

**MAINSTREAMING PERSONS WITH DISABILITIES IN THE  
VISION 20:20 AGENDA - A CALL FOR THE ENFORCEMENT OF THEIR  
SOCIAL, ECONOMIC  
AND POLITICAL RIGHTS**

**A PAPER PRESENTED BY**

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## 1. INTRODUCTION

I must commence this presentation by applauding the proactive initiative of the entire members of the Network Advocacy for Persons with Visible Disabilities (NAPVID). They have taken the bulls by the horns in their veritable attempt to advance the rights of the physically challenged members of our society. Today's event marks a watershed in their efforts to sensitize and enlighten the public on the rights of this strategic group of people in order to facilitate their contributions to the process of nation building.

We will proceed with a working definition of the concept of **disability**. Presently, a non governmental organization known as the **Disabled Peoples' International (DPI)** is engaged in the networking of national organizations or assemblies of disabled people in order to promote the human rights of disabled people through full participation, equalization of opportunity and development.

For many years, DPI along with many other major international organizations has found it difficult to adopt a common definition of disability. This has been due to certain factors such as:

- (i) Many different definitions used in legislations in different countries;
- (ii) Most definitions in use were medical definitions;
- (iii) Problems with translations of different definitions;
- (iv) Acceptance in some countries of terms which were rejected by other countries; and
- (v) The international classification of impairment, disability and handicap.

However, in the mid 1990's, the World Health Organization (WHO) began a process of examining their International Classification of Impairment, Disability and Handicap (ICIDH) and one Rachel Hurst represented DPI in this review. At the end of the exercise, they produced a final document, the International Classification of Functioning (ICF), which takes a very strong approach to the social model of disability as against the medical model previously used. In conclusion, the ICF defines disability as the outcome of the interaction between a person with impairment and the environmental and attitudinal barriers he/she may face.

The ICF definition of disability was endorsed in the United Nations Convention on the Rights of Persons with Disabilities. The Convention was adopted by the UN General Assembly on the 13<sup>th</sup> of December, 2006 and came into force on the 3<sup>rd</sup> of May, 2008.

The preamble to the Convention states that "disability is an evolving concept, and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others"

The above definition will suffice for a working definition of disability in this presentation. We may make reference to other definitions of disability as we progress on the subject.

In this paper, we shall examine the ambit of the vision 2020 project in Nigeria vis-à-vis the role of the persons with disabilities. Furthermore, we will consider the social, economic and political rights of this group in relation to the aforesaid project.

Finally, we shall embark on an assessment of the entire process of mainstreaming persons with disabilities into the vision 2020 project.

## 2.0 THE VISION 2020 PROJECT IN NIGERIA

The Nigeria Vision 20: 2020 project is Nigeria's bold and ambitious plan to propel the country to join the league of the 20 largest economies of the world by the year 2020. The attainment of the Vision would enable the country achieve a high standard of living for its citizens. The project was initiated and articulated during the administration of President Olusegun Obasanjo (1999 – 2007).

At the inception of the Yar'Adua administration in May, 2007, the Federal Government set up the National Council on Vision 2020 to develop a blueprint for the Vision 20:2020 project, in collaboration with the National Planning Commission. In November, 2009, the Nigeria Vision 20:2020 Economic Transformation Blueprint for Nigeria was released to the public.

The Nigeria Vision 20:2020 program was developed by Nigerians for the Nigerian people through a process of thorough engagement with all stakeholders across all levels of government and society. The Vision is a rallying point for all Nigerians, regardless of ethnicity, political leaning, economic status or religion. The common objective is to position the country on a sustainable path of development and transformation into a modern society with the ability to play a greater role among the comity of nations.

The Vision will be pursued through a series of three-four year plan which will further articulate the strategies, polices, projects and programs among other things.

### 2.1. OBJECTIVES OF THE VISION 20:2020 PROJECT

The two broad objectives of the project are to:

- (i) Make efficient use of human and natural resources to achieve rapid economic growth; and
- (ii) Translate the economic growth into equitable social development for all citizens.

The developmental aspirations of the project cut across four dimensions:

- (i) Social – Building a peaceful, equitable, harmonious and just society;
- (ii) Economic – Developing a globally competitive economy;
- (iii) Institutional – Having a stable and functional democracy; and
- (iv) Environmental – Achieving a sustainable management of the nation’s natural resources.

