

NIGERIA

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1 Population indicators

1.1 What is the total population of Nigeria?

Based on the 2006 Census figures the total population of Nigeria was 140 431 790.¹ In 2019, the projected population of Nigeria stood at 201 135 262.² On Friday 28 April 2023, the Nigerian government indefinitely postponed the 2023 Population and Housing Census, which was previously scheduled for 3-7 May 2023.³ However, the current population of Nigeria is 224 760 252 as of Tuesday, 5 September 2023, based on Worldmeter's elaboration of the latest United Nations data.⁴

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1 Federal Republic of Nigeria Official Gazette, No 2 Abuja, 2 February 2009, Vol 96, National population Commission Census Priority Table: 2006 Population distribution by sex and class, size of household, state and local government area, Table HH (ADD 1), Vol IX, April 2010.

2 Demographic Statistics Bulletin 2020.

3 National Population Commission <https://www.premiumtimesng.com> (accessed 1 September 2023).

4 Available at <https://www.worldometers.info/world-population/nigeria-population/> (accessed 15 August 2023); see also estimates of the latest United Nations data, available at World Population Review <https://worldpopulationreview.com/countries/nigeria-population> (accessed 15 September 2023).

1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Nigeria. What criteria are used to determine who falls within the class of persons with disabilities in Nigeria?

Differing methodologies used to obtain statistical data on the prevalence of disability in Nigeria are field interviews (National Census),⁵ including self-reporting and questionnaire distribution.⁶

In the Discrimination Against Persons with Disabilities Prohibition Act, 2018, (Disability Act), section 22 provides the criteria to determine who falls within the class of persons with disabilities in Nigeria. Accordingly, the section provides thus:

[T]hat a Person with Disability must obtain a Permanent Certificate of Disability from the National Commission for Persons with Disabilities – section 22(1). However, a Temporary Certificate of disability may be issued by a doctor with approval of the Commission if the doctor suspects disability in the course of treatment of a person who was not a person of disability before – section 22(2). Where this disability however persists for over 180 days, the Commission on the recommendation of the doctor shall issue a Permanent State of Disability – section 22(3).

Persons who unlawfully issue or obtain a certificate of Disability are liable on conviction to a fine of N200 000, or imprisonment for a term of one year or both.⁷

In addition, Nigeria's National Policy on Special Needs Education, and the Guidelines for Implementation 2015, defines persons with special needs as:

[T]hose with various forms of exceptionalities including Visual Impairment, Hearing Impairment, Mental Retardation, (Intellectual Disability/Intellectual Developmental Disability) Physical and Health Impairment, Behavioural Disorders, Communication and Speech Impairment, Learning Disabilities, Multiple Disabilities, at Risk Children, Autism, Albinism and the Gifted and Talented, to mention but a few.⁸

1.3 What is the total number and percentage of persons with disabilities in Nigeria?

There is no accurate survey of the disability population in Nigeria and conflicting prevalence rates are provided across different sources, a result of differing methodologies used and variations in data quality. As at May 2022, a Disability Inclusion Consultant, Dr Adebukola Adebayo said 'We are about 30 million persons with disabilities in Nigeria'.⁹ In 2020, there are reportedly over 27 million Nigerians living with some form of disabilities.¹⁰ However, before the 2020 report, the Chairman of Nigeria National Population Commission in 2018 stated that the official estimate of persons with disabilities in Nigeria was about 19 million and this

5 National Population Commission (NPC) (2006) Nigeria National Census: Population distribution by sex, state, local government area and senatorial district: 2006 Census Priority Tables (Vol 3).

6 FM Kolawole 'Measurement of disability through sample surveys: Nigeria experiences of the National Bureau of Statistics' Paper presented at the United Nations Regional Meeting on Disability Measurement and Statistics in support of the 2030 Agenda for Sustainable Development and the 2020 World Population and Housing Census Programme for Africa Kampala, Uganda, 15-17 November 2016; Interview with Mr Justice Ike, the Imo State Director of National Population Commission, Imo State Nigeria.

7 This is specified in sec 23 of the Discrimination against Persons with Disabilities Prohibition Act, 2018.

8 National Policy on Special Needs Education in Nigeria: Federal Ministry of Education (2015).

officially puts the percentage of persons with disabilities at 9.6 per cent approximately.¹¹ Again in 2018, the president of the Network for the Advancement of People with Disabilities stated that no fewer than 27.3 million Nigerians are living with various forms of disabilities.¹² Count Disability Nigeria Coalition said the World Bank/World Health Organisation estimated in 2018 that persons with disabilities accounted for 29 million of Nigeria's population.¹³ In 2019 it was reported that the proportion of the entire population of persons with disabilities in Nigeria is 6 per cent and the official projection was about 11 million persons.¹⁴ According to the Nigerian 2006 Census estimates, the total number of persons with disabilities in Nigeria as reported was 3 253 169.¹⁵ With these varying estimates one is not very sure of the extent of disability in Nigeria. There is indeed a historical and current lack of data relating specifically to persons with disabilities in Nigeria. Consequently, Nigeria's National Population is expected to measure and capture disability statistics accurately in the next population and housing census. The creation of a Disability Data Bank for Nigeria, as reported by the Basic Registry and Information System in Nigeria (BRISIN) and media sources¹⁶ would help to ensure adequate and accurate data system in Nigeria.

