⁶

Article 24: Education

Persons with disabilities, especially children with disabilities, often lack access to appropriate education. In 2008, it was estimated that there were 3.25 million children with disabilities, but only about 90,000 were enrolled in primary school and 65,000 in secondary school.³⁷ Mainstream schools often cannot meet the needs of disabled children, but placing these children in special schools intended to present a more accessible curriculum tends to severely isolate them from their surrounding community.³⁸ As it becomes increasingly clear that mainstream schools cannot meet the needs of children with disabilities, they are consistently pushed into isolating special schools that separate them from their community and often their family.³⁹ This lack of access to education often leads to difficulties in obtaining vital services and interacting with the community, further perpetuating social marginalization and exclusion. This lack of action as regards education for children with disabilities is particularly striking in light of the fact that Nigeria has ratified the Convention on the Rights of the Child and worked to domesticate it by promulgating the Child Rights Act. These instruments obligate Nigeria to ensure that disabled children have effective access to education and vocational services. However, less than one half of Nigerian states had ratified this Act, and the Convention's rights largely remain unimplemented on a widespread basis.

Article 25: Health

The Nigerian Constitution states that the nation should ensure that “there are adequate medical and health facilities for all persons.”⁴⁰ However, the nation largely continues to lack accessible health care for persons with disabilities. This stems from a variety of sources. First, there continues to be stigma associated with disabilities, most especially intellectual disabilities. This leads to some reluctance to provide care for such individuals. Second, health care facilities are often difficult to access due to financial concerns or geographical education. Additionally, women with disabilities are especially likely to be unable to obtain proper reproductive health care services as they also face barriers stemming from their gender.

Article 26: Habilitation and Rehabilitation

The Rehabilitation Department of the federal government has made some effort to provide relevant services, but rehabilitation services are largely lacking.⁴¹ Prosthetics are available

³⁵ See Abdulmalik & Sale, *supra* note 19, at 15; U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47.

³⁶ See Abdulmalik & Sale, *supra* note 19, at 15; U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 47.

³⁷ U.S. DEPARTMENT OF STATE HUMAN RIGHTS REPORT, *supra* note 4, at 48.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ CONSTITUTION OF NIGERIA (1999), §17(3)(d).

⁴¹ See Amusat, *supra* note 15, at 30.

through some regional offices, and they opened Vocational Rehabilitation Centres for persons with disabilities.⁴² More importantly, it provided special training to the blind, offering free programs in carpentry and poultry farming while offering written materials in Braille.⁴³ Though these programs continue to varying degrees of success, they perpetually suffer from a lack of resources as disability remains a low priority. Further, access to these programs and other government-sponsored rehabilitation services remains poor in Nigeria.⁴⁴ Assistive devices remain prohibitively expensive for many Nigerians, and vocational programs are underutilized due partially to poor design.⁴⁵ Because of this, NGOs and other organizations often have the most successful programs, though they are limited by financial and geographical constraints.

Article 27: Work and Employment

Some states across the nation provide assistance in the form of vocational training programs for disabled persons. However, the impact these efforts can have are often stymied by both lack of funding and a belief that career opportunities for persons with disabilities are inherently limited. In many areas even these programs are not supported, and there is little effort to promote accessible education or vocational programs. As a result, many persons with disabilities are forced to resort to begging for a living as they are left without any other significant viable options. Especially in rural areas, it remains virtually impossible for persons with disabilities to obtain long-term sustainable employment. This lack of employment leads to high poverty rates among persons with disabilities in Nigeria.⁴⁶

Article 28: Adequate Standard of Living and Social Protection

Disabled persons remain one of the poorest segments of Nigerian society, making other obstacles they face even more difficult to overcome. This makes achieving an adequate standard of living difficult, and there is little to no governmental effort focused on remedying this situation. The State has not taken any steps to ensure access to health care services or assist with disability-related expenses, and it has very sparse programs focused on addressing disability needs. As a result, disabled persons' organizations often run the more successful programs, but even their success is extremely limited.

Article 29: Participation in Political and Public Life

Nigerian law does make several accommodations intended to enable persons with disabilities to vote in all elections. The nation's electoral law permits a person with a person chosen by the disabled individual to assist them in voting, and it asserts that the voting commissioner "may take reasonable steps" to ensure that polling places are equipped with assistive technologies.⁴⁷ This requirement is diluted by the fact that it provides significant flexibility in the provisions of such technologies, stating only that a polling place may install them. Additionally, every voter must fill out a voter registration application. A person with a disability may not be assisted by a person of their choice in filling out the form; only a registration officer may assist them.⁴⁸

⁴² See LANG & UPAH, *supra* note 1, at 21, 24.

⁴³ *Id.* at 29.

⁴⁴ Amusat, *supra* note 15, at 30-31.

⁴⁵ See LANG & UPAH, *supra* note 1, at 24. (stating that government programs tend to teach highly specialized skills whose raw materials are not cheaply available outside of the program).

⁴⁶ *Id.* at 12.

⁴⁷ Electoral Act (2010), §56.

⁴⁸ *Id.* at §14.

Despite these legal provisions, persons with disabilities often find themselves unable to participate in political life. Assistive technologies are not frequently provided, and they are often barred from voting by such procedures as thumbprint ballot papers.⁴⁹ Disabled persons are also not included in election management bodies or even the political environment generally.⁵⁰

Article 30: Participation in Cultural Life, Recreation, Leisure and Sport

Though persons with disabilities are not necessarily explicitly excluded from such activities, there are no state efforts to enable their participation. Public buildings and areas are often inaccessible to persons with disabilities, hampering their participation in leisure activities and similar pursuits.⁵¹ By offering training in reading braille along with materials in braille, the government has made some efforts to ensure blind individuals can more fully participate in cultural and social activities.⁵² In contrast, Nigeria does not make any attempt to provide other forms of accessible information, such as easy to read formats. This hampers the participation of persons with disabilities other than blindness.

⁴⁹ Edegbe Odenwingie, *Nigeria: 2011 Elections – A Case for Persons with Disabilities*, ALLAFRICA.COM, Nov. 28, 2010, <http://allafrica.com/stories/201011291728.html>.

⁵⁰ *Id.*

⁵¹ See LANG & UPAH, *supra* note 1, at 23.

⁵² *Id.* at 29.