The vision statement of the project is as follows: “By 2020, Nigeria will have a large, strong diversified, sustainable and competitive economy that effectively harnesses the talents and energies of its people and responsibly exploits its natural endowments to guarantee a high standard of living and quality of life to its citizens”

In the context of globalization and the increasing relevance of Nigeria as a leading emerging market economy, the need for total transformation of Nigeria through long term development management strategies has become compelling. The project offers strategies towards realizing Nigeria’s potentials and her emergence as one of the leading global economies in the world by 2020.

One of the stated objectives of the Vision 20:2020 project is the empowering of persons with disability. The plan of action as contained in the policy document is to address the problems of Persons with Disability (PWD) by reviewing the educational system and laws on discrimination as well as awareness creation for establishing Self Help Groups (SHG) and Cooperative Societies.<sup>1</sup>” From this stated objective, it is evident that PWDs are certainly not left out in the implementation of the Vision 20:2020 project. Like all other able bodied citizens, the PWDs have some roles to play in the program. The program strategy is simply to empower the PWDs to enable them to contribute their quota towards the fulfillment of the overall objectives of the Vision 20:2020 project. In the course of this presentation, we shall attempt to appraise this aspect of the program in terms of achievements if any.

### 3.0. THE RIGHTS OF PERSONS WITH DISABILITIES

All over the world there have been spirited efforts by people with disabilities to establish their legal rights as **bona fide** members of the society. Before the 1970s, most legislations dealing with the challenges faced by such persons were more concerned with the provision of some forms of social security or public –assistance benefits. The change in the 1970s and 1980s centered on the rights of disabled people to the same protection under the law enjoyed by the rest of the population.

In advocating for their rights, people with disabilities have strived to establish some salient principles. One is that they should be considered on the basis of individual merit, not on some stereotyped assumption about disabilities. Secondly,

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1. See Nigeria Vision 20: 2020 Abridged Version, 12 December, 2010 page 10.

society must make certain changes to enable them to participate more easily in secular activities. For example, there should be wheelchair access to public buildings, transportation and other public facilities. A third principle is that, to the extent appropriate for each individual, disabled people should be integrated with people who are not disabled.<sup>2</sup>

The 8<sup>th</sup> Edition of **Blacks Law Dictionary** defines a right as that which is proper under law, morality or ethics. It is something that is due to a person by a just claim, legal guarantee or moral principle. It is a power, privilege or immunity secured to a person by law.

The 2008 edition of the **Microsoft Encarta Dictionary** defines a right as a justified claim or entitlement, or the freedom to do something.

The rights of the PWDs to be considered in this presentation have been circumscribed by the topic. They are the social, economic and political rights of persons with disabilities.

The rights of all persons are rooted in human rights framework based on the provisions of the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants of Human Rights and other local legislations of different nations. In Nigeria, the human rights of PWDs like other individuals are enshrined in the 1999 Constitution, other local legislations and other international and regional human rights instruments adopted by Nigeria.

### 3.1 SOCIAL AND ECONOMIC RIGHTS

In view of the common and constant overlap between social and economic rights, we will examine the two together in our consideration of the rights of persons with disabilities.

A common perception of the populace is that persons with disabilities are victims of divine displeasure or divine judgment. This is more so when the disability is congenital. Society has the tendency to stigmatize such people and to isolate them. This belief dates back to biblical times. The scriptures give us an account when Christ came into contact with a man who was born blind. The people asked Christ the question: *“Master, who did sin, this man, or his parents, that he was born blind?”* Christ gave them an answer that surprised them thus: *“Neither hath this man sinned, nor his parents: but that the works of God should be made manifest in him”* Thereafter, Christ performed the miracle of healing on the man, to correct their misunderstanding.<sup>3</sup> It is such misunderstanding that gives rise to discrimination.

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2. See Hull Kent “People with Disabilities”. Microsoft Student 2008 (DVD) Redmond, W.A: Microsoft Corporation, 2007.

3. John 9: 1 - 3

One of the fundamental objectives and directive principles of state policy as enshrined in the 1999 Nigerian Constitution, enjoins the state to carry out its **social objectives** towards ensuring that:

“(a) **all citizens without discrimination** on any group whatsoever have opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment.”<sup>4</sup>

There is another provision on economic objectives which seeks to ensure:

“(b) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and **welfare of the disabled** are provided for all citizens”<sup>5</sup>

These are laudable social and economic objectives which ostensibly seek to protect the rights of all citizens including persons with disabilities. Unfortunately, by virtue of the provisions of section 6(6) (c) of the said Constitution, the entire provisions of Chapter II on the Fundamental Objectives and Directive Principles of State Policy are non-justiciable. The provisions cannot be enforced in a court of law. They are merely cosmetic declarations to garnish our constitution. In the case of Archbishop Anthony Olubunmi Okogie & Others v Attorney-General of Lagos State<sup>6</sup>, it was held that the directive principles of state policy as enshrined in the Constitution have to conform to and run subsidiary to the fundamental rights provisions in Chpt. IV of the Constitution and that the said directive principles are subject to the legislative powers of the State.