1.4 What is the total number and percentage of women with disabilities in Nigeria?

According to the Nigerian 2006 Census, the total number of women with disabilities in Nigeria is 1 544 418 and the percentage is 1.1 per cent.¹⁷ However, available literature suggests that this is an underestimation of the actual population of women with disabilities. The World Disability report of 2011 estimates that 20 per cent of women in Nigeria live with disabilities. The Nigerian 2006 Census relied on self-reporting of disability status, which characteristically will underestimate prevalence.¹⁸

- 9 Adebukola Adebayo Keynote address presented during the maiden edition of Nigeria Diversity and Inclusion conference with the theme: 'Eliminating barriers against inclusive workplaces in the private sector' organised by Nigeria Business Disability Network, NBDN in Lagos, 21 May 2022.
- 10 Available at https://en.wikipedia.org/wiki/Disability_in_Nigeria (accessed 15 August 2023).
- 11 Stated by Eze Duruiheoma (SAN) Chairman of Nigeria National Population of Nigeria (NPC) at the 73rd UN General Assembly General Discussion of Agenda 28 on social development at the UN headquarters, New York, <https://www.premiumtimesng.com/news/more-news/288954-19-million-nigerians-living-with-disability-official.html> (accessed 10 August 2023).
- 12 Available at <https://www.premiumtimesng.com> (accessed 3 August 2023).
- 13 Daily Trust 'Lack of data worsening persons with disabilities' plight' (12 August 2021).
- 14 Federal Ministry of Water Resources (FMWR), Government of Nigeria, National Bureau of Statistics (NBS) and UNICEF 'Water, sanitation and hygiene: National Outcome Routine Mapping (WASH NORM) 2019: A Report of Findings' (2020).
- 15 Census Priority Table (n 1) 14-15.
- 16 BRISIN International Foundation 'FG moves to create first Disability Data Bank in Nigeria' (30 March 2020) https://www.ecoi.net/en/file/local/2061263/AsylosARC-Foundation_Nigeria-disability-report_October-2021.pdf (accessed 3 August 2023).
- 17 'Databank For Nigeria's PLWD' *Daily Trust Newspaper* 20 August 2020 <https://dailytrust.com/databank-for-nigerias-plwd/> (accessed 3 August 2023).
- 18 Census Priority Table (n 1) 20-21.
- 19 See WHO 'Summary world report on disability' (2011). There is a possibility that elderly women may not consider themselves as having a disability, despite having significant difficulties in functioning, because they consider their level of physical activity appropriate for their age. Moreover, some women may be reluctant to report their disability in order to avoid labelling and stigma.

1.5 What is the total number and percentage of children with disabilities in Nigeria?

The 2006 Nigerian Census placed the total number of children with disabilities at 1 002 062 and a percentage of 0.71 per cent.¹⁹ This figure is considered grossly underestimated due to self-report methodology. In 2016, the number of children with developmental disabilities in Nigeria was reported to be 2.5 million.²⁰ This estimate can also be challenged as it significantly excludes children with severe hearing or sight impairment from birth. Also the National President of the Joint National Association of Persons with Disabilities stated in 2016 that Nigeria has about 7 million children with disabilities, which constitutes about 36.8 per cent. Hence it could be concluded that disability-related data on children with disabilities in Nigeria are sparse and unreliable.

1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Nigeria?

The prevalence of functional difficulties is higher for women in Nigeria (7.5 per cent) than for men (6.3 per cent).²¹ Additionally, functional difficulties are more prevalent among elderly age groups, at 1.9 per cent for ages 15 to 29, 3.7 per cent for ages 30 to 44, 9.7 per cent for ages 45 to 64, and 38.8 per cent for ages 65 and over. Across the six functional domains considered, difficulties with mobility (4 per cent) and seeing (2.8 per cent) are most common.²²

Nigeria: Prevalence of disabilities and difficulties (%)

Group	Any difficulty	Some difficulty	At least a lot of difficulty
All adults	6.92	4.59	2.33
Females	7.52	5.12	2.40
Males	6.29	4.03	2.26
Rural residents	7.38	4.75	2.63
Urban residents	5.80	4.19	1.61
Ages 15 to 29	1.85	1.27	0.58
Ages 30 to 44	3.67	2.54	1.13
Ages 45 to 64	9.71	6.83	2.88
Ages 65 and over	38.75	24.04	14.71
Seeing	2.80	2.16	0.64
Hearing	1.14	0.81	0.32
Mobility	3.95	2.76	1.19
Cognitive	2.13	1.66	0.46
Self-care	1.72	1.15	0.57
Communication	0.98	0.70	0.28

(Tabular Representation) Source: Nigeria 2018 GHSP

19 Census Priority Table (n 1) 40-41.

20 Research sponsored by the Global Research on Developmental Disabilities Collaborators (GRDDC), with the support of the Institute of Health Metrics and Evaluation, United States of America.