### 3.2 GLOBAL RESPONSES TO THE RIGHTS OF PWDs

Sometime in the 1980s, there was a movement towards the re-conceptualization of human rights at the international level. Social and economic rights were being accorded the same status as civil and political rights. There was an increasing clamour to project and propagate the rights of vulnerable persons in the society. In December, 2001, the UN set up an Ad Hoc committee to consider proposals for a comprehensive and integral international convention to protect the rights and dignity of persons with disabilities. The process culminated in the adoption of the **Convention and Protocol on the Rights of People with Disabilities** in 2006. Nigeria ratified the Convention and the protocol in 2010. With this development, we may safely adopt the provisions of the said instruments as the benchmark on the rights of PWDs in Nigeria.

The Convention not only gives universal recognition to the dignity of persons with disabilities but it marks a paradigm shift in attitudes and approaches to persons

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4. section 17(3) (a) 1999 Constitution

5. section 16(2) (d) 1999 Constitution

6. (1981) 1 N.C.L.R. 218

with disabilities. In this dispensation, we have witnessed a move from an approach where persons with disabilities were considered as **objects** of charity, social protection and medical treatment to **subjects** of human rights, able to make decisions about their life, their future and to claim rights on their own behalf. They are no longer objects of social welfare – a burden on the society but active members of the society with something to contribute to the society.<sup>7</sup>

The general principles enshrined in the UN Convention are as follows:

- (i) Respect for inherent dignity and individual autonomy including the freedom to make one's own choices and independence of persons;
- (ii) Non-discrimination;
- (iii) Reasonable accommodation;
- (iv) Full and effective participation and inclusion in society;
- (v) Respect for differences and acceptance of persons with disabilities as part of human diversity and humanity;
- (vi) Equality of opportunity;
- (vii) Accessibility;
- (viii) Equality between men and women; and
- (ix) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

### 3.3 LOCAL RESPONSES TO THE RIGHTS OF PWDs

The articulation of the rights of persons with disabilities at the national and state levels has not been quite encouraging in Nigeria. There appears to be a palpable apathy on the path of successive administrations towards the plight of this vulnerable group. Little wonder therefore that the PWDs themselves have taken up the gauntlet to champion their own cause. We must commend their initiative and rally in support of this noble objective.

At the level of legislative reform, some legislations have been enacted which though not specifically addressing the rights of PWDs but in a way seeks to protect their interest. Such legislations include the **Child Rights Act 2003**,<sup>8</sup> which has been domesticated by some states of the federation, the **Universal Basic Education Act 2004** and the **Employees Compensation Act 2010**.

In recent times, some legal scholars have made references to provisions of the **Nigerians with Disability Decree of 1993** purportedly promulgated under the military dispensation. The origin, existence or validity of this decree is quite controversial.

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7. See Prof. Ayodele Atsenuwa: Local And Institutional Mechanisms For Protecting Persons with Disabilities In Nigeria.

8. See section to (1) (d) of the Child Rights Act, 2003;

It is not contained in the **2004 Edition of the Laws of the Federation of Nigeria**. The present status of the Decree is not clear and we cannot vouch for its authenticity. So I will reserve my comments on this piece of legislation till the concluding part of my presentation.

In the current civilian dispensation, some attempts have been made to sponsor some bills at the National Assembly to secure and safeguard the rights of PWDs in our society. Unfortunately, none of these bills has crystallized into a full fledged legislation. The bills include:

- (i) A Bill for an Act to Provide Special Facilities for the use of Handicapped persons in public buildings sponsored by Dr. Jerry Sonny Ugokwe;
- (ii) A Bill to prohibit Discrimination against persons with disabilities, 2008, sponsored by Senator Bode Olajumoke;
- (iii) Nigerians with Disabilities Bill, 2008, sponsored by Hon. Abike Dabiri and 17 others; and
- (iv) A Bill for an Act to prohibit all forms of discrimination against persons with disabilities and Give them Equal Opportunities in all Aspects of Life in Society, 2009, sponsored by Hon. Tunde Akogun.