21 'Nigeria: Disability data initiative ? An analysis of the 2018 General Household Survey Panel (GHSP)' <https://disabilitydata.ace.fordham.edu/country-briefs/ng/> (accessed 3 August 2023).

22 As above.

2 Nigeria's international obligations

2.1 What is the status of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) in Nigeria? Did Nigeria sign and ratify the CRPD? Provide the date(s).

Nigeria has signed into law the Discrimination against Persons with Disabilities (Prohibition) Act, 2018.²³ The Federal Government has also signed and ratified both the Convention and its Optional Protocol on 30 March 2007 and 24 September 2010,²⁴ respectively.

2.2 If Nigeria has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for submission of the report? Did Nigeria submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development is the lead Ministry and the focal point in Nigeria on matters pertaining to persons with disabilities and is the main government department responsible for the submission of Nigeria's country report.²⁵ This Ministry works closely with other key departments such as the Federal Ministry of Budget and National Planning and Federal Ministry of Justice. The federal government also has a national coordinating mechanism known as National Working Group on Human Rights Treaty Reporting (NWG).²⁶ There have been four reporting cycles for the CRPD since their ratification, as required by the United Nations Office of the High Commissioner for Human Rights (OHCHR). Of the four CRPD reporting cycles, Nigeria has only responded to one cycle (Cycle 1: 2012 but reported in 2021). However, this reporting cycle has not been reviewed or received feedback from the OHCHR as only a State Report was submitted. Comparably, Nigeria is expected to submit a State Party report, list of issues (LOI), and information from Civil Society, just like submissions by other state parties to the CRPD. This means the report has not undergone the review process as Nigeria had not reported back to the CRPD on its first cycle which was overdue (October 2012). Not too long ago, Nigeria submitted a State Party Report to the CRPD Committee (March 2021).²⁷ In terms of the delay regarding submission of Nigeria's country report, available evidence shows that it is because of a lengthy national process.²⁸

23 On 23 January 2019, Nigeria's President signed into law the Disability Act.

24 Consolidated findings from the '2010 United States State Department Country Reports on Human Rights practices' http://www.usicd.org/doc/africa_disability_references_1.pdf (accessed 15 August 2023).

25 Federal Republic of Nigeria, Initial Report Submitted to the UN Committee on the Rights of Persons With Disabilities in Accordance with Article 35 of the Convention on the Rights of Persons with Disabilities (CRPD), 26 March 2021, UN Doc CRPD/C/NGA/1 (2021) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=127&DocTypeID=29 (accessed 29 November 2023).

26 As above.

27 As above.

28 SJ Thompson 'Disability inclusive development situational analysis for Nigeria' (2020) 4.

2.3 While reporting under various other United Nations instruments, or under the African Charter on Human and Peoples' Rights, or African Charter on the Rights and Welfare of the Child, did Nigeria also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'Concluding Observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

Nigeria in its 6th periodic report, 2015-2016 which was submitted to the Secretariat of the Commission in November 2017, reported specifically on the rights of persons with disabilities concerning implementation of Nigeria's obligation under the African Charter and Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol). Similarly, specific reference was made to the rights of persons with disabilities in the periodic report of Nigeria which was submitted to the African Committee of Experts on the Rights and Welfare of the Child. Relevant Concluding Observations were adopted as well.²⁹

The African Commission showed concerns about the lack of definitive timelines and prolonged procedures for the ratification and domestication of regional and international human rights instruments in Nigeria. The Commission further recommended that the next report by Nigeria should provide information on measures taken by Nigeria to protect women with disabilities.³⁰

ACERWC/the Committee also made recommendations in its Concluding Observations for Nigeria to adopt mechanisms to ensure accountability for actions (including budget allocations and expenditure) undertaken to protect the rights of children with disabilities.³¹

Nigeria's UPR was in November 2018.³² During the session, the national report submitted, presented Nigeria's National Action Plan for the Promotion and Protection of Human Rights covering 2017 to 2022 to include emerging issues like the protection of the rights of persons with disabilities.³³

Significantly, Nigeria domesticated the CRPD and currently has legislation that directly addresses disability matters at the national level, namely, the Discrimination against Persons with Disabilities (Prohibition) Act, 2018.³⁴ It is

29 Civicus 'Nigeria: Adoption of Universal Periodic Review Report, Geneva 15 March, 2019' <https://www.civicus.org/index.php/media-resources/news/united-nations/geneva/3793-nigeria-adoption-of-universal-periodic-review-report> (accessed 15 August 2023).

30 Civicus (n 29); see also Women Enabled *Accountability toolkit: African regional human rights system legal standards on the rights of women and girls with disabilities* (2012) 9; African Commission on Human & Peoples' Rights, *Concluding Observations and Recommendations on the Initial Periodic Report of Nigeria on the Implementation of the African Charter of Human Rights* (2015) 132.