All these bills are still pending before the National Assembly.

However, at the level of the states, the situation is not so gloomy. A few states have demonstrated pragmatic commitment to the plight of the PWDs by enacting specific legislations to protect their rights and interests. Way back in 1981, the Plateau State Government enacted the **Plateau State Handicapped Law, 1981**. The law stipulates inter alia, that education of children with handicaps is compulsory and provides for the rehabilitation needs of adults with handicaps. We are however not aware about the level of implementation of this relevant piece of legislation.

In Lagos State, sometime in 2003, the legislature enacted a law captioned the **Disabled Persons Welfare (Enhancement) Law, 2003 of Lagos State**. The law seeks to enhance the welfare of disabled persons within the State. Available reports show that this law is not being implemented presently.

Also recently, the same Lagos State Government enacted a law the **Lagos State Special People's Law 2011** to ensure *inter – alia* that people living with disabilities in the state are given equal rights in all social services, employment, political and educational facilities. The law also safeguards them against discrimination and guarantees their right to access information, conducive socio-economic environment, and access to special education and public transportation facilities. We sincerely hope that this law will not suffer the same fate as the 2003 legislation.



### 3.4. POLITICAL RIGHTS

On the political scene it would be observed that generally speaking there are no political rights which are peculiar to persons with disabilities. PWDs enjoy the same political rights as other members of the society.

Basically, subject to the provisions of the Constitution and other relevant statutes which make provisions for qualifications of holders of various political offices, every citizen of Nigeria is eligible to hold any political position. The issue of disability may only come to play if the disability is such that it may prevent the person from carrying out the functions of the office. In that case it is not a question of right but that of the ability or competence of the person to hold that particular office. In essence, Nigerian law recognizes the right of PWDs to hold political positions. There are some of them in the executive and legislative arms of government.

Another aspect is that of franchise, the right to vote. Here again, the Nigerian law recognizes the practice of universal adult suffrage. Section 12 of the **Electoral Act 2010** stipulates *inter alia* that a person shall be qualified for registration as a voter if such a person is a citizen of Nigeria and has attained the age of eighteen years.

Legally speaking, disability cannot deprive any one of the right to vote in Nigeria.

However, notwithstanding the rights guaranteed by the law, it is an obvious fact that the modalities are yet to be put in place to guarantee the easy exercise of voting rights by persons with disabilities. For example, our present manual system of the use of ballot papers and ballot boxes cannot guarantee the right of visually impaired voters to vote without the assistance and intervention of a third party. This is a direct infringement of the right to secret ballot. The infringement *per se* is an obvious limitation on the political rights of persons with disabilities.

Some advanced political societies have surmounted such limitations by legislative interventions to structure their electoral system to accommodate the rights of PWDs. In the United States for example, they have the **Help America Vote Act of 2002** which provides for voting systems to be accessible for all those with disabilities, including special assistance for the blind or otherwise visually impaired voters.

We sincerely commend the American approach and implore the electoral agencies to act in conjunction with the legislative organs of government to restructure our electoral system to accommodate these modern and pragmatic initiatives.

### 4.0 CONCLUSION

The role of strategy in the development and emancipation of a nation cannot be over emphasized. The Vision 20:2020 project is a strategic attempt of the government to propel the Nigerian nation into the league of the twenty largest economies by the year 2020. The task appears Herculean but applying the right strategies, this feat is quite achievable.

We have closely examined the roles of persons with disabilities with particular reference to the possibility of mainstreaming them into the Vision 20:2020 project.

In the course of the presentation, we observed that one of the main objectives of the project is **to make efficient use of human and natural resources to achieve rapid economic growth.**

The conglomeration of persons with disabilities presents veritable potentials in terms of human resources. We cannot afford to neglect such potentials. Going through the course of history, we have a line of persons with disabilities who made enormous contributions to advance their communities. They include:

- (i) Gouverneur Morris who helped to draft the Constitution of the United States of America in 1780. He had an artificial limb, and rose to become a Senator from New York;
- (ii) Benjamin Franklin, a congress man and a great American statesman. He was carried about in a wheel chair;
- (iii) Franklin Delano Roosevelt, the 32nd American President. He was a victim of polio. He overcame his disability and ruled American from his wheel chair during the period of the great depression. He introduced the new Deal of relief, recovery and reform;
- (iv) Louis Braille who became blind after he accidentally stabbed himself in the eye. He later designed the Braille writing system which enables blind people to read through organized bumps representing letters; and
- (v) There are also famous blind musicians like Ray Charles and the legendary Stevie Wonder. We also have our own Cobhams Asuquo, a blind music producer from Cross River State.

The list of talented persons with disabilities is inexhaustible. The bottom line is that the PWDs have their roles to play and they must be given the opportunities to contribute their quota towards the advancement of their fatherland. This is not the time to practice any form of discriminations against persons with disabilities.

It is seriously recommended that the prohibition against discrimination should be reinforced by giving it some constitutional backing. As we earlier observed, the provision of section 17(3) (a) of the 1999 Constitution which talks of discrimination

is not justiciable. The justiciable provision of the Constitution relating to discrimination is section 42 which enshrines the right to freedom from discrimination. This provision though justiciable, does not include disability as one of the prohibited grounds of discrimination. In other words, if a person with disability suffers any form of discrimination as a result of his disability, he cannot invoke his right under section 42 of the Constitution. The simple solution is to effect a constitutional amendment to include disability as one of the prohibited grounds of discrimination.

Furthermore, I advocate the domestication of the provisions of the UN Convention on the Rights of Persons with Disabilities by all the States of the Federation including the Federal Capital Territory. This will greatly enhance the implementation of all the laudable provisions of the Convention.

From the Lagos experience, we have learnt that the passage of the legislations *per se* cannot guarantee the rights of the PWDs. There must be a body set up to implement the legislations guaranteeing the aforesaid rights. The composition of such bodies should be with the consultations of existing and recognized associations of people with disabilities. Moreover, the PWDs should have adequate representations on the boards of such enforcement agencies to secure the interests of their members.

We have observed that there are some bills pending before the National Assembly relating to the rights of disabled persons. I am not aware of the contents of those bills but from their titles it is apparent that the passage of those bills will go a long way to advance the cause of persons with disabilities in Nigeria. There is even a bill sponsored by Hon. Abike Dabiri which bears the same caption with the controversial legislation: **Nigerians with Disability Decree**. I wish to observe that if the bill was formulated in the same terms as the aforesaid Decree, it will be a formidable legislation to advance the rights of persons with disability. For the avoidance of doubt the disputed Nigerians with Disability Decree of 1993 commences with a mission statement as follows:

*“The purpose of this Decree is to provide a clear and comprehensive legal protection and security for Nigerians with Disability as well as establish standards for enforcement of the rights and privileges guaranteed under this decree and other laws applicable to the disabled in the Federal Republic of Nigeria”*

Thereafter, the decree *inter alia* makes provisions for the protection of the human rights of persons with disabilities. The rights guaranteed under the decree include: the right to free medical and health services (section 4); the right to free education at all levels (section 5) the right to free transportation by bus, rail or any other conveyance (other than air travel) that serves the general public needs (section 9 ); the right to public and private sports facilities (section 11 ); and the right to access

telephone and other media and telecommunication facilities ( section 12 ) and voting access rights( section 13).

To give effect to the laudable provisions of the decree, section 14 thereof established a **National Commission for People with Disability**. The Commission was charged with the objectives of promoting the welfare of the disabled and to enhance the full utilization of the disabled in the developing of human resources and to bring about their acceptance as full participants in every phase of national economy and development with equal rights and corresponding obligations.

It is a matter of great regret that despite the laudable provisions of the 1993 Decree, there was no attempt whatsoever by the government to implement the provisions. The legislation was dormant from its conception. It has remained dormant ever since, so dormant that it has virtually disappeared from the 2004 Edition of the Laws of the Federation of Nigeria.

It is my fervent hope that the bill before the National Assembly bearing the same caption, should adopt some of the pragmatic provisions of the 1993 Decree. For ease of reference, I have attached a copy of the 1993 Decree to this paper.

Finally, the point must be made that persons with disabilities are *bona fide* citizens of this country, they possess innate human rights and they are entitled to the exercise and enforcement of their social, political, economic and other civil rights. The government and other relevant stakeholders should create the enabling environment to facilitate the contributions of this veritable crop of Nigerians towards the success of the Nigeria project.

I sincerely thank the organizers of this program for giving me the opportunity to share my thoughts on this salient subject. Thank you very much and God bless you all.

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## NIGERIANS WITH DISABILITY

DECREE 1993

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

### **SECTION I GENERAL PRINCIPLES**

(a) The purpose of this Decree is to provide a clear and comprehensive legal protection and security for Nigerians with disability as well as establish standard for enforcement of the rights and privileges guaranteed under this decrees and other laws applicable to the disabled in the Federal Republic of Nigeria.