31 *Concluding Observations and Recommendations of the African Committee of Experts on the Rights and Welfare of the Child to the Government of the Federal Republic of Nigeria on its Periodic Report on the Implementation of the African Charter on the Rights and Welfare of the Child* (December 2017) 10-11.

32 Available at <https://www.upr-info.org/en/news/31st-session-of-the-universal-periodic-review-2018> (accessed 28 November 2023).

33 HRC, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Nigeria, 27 August 2018, UN Doc A/HRC/WG.6/31/NGA/1 (2018) para 29 (a).

34 On 23 January 2019, the Disability Act was signed into law.

however unfortunate that not much progress has been achieved in terms of implementation of the normative contents of the Act.

2.4 Was there any domestic effect on Nigeria's legal system after ratifying the international or regional instrument in 2.3 above? Does the international or regional instrument that had been ratified require Nigeria's legislature to incorporate it into the legal system before the instrument can have force in Nigeria's domestic law? Have the courts of Nigeria ever considered this question? If so, cite the case(s).

After ratification of the CRPD and its Optional Protocol, Nigeria took further steps to domesticate the Convention. Hence there is currently domestic legislation that directly addresses disability issues. The Discrimination against Persons with Disabilities (Prohibition) Act, 2018, has become part of Nigeria's legal framework on disability rights.

Upon ratification of the ACHPR, the ACRWC, and the CRC, these instruments were incorporated into Nigerian legislation through an Act of the National Assembly (the legislature) in line with the provisions of the Nigerian Constitution.³⁵ The Constitution provides that no treaty between the federation and any other country shall have the force of law except to the extent to which such treaty has been enacted into law by the National Assembly. Subsequently, the ACHPR was adopted in its entirety as part of Nigerian law by the (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria. Since then, Nigeria has progressively been implementing the ACHPR as the African Charter Ratification and Enforcement Act.³⁶ This being the case, a careful reading of African Charter Ratification and Enforcement Act manifests recognition of the civil and political as well as socio-economic and cultural rights stipulated in Chapter 2 and 4 of the Nigerian Constitution.

Furthermore, there is the Child's Rights Act which has been adopted by some states in Nigeria. At the time of writing, 34 out of 36 states of Nigeria have adopted the Child's Rights Act as a state law.³⁷ States that have passed the Child's Rights Act have been encouraged to develop mechanisms for the effective implementation of the legislation in their jurisdictions. Nigeria has through this Act mainstreamed the provisions of the CRC and the ACRWC. Nigeria has yet to domesticate the Maputo Protocol.

It is to be noted that Nigeria follows a dualistic approach under which international instruments or treaties become domestic law only when such a treaty has been enacted into law by Nigeria's National Assembly. As at the time of writing, the researcher contacted relevant individuals and libraries for court cases falling within the scope of the research question but decided cases were not available.

35 See secs 12(1), (2) & (3) of the 1999 Constitution of the Federal Republic of Nigeria as amended.

36 An Act to enable effect to be given in the Federal Republic of Nigeria to the African Charter on Human and Peoples' Rights made in Banjul on 19 January 1981 and for proposals connected herewith.

37 According to Pauline Tallen, Minister of Women Affairs, at the 59th edition of the Ministerial Media Briefing organised by the Presidential Communications Team at the Presidential Villa Abuja (25 November 2022) <https://www.thecable.ng/child-rights-act-now-adopted-in-34-states-says-minister> (accessed 28 November 2023).

2.5 With reference to 2.4 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details.

Nigeria has domesticated the following ratified international instrument: Convention on the Rights of the Child (CRC);³⁸ the Convention on the Rights of Persons with Disabilities (CRPD),³⁹ the African Charter on Human and Peoples' Rights (ACHPR),⁴⁰ as well as the African Charter on the Rights and Welfare of the Child (ACRWC).⁴¹ Nigeria has also signed the Protocol to the African Charter on Human and Peoples' Right⁴² on 13 February 2023 and President Tinubu subsequently executed the instrument of Ratification on 19 October 2023.⁴³ Here, it is necessary to note that a treaty affecting a matter in the exclusive legislative list of the Federal Government of Nigeria will come into force in Nigeria with an enactment of the National Assembly. If the subject matter of the treaty falls within the concurrent or residual list, the treaty will require the approval of the majority of the State Houses of Assembly.⁴⁴

3 Constitution

3.1 Does the Constitution of Nigeria contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.

No, the 1999 Constitution of the Federal Republic of Nigeria, does not provide for nor address disability in any way.

3.2 Does the Constitution of Nigeria contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.

It could be argued that the right to non-discrimination applies to every citizen of Nigeria, including persons with disabilities.⁴⁵ The only mention of the word disability is in section 42(1)(a) and (2) which states that no citizen of Nigeria should be subjected to any form of disability or restrictions to which citizens of Nigeria of

38 Signed and ratified by Nigeria on 19 April 1991.

39 Signed and ratified by Nigeria on 30 March 2007 and 24 September 2010 respectively.

40 Adopted and ratified by Nigeria on 31 August 1982 and 22 June 1998 respectively.

41 Adopted and ratified by Nigeria on 13 July 1999 and 23 July 2001 respectively.

42 The instrument was adopted by the 30th Ordinary Session of the Assembly, held in Addis Ababa, Ethiopia on 29 January 2018.