### **SECTION 2 DECLARATION OF POLICY**

(1) Disabled persons shall be guaranteed treatment as equals to other Nigerians for all purposes in the Federal Republic of Nigeria. Accordingly it shall be the duty and responsibility of organs of government and of all authorities and persons to adopt and promote policies that will ensure full integration of the disabled into the mainstream of the society.

(2) Government shall ensure within the context of economic, political and social idea and objectives to Nigerians that:

- (a) Disabled persons are fully integrated into the national economy.
- (b) Disabled persons shall have equal rights, privileges, obligations and opportunities before the law.
- (c) Disabled persons are provided equal and adequate education.

### **SECTION 3 INTERPRETATION**

In this Decree, unless it is otherwise expressly provided:

"Commission" means National Commission for people with Disability

"Disabled person" means a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards.

### **SECTION 4 RIGHTS AND PRIVILEGES OF PERSONS WITH DISABILITY**

#### **1. HEALTH SERVICES**

- (a) Disabled persons shall be provided in all public health institutions free medical and health services including general medical needs.
- (b) Where disability is suspected in the course of medical treatment it shall be the duty of all health institutions to provide and submit to the commission a

monthly preliminary certificate of Disability (PCD) which shall last for not later than 180 days.

(c) A preliminary certificate of Disability upon acknowledgment by the commission shall entitle a health institution to compensation for all health services to the disabled.

(d) Upon the recommendation of a treating physician, a disabled person shall be entitled to a permanent Disability Certificate (PDC) which shall make a person so qualified a disabled person entitled to all the rights and privileges under this Decree.

(2) The purchase, importation transfer or gift of health materials to a disabled person shall not be subject to any tax, duties, surcharges or levies whatsoever.

## **SECTION 5 EDUCATION**

(1) Disabled persons shall be provided in all public educational institutions free education at all levels.

(2) Government organs and authorities shall ensure (1) Adequate training for personnel to cater for the educational development of the disabled in educational institutions. (2) Vocational training to develop skills. (3) Government organs and authorities shall;

(1) Take into consideration the special needs and requirements of the disabled in the formulation, design of educational policies and programs .

(2) Ensure structural adaptation of all educational institutions to the needs of the disabled as much as possible.

(3) Promote specialised institutions that will facilitate research and development of educational of the disabled.

(4) Government shall promote;

(1) The establishment of special schools with appropriate curriculum designed for different disability conditions.

(2) The training and in-service training of teachers suited for different disabilities.

1. Improvement of facilities and equipment in educational institutions to facilitate the education of the disabled.
2. The Establishment of a National Institute of special Education to cope with the increasing research and development in the education of the disabled.
3. The strengthening of cooperation and collaboration among relevant authorities, organs, institutions to ensure early and coordinated education of the disabled.
4. Interaction and exchange between disabled children in special schools and children in ordinary schools.
5. Improvement of university education facilities to ensure maximum benefit of university education for the disabled.

(5) Government shall ensure that not less than 10% of all educational expenditures are committed to the education needs of the disabled at all levels.

## **SECTION 6 VOCATIONAL RERABILITATION AND EMPLOYMENT**

(1) Government shall take measures to promote the employment of the disabled: Accordingly;

- a. Vocational rehabilitation centres to develop and enhance the skills and potentials of persons with disability shall be established in all local government areas.
- b. Training programs shall be established to develop vocational skills.
- c. Vocational guidance and counselling shall be available to the disabled.

(2) All employers of labour shall reserve for the disabled not less than 10% of the work force.

(3) At least 10% of all fund allocation to training and personal development shall be reserved by employers of labour for the disabled.

(4) A disabled person shall not by reason only that he is such a person be subjected to any disability or conditions by any employer.

(5) Private employers who employ disabled persons either as regular employees, apprentice or learner on full time basis shall be entitled to tax deduction of fifteen percent (15%) of all payable tax upon proof to Internal Revenue Department.

## **SECTION 7 HOUSING**

(1) Government shall ensure at all times that all policy guidelines for housing take into consideration the needs of the disabled.

2. Government shall within the national housing policy provide:

- a. Reasonable subsidised accommodation for the disabled.
- b. Apportion to the disabled not less than 10% of all public houses.
- c. Improvement of existing housing facilities in order to render them accessible to the disabled.

## **SECTION 8 ACCESSIBILITY**

(1) Accessibility public institutions and facilities 17 are hereby guaranteed to the disabled.

(2) It shall be the responsibility of all organs in the Federal Republic of Nigeria to provide for the disabled;

- (a) Access and adequate mobility within its facilities.
- (b) Suitable exits for the disabled.

## **SECTION 9 TRANSPORTATION**

(1) A Disabled person shall be entitled to free transportation by bus, rail or any other conveyance (other than air travel) that serves the general public needs.

(2) All public transport system shall take steps to adapt required fittings for needs of the disabled.

(3) Priority shall be given to the disabled in all publicly supported transport system. Accordingly reasonable number of seats shall be reserved solely for the use of the disabled.

## **SECTION 10 SUPPORTIVE SOCIAL SERVICES**

1. Government shall provide auxiliary social services where appropriate to the disabled. Towards this end assistance shall be given in all way appropriate:
  - (a) In the acquisition of prosthetic devises and medical speciality services.
  - (b) In providing specialised training activities to improve functional limitations.
  - (c) In developing appropriate counselling and orientation to improve self-image.
  - (d) In developing program to assist the families of the disabled to adjust to disability.
  - (e) In providing appropriate follow-up services for the rehabilitation of the disabled.
- (d) In assisting with child care services for the children of the disabled.

## **SECTION 11 SPORTS AND RECREATION**

- (1) All public and private sports facilities shall be accessible to the disabled. Accordingly the appropriate authorities and organs shall ensure that:
  - (a) The disabled is not discriminated against in all sporting and rehabilitation facilities.
  - (b) At least 10% percent of all funds committed to sports and recreational activities are used for the development of the recreation and sports of the disabled.
  - (c) Proper and necessary training of specialists on disabled sports and games is provided.
  - (d) Improvement of existing facilities and equipment taking into consideration the nature of disability are undertaken.

## **SECTION 12 TELECOMMUNICATIONS**

Priority access to the telephone and other media and telecommunication facilities in the Federal Republic of Nigeria guaranteed to the disabled under this Act. Accordingly at the coming into effect of this Act:

- (a) Television stations shall provide sign language inset or substitutes in at least one major newscast program each day and in all special programs of national significance.
- (b) All telephone companies shall provide at reasonable price special telephone devices for the hearing-impaired.



(c) Postal agencies shall provide for disabled persons free postal services for all materials to aid the learning or improvement of the disabled.

(ii), Aids and orthopaedic devices for the disabled sent by mail.

Provided that the aforementioned items are solely for personal use of the disabled.

### **SECTION 13 VOTING ACCESS**

1. A Disabled person shall have the right of assistance by a person of his choice to vote at the Federal Republic of Nigeria.
2. The National Electoral Commission shall make polling places available and accessible to the disabled in all elections.

(3) Government shall respect and protect the civil liberty of the disabled to

- (i) Free assembly for political purposes and other lawful purposes.
- (ii) Free association to protect their welfare and interests.
- (iii) Vote and be voted for in all elections.

### **SECTION 14 LEGAL SERVICES**

Government shall provide public and private funding support for legal clinics for the disabled.

#### **ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PEOPLE WITH DISABILITIES**

There is hereby established a body to be known as the National Commission for people with Disability, the Commission shall be a body corporate with perpetual succession and a common seal and may sue in its corporate name.

#### **OBJECTIVES OF THE COMMISSION**

- (a) Promote the welfare of the Disabled in general
- (b) Promote the full utilisation of the Disabled in the development of human resources and to bring about their acceptance as full participants in every phrase of national economy and development with equal rights and corresponding obligations.
- (c) Stimulate and encourage actions that will improve the Civic Political, Cultural, Social and Economic education of the disabled.
- (d) Play a co-ordinating role between government and the Disabled Nigerians.
- (e) Work towards total elimination of all social and cultural practices-tending to discriminate against and dehumanise the disabled.
- (f) Co-ordinate in the various states of the Federation to promote government efforts to enhance the integration of the disabled into the Community.
- (g) Enforce the rights of the disabled in any existing legislation in all ways deemed proper and appropriate.

#### **MEMBERSHIP OF THE COMMISSION**

The commission shall consist of the following members:

- (a) A full time or part time Chairman who shall be a disabled person-appointed by the President and Commander in Chief of Armed Forces.