43 This was aired on Channels TV on 19 October 2023 <https://www.channelstv.com/2023/10/19/tinubu-signs-au-charter-on-disabilities/> (accessed 6 December 2023). See also A Ngalale 'Tinubu signs AU Charter Instrument on the rights of persons with disabilities' *Premium Times* 19 October 2023 <https://www.premiumtimesng.com/news/more-news/635307-tinubu-signs-au-charter-instrument-on-right-of-persons-with-disabilities.html> (accessed 6 December 2023).

44 For further discussion of some challenges presented by this constitutional provision, see C Nwapi 'International Treaties in Nigerian and Canadian Courts' (2011) 19 *African Journal of International & Comparative Law* 38.

45 See the Constitution, sec 42(1).

other communities, ethnic groups are not made subject or be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

4 Legislation

4.1 Does Nigeria have legislation that directly addresses disability? If so, list the legislation and explain how the legislation addresses disability.

Nigeria has legislation that directly addresses disability rights at the national level, namely, the Discrimination against Persons with Disabilities (Prohibition) Act, 2018. The Act provides for the full integration of persons with disabilities into the society, establishes the National Commission for People with Disabilities and vests the Commission with responsibilities for their education, healthcare, social, economic and civil rights. The Act sought to reflect the provisions of the Convention on the Rights of Persons with Disabilities. For instance, the definition of disability under the Act aligns with the social model of disability approach. Amongst other provisions, the Act expects the Nigerian government to make provisions for the promotion of awareness regarding the rights, respect, dignity, capabilities, and achievements of persons with disabilities. Using persons with disabilities to solicit for alms is prohibited and any contravention is stipulated to be a criminal offence that is punishable with the payment of fine or imprisonment.⁴⁶ The Act also provides for the right to free education without discrimination or segregation for persons with disabilities to secondary school level, and makes it the responsibility of a proposed National Commission (to be established under the Act) to provide assistive learning devices.⁴⁷ The Act also provides for the inclusiveness of education which would be accessible to persons with disabilities in all schools and the obligation to provide trained personnel and facilities for the educational development of persons with disabilities.⁴⁸

In summary, the Act makes provisions for the following:

- 1 Prohibition of discrimination and awareness programme.
- 2 Accessibility of physical structures.
- 3 Road transportation.
- 4 Seaports, railways, and airport facilities.
- 5 Liberty: rights to education, health, and first consideration in queues; and accommodations in emergencies.
- 6 Opportunity for employment and participation in politics and public life.
- 7 Establishment of the National Commission for Persons with Disabilities.
- 8 Appointment and duties of the executive secretary and other staff.

About 11 states in Nigeria have been able to pass legislation that address disability – Lagos, Plateau, Jigawa, Bauchi, Ondo, Ogun, Nasarawa, Anambra, Kano, Kogi, and Kwara states.⁴⁹ However, the rate of implementation for these laws is very low, with only Lagos and Plateau having structures in place for their implementation, but the extent and adequacy of some state legislation on disability

46 Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, sec 16.

47 Discrimination Act sec 17.

48 Discrimination Act, sec 18.

49 'Nigeria: Children and young persons with disabilities' Report produced with the support of Asylos & Arc foundation and Paul Hamlyn foundation (2021).

is not encouraging. Most states legislation on disability basically adopted the charity model approach to disability. Some states' disability laws came about after the Act was signed into law. Others came into force even before the national Disability Act was signed into law. Currently some states, especially those in the latter category are working to modify their laws in line with the national Disability Act. Plateau state for instance, is in the process of amending the state law on disability.⁵⁰ Anambra state has also started the process of implementation of its Disability Law.⁵¹

4.2 Does Nigeria have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.

Nigeria enacted the Child Rights Act, 2003 and the Act guarantees the provision of special protection measures for children in need, including assistance and facilities necessary for education, training, preparation for employment, rehabilitation, and recreational opportunities. Although the Child's Rights Act has been enacted at the federal level,⁵² it only becomes effective if the state legislative assemblies also enact it.

The Universal Basic Education Act insists on the compulsory, free and universal basic education of 'disabled children' and defines universal basic education broadly to include early childhood care and education and nine years of formal schooling, non-formal education, skills acquisition programmes and the education of special groups like disabled groups.⁵³

The Violence against Persons (Prohibition) Act, 2015 seeks to eliminate violence in private and public life. It prohibits all forms of violence against persons, provides maximum protection and effective remedies for victims and punishment of offenders. The law applies to all people, including those with disabilities, even though they are not particularly mentioned.

50 Agency report 'Plateau Government repeals disability commission act, to enact new law' 11 December 2019 <https://wikkitimes.com/plateau-govt-repeals-disability-commission-act-to-enact-new-law> (accessed 28 November 2023); see also S Anyanwu 'Plateau State establish Disability Trust Fund' Federal Ministry of Information and National Orientation, Federal Republic of Nigeria (17 December 2019) <https://fmino.gov.ng/plateau-state-establish-disability-trust-fund/> (accessed 28 November 2023).