(b)

- (i) One representative of each of the following, Ministries of Health-and Human services, Education, Labour and Productivity, National Sports Commission, Nigeria Labour Congress, N.E.C.A, Spinal Cord Injuries Association of Nigeria or Spinal Injuries Association of Nigeria, Federal Nigeria Society for the Blind, National Advisory Council for the Deaf, and
- (ii) One person representing each of the following disabled community:
- (a) Visually Impaired Organisations
  - (b) Hearing and Speech Impaired Organisations
  - (c) Mentally Impaired Organisations
  - (d) Mobility Impaired Organisations

(iii) One Legal Practitioner.

(c) The Commission shall have power to make recommendations for the periodic review of membership of the Commission from time to time.

#### **TENURE OF OFFICE**

1. The Chairman of the Commission shall hold office for a period of 2 years and shall be eligible for re-appointment for a further term of 2 years.
2. A member of the Commission shall hold office for a term of 2 years from the date of his appointment and shall be eligible for a further period of 2 years.
3. The office of any Chairman of the Commission shall become vacant if:
  - a. He resigns voluntarily by notice in writing, addressed to the Minister in Charge of the disabled persons affairs.
  - b. The office of any other member of the Commission shall become vacant if he resigns voluntarily by notice in writing addressed to the Chairman of the Commission.

(c) A member of the Commission shall be subject to removal upon a vote of 2/3 majority of all the members of the Commission calling for his removal and approved by the Minister.

(d) Where the office of the Chairman of the Commission becomes vacant the Commission shall elect one of their members for the unexpired term of the outgoing Chairman.

(e) Where vacancy occurs in the membership of the Commission it shall be filled by the majority vote of the members of the Commission for remainder of the term of the vacant office.

#### **SPECIAL FUNCTIONS OF THE COMMISSION**

Without prejudice of this Act the Commission shall in addition;

- (a) Develop programmes and projects within the National Development plans aimed at enhancing the status, development and acceptability of the disabled within the Community.
- (b) Establish throughout the Federal Republic of Nigeria as appropriate, vocational educational and rehabilitation centres specially designed, to meet the needs of the disabled.

(c) Monitor the response of various governmental agencies and other bodies concerned with the welfare of the disabled.

- c. Enforce through the legal process whenever necessary in collaboration with the appropriate agencies the rights that accrue to the disabled under the laws of Nigeria.

### **APPOINTMENT OF SECRETARY**

- a. There shall be appointed an Executive Secretary (hereinafter called "Secretary") by a majority vote from the list of applicants with sufficient knowledge of the rights of the disabled.

(b) The Secretary shall be the head of the Secretariat of the commission shall be responsible to the Chairman of the Commission.

(c) The Secretary shall be responsible for the daily administration of the Commission towards the achievement of the objectives of the Commission as well as the enforcement of the decisions and policies.

(d) The Commission shall have power to appoint such other staff as it may deem proper and necessary to assist the work of the Commission.

(e) All staff of the Commission shall come within the category of the public officers of the Federation as defined in the Constitution of the Federal Republic of Nigeria.

### **PROCEEDINGS AT MEETINGS**

- a. The Commission shall work democratically such that;
1. All decisions are reached by consensus of majority vote.
  2. Decisions of the Commission are binding on all members.
  3. Minority views are respected and recorded.
  4. The right to fair hearing is guaranteed.
  5. Unless by invitation, a non-member shall not partake in its proceedings.
- a. The Quorum of any meeting shall be five.

### **COMMITTEES**

(a) The Commission shall have the power to set up any standing or ad-hoc Committee as it may deem proper and necessary to carry out specific assignment and report back to the Commission for its discussion and its decisions.

(b) The Commission shall have the-power to determine the quorum of any committee set up by it.

### **FUNDS**

1. (a) The Commission shall maintain a fund out of which it will defray its expenditure and do such other things for the attainment of the objectives of the commission and the welfare of the disabled.

(b) All monies of the Commission shall be paid into its account or accounts as authorised by the Commission.

(c) The signatories to the account of the Commission shall be;

(1) A Chairman

(2) A Secretary

(3) and any other member appointed by the Commission.

(d) All monies accrued to the Commission from any source whatsoever shall be reported and accounted for.

2. For the purpose of its annual expenditure the Commission shall prepare not later than October in each year an estimate of all expenditures for the next succeeding year.

3. The accounts of the Commission shall be audited by an external auditor appointed by the Commission.

### **ANNUAL REPORTS**

The Commission shall prepare an Annual Report of its activities which shall be presented to government and all governmental agencies involved in the works of the Commission.