51 'Disability Rights Commission marks one year anniversary in Anambra State' *Nigeria News Digest* 7 August 2023 https://go.gale.com/ps/i.do?id=GALE%7CA76134155_1&sid=sitemap&v=2.1&it=r&p=HRCA&sw=w&userGroupName=anon%7E635ab71d&aty=open-web-entry (accessed 3 December 2023); C Onalu et al 'An exploratory study of the situation of persons with disabilities in Nigeria: Practice consideration for social workers' (2023) 21 *Journal of Evidence-Based Social Work*.

52 It is to be noted that Nigeria operates a federal system of government.

53 Nigeria's Compulsory Universal Basic Education Act, secs 2 and 15.

5 Decisions of courts and tribunals

- 5.1 **Have the courts (or tribunals) in Nigeria ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

At the time of writing this report, there is no reported court decision on any issue relating to disability.

6 Policies and programmes

- 6.1 **Does Nigeria have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.**

Nigeria National Policy on Disability (2018): This policy guides disability related issues in Nigeria. It provides an opportunity to engage more strategically with community members, development partners, other relevant ministries, departments and agencies to provide appropriate support for full integration of persons with disabilities.

National Policy on Inclusive Education in Nigeria (2016): This policy seeks to provide unhindered access to quality education within the general education system and engage the active participation of all learners without discrimination in the same safe school environment. It stipulates how the educational needs of children with disabilities should be mainstreamed. However, implementation seems to have stalled since 2016. A harmonised strategy may be needed to revisit the process. Strong political will, coupled with funding support will be crucial to its proper implementation.

Nigeria's National Policy on Education: This national-level policy emphasises inclusive education as a way of realising justice in education as enshrined in the Universal Basic Education Act, 2004. The policy has undergone many revisions since after the first Nigerian Policy on Education that came within 1975-1980.⁵⁴ It is considered that the revisions have been necessitated by the need to address obvious gaps in content and to give sufficient consideration to new opportunities, concerns and challenges.⁵⁵ Thus, the National Policy recognises the education of persons with disabilities within special needs education and articulates a number of policy statements that aim to promote easy access to educational materials and other assistive devices.⁵⁶ Particularly, the national policy aspires towards the provision of equal educational opportunity, inclusive education and designing of appropriate diversified curriculum for all learners with

54 The first edition was in 1977, the second was in 1981, the third was in 1988, the fourth was in 2004. There was also a draft in the 2007 5th edition before the current 6th edition of 2013.

55 Nigeria National Policy on Education, see the preface to the 6th edition of 2013.

56 Nigeria National Policy on Education, sec 7 para 122.

disabilities.⁵⁷ It also emphasises the training and retraining of all categories of teachers for effective implementation of inclusive education.⁵⁸

At the same time, the education policy recognises the components of early identification, intervention, nurturance and early child care and education in realising access to inclusive education for learners with disabilities.⁵⁹ It strategically puts the teacher/pupil ratio in special schools to 1:10, and in regular schools 1:35.⁶⁰ In essence, the national policy can be seen as recognising the diversity of children with disabilities and the need to make provisions in respect of their individual needs.

National Policy on Albinism in Nigeria 2012 (reviewed 2019): This policy seeks to guarantee the welfare and rights of persons with albinism. The policy emphasises the importance of advocacy, awareness and consciousness raising. Fostering of the participation, empowerment and facilitation of the passage of a law to establish the National Agency for Albinism and Hypopigmentation in Nigeria, and the promotion of relevant research and data collection is also highlighted.

National Policy on Special Needs Education in Nigeria (2015): This policy seeks to provide complete service delivery that encompasses physical, mental, and emotional disabilities in basic education, at home, and the hospital. The aim is to provide qualitative education to all persons with disabilities in all aspects so as to enable them to contribute to national development.

National Policy on Internally Displaced Persons in Nigeria (2012): This policy seeks to provide the principles that guide humanitarian assistance and implementation of durable solutions in situations of internal displacement in Nigeria. It is a policy that addresses issues internal displacement and all affected groups, including those with disabilities.

The Independent National Electoral Commission Framework on Access and Participation of Persons with Disabilities in the Electoral Process (2018): This strategy considers the inclusion of persons with disabilities in all aspects of the electoral process. There is also an Electoral Act of 2022, which captures provisions regarding persons with disabilities in sections 9(1)(b), 54, and 153 on registration of PWDs, accessibility and support as well as meaning of 'person with disability' respectively.

National Gender Policy (2006): This policy brings a gender perspective into all aspects of planning, policy, legislation, and transformation activities in Nigeria. It is meant to address the discriminations between women and men in Nigeria without ignoring the multiple layers of inequality and fundamental differences between them. The policy acknowledges disability as a form of public vulnerability and dedicates a section to it. Given the strong intersectionality between gender and disability, a gender policy is expected to recognise the need for targeting and creating an enabling environment for equitable participation in development for persons with disabilities.⁶¹

57 Nigeria National Policy on Education, para 119.

58 Nigeria National Policy on Education, para 123.

59 Nigeria National Policy on Education, sec 2 para 20, sec 7 para 121, 123(c).

60 As above.

61 Federal Ministry of Women Affairs & Social Development, National Gender Policy: Situation Analysis/Framework.

National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities, with emphasis on Women and Girls (2018): This framework is generally aimed at ensuring that all sexual and reproductive health programmes reach and serve persons with disabilities. The policy seeks to provide a policy direction to Government, Civil Society Organisations, Development Partners, Media practitioners and the Organised Private Sector, on how to deal with reproductive health concerns of Women and Girls with Disabilities (WGWD).

National Social Protection Policy (Revised Draft) 2017: The Social Protection Policy for Nigeria is an umbrella policy framework that incorporates related social agenda paradigms intended to reduce poverty and provide a life of dignity for all citizens. It comprises 16 policy measures to be implemented in eight sectors. Persons with disabilities are targeted specifically in three of its five education and health services sector programmes as well as in one of its four livelihood enhancement and employment sectors. There are no other specific efforts toward disability inclusion in any of the remaining six sectors.

6.2 Does Nigeria have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.

Nigeria's National Development Plan (NDP), 2021-2025 is a medium-term blueprint designed to unlock the country's potentials in all sectors of the economy for a sustainable, holistic and inclusive national development, developed by the different facet of the Private Sector, Sub-national Government, Civil Society Organisation (CSO) and facilitated by the Federal Government of Nigeria. This was deliberately done for inclusiveness, participation, and citizen engagement to ensure no one is left behind. The Plan is a successor to the Economic Recovery and Growth Plan (ERGP), 2017-2020, which elapsed in December 2020. The vision of the NDP, 2021-2025 is consistent with the pursuit in the Nigeria Agenda 2050. The Plan also builds on the achievements and lessons learned during the implementation of the ERGP.

7 Disability bodies

7.1 Other than the ordinary courts or tribunals, does Nigeria have any official body that specifically addresses violation of the rights of persons with disabilities? If so, describe the body, its functions, and its powers.

Currently, the National Commission for Persons with Disabilities, an establishment of the Federal Government of Nigeria pursuant to section 31 of the Disability Act, is the official body that receives complaints of persons with disabilities on the violation of their rights. Before now it used to be the Joint National Association of Persons with Disabilities (JONAPWD). JONAPWD protects persons with disabilities by reporting any form of inhuman treatment persons with disabilities are subjected to, to the government. The Executive Council of JONAPWD is the major channel between the Nigerian government and persons with disabilities in order to protect the rights of persons with disabilities

7.2 Other than the ordinary courts or tribunals, does Nigeria have any official body that though not established to specifically address violation of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.

The Association of Comprehensive Empowerment of Nigerians with Disabilities (ASCEND) started as a movement for the empowerment of Nigerians with disabilities. The organisation is not officially established to address violations of the rights of persons with disabilities. ASCEND is a socio-political/pressure group with the objective aim of integrating persons with disabilities in society generally, and in politics in particular.⁶²

8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector

8.1 Do you have a Human Rights Commission or an Ombudsman or Public Protector in Nigeria? If so, does its remit include the promotion and protection of the rights of persons with disabilities? If your answer is yes, also indicate whether the Human Rights Commission or the Ombudsman or Public Protector of Nigeria has ever addressed issues relating to the rights of persons with disabilities.

A National Human Rights Commission exists in Nigeria and the Commission takes care of issues relating to the protection of human rights as guaranteed by the Nigerian Constitution, the African Charter, and other international human rights instruments ratified by Nigeria.

The National Human Rights Commission has engaged with issues relating to the rights of persons with disabilities in Nigeria. For instance, it created the office of a special rapporteur as well as a program officer on persons with disabilities. This is a way to integrate disability issues into the National Human Rights Commission's work and to have a desk responsible for disability matters.⁶³

The Commission had press conferences in commemoration of the International Day of Persons with disabilities. Workshops and advocacy visits have also been planned for institutions to improve access to persons with disabilities. At its head office at Abuja, the Commission has also provided necessary accommodations, like ramps and lifts with sound and Braille floor numbering for easy access of persons with disabilities.

9 Disabled peoples organisations (DPOs) and other civil society organisations

62 R Lang & L Upah 'Disability scoping study in Nigeria' (2008) 19.

63 Available at <http://www.acerwc.org/wp-content/uploads/2012/05/English-ACERWC-Initial-State-Report-Nigeria.pdf> (accessed 3 September 2023).

9.1 Do you have organisations that represent and advocate for the rights and welfare of persons with disabilities in Nigeria? If so, list each organisation and describe its activities.

Apart from the JONAPWD and the ASCEND, mentioned in 7.1 & 7.2 above, which are the national umbrella bodies for persons with disabilities, there are other DPOs working at a national, state and local level. Most of these organisations cater for the needs of single impairment groups. Some of these organisations are listed below.⁶⁴

- **The Leprosy Mission:**

Provides medical and vocational rehabilitation services to individuals with leprosy; they have also undertaken public campaigns to educate and inform the public about leprosy.

- **Advocacy for Women with Disabilities Initiatives:**

AWWDI promotes the rights of girls and women with disabilities.

- **Initiative for Disability Inclusion and Diversity:**

Stands as a unified voice for the rights and dignity of women and girls with disabilities and provides social protection.

- **Disability Rights Advocacy Centre (DRAC):**

DRAC is an organisation that works to help integrate persons with disabilities into the society and create a world free from discrimination by raising awareness on the needs and peculiarities of disabled people. The organization focuses on providing support to women and girls as they are often the more vulnerable of the demographic.

- **Deaf Women Aloud Initiative (DWAI):**

This is an organisation that exists to give a voice to the deaf women in Nigeria. DWAI raises awareness among general populations about sensitive issues that affect deaf women and their children.

- **The Spinal Cord Injury Association of Nigeria:**

Provides therapeutic care and support for people with spinal cord injury.

- **Deaf Women Association Nigeria:**

Takes care of women with hearing and communication impairments.

- **Centre for Citizens with Disabilities:**

Provides development and integration persons with disability in all spheres of life.

- **The Nigerian National Association of the Deaf:**

Offers assistive services to people with hearing impairments.

- **Lagos Cheshire Home:**

Provides training, workshops and research.

- **Christian Blind Mission:**

Running community-based rehabilitation programmes for persons with disabilities.

64 See also NC Umeh & R Adeola 'Country Reports: Nigeria' (2013) 1 *African Disability Rights Yearbook/Journal* 277 <https://www.adry.up.ac.za/issues/volume-1-2013> (accessed 3 September 2023).

• **The Albinism Foundation:**

The Foundation is principally interested in creating awareness of the social challenges that persons with albinism face in Nigeria.

9.2 In the countries in West Africa, are DPOs organised/coordinated at a national and/or regional level?

DPOs in the West African region are organised at a national level in their various countries and are also organised and coordinated at a regional level.⁶⁵

9.3 If Nigeria has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

I would say that inclusion of DPOs is done in designing and planning interventions. Not many interventions have focused on engaging DPOs. Even in instances where there has been engagement, the participation of DPOs is limited in terms of their access to the process and participation in the process. The implications of this are that accommodations and services are designed without the input of the key user. There is also the tendency to take persons with disabilities as a homogenous group, thereby the particular needs of the various disabilities may not be provided for. It also continues to reinforce the exclusion and discrimination of persons with disabilities.⁶⁶

9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?

DPOs have tried to ensure participation through advocacy and visits to the relevant government agencies that could influence positively the situation of the rights of persons with disabilities. DPOs have organised capacity building workshops for persons with disabilities. DPOs also promote disability rights and development through research and documentation, advocacy and campaign, training and empowerment programmes, legal aid and disability rights moots. This they have done in collaboration with state and non-state actors.⁶⁷

9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?

Lack of aggregated disability data and funds remain the greatest challenges to activities of DPOs. Lack of disability data contributes to the false impression that

65 On Monday 10 October 2022, a Regional Coordination and Training Meeting on the inclusion of persons with disabilities in West Africa was opened in Accra, Ghana; JONAPWD is a recognised umbrella organisation of persons with disabilities in Nigeria.

66 Summarised views of Adeyinka Ige-Onabolu (human rights and development expert), Grace Jerry (Executive Director and Program Officer, Gender at Inclusive Friends) and Theophilus Odaudu Program Officer (Nigeria), Disability Rights Fund and Disability Rights Advocacy Fund.

67 For instance, this can be seen from the activities of the Centre for Citizens with Disabilities (CCD) <https://www.ccdnigeria.org/><https://www.ccdnigeria.org/> (accessed 4 December 2023); Also the Disability Law Advocacy Project (DLAP) of the University of Ilorin has successfully hosted the first-ever National Disability Rights https://web.facebook.com/200820003265662/posts/the-disability-law-advocacy-project-dlap-of-the-university-of-ilorin-has-success/4315593195121635/?_rdc=1&_rdr (accessed 4 December 2023).

persons with disabilities are a very small and homogenous group reserved for specialist attention of health and beyond development programmes. According to the UN Expert Group on Disability Data and Statistics, disaggregated data by disability in all areas will be essential to ensure progress is measured and persons with disabilities are not left behind in future mainstream implementation programmes.⁶⁸ Other challenges faced by persons with disabilities in engaging with implementation and participating in mainstream include but not limited to:⁶⁹

- The lack of access, which mainly has to do with environmental and institutional barriers, absence of capacity building workshops and seminars.
- Attitude which has to do with the negative perception of disability which has its roots in the medical/charity model of disability.
- Negative intersection between gender and disability which women with disabilities are seriously struggling with.

9.6 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement of DPOs?

Since the National Commission on persons with disabilities was inaugurated most issues around disability are first referred to the Commission, especially if it is coming from the government, and in that process DPOs are usually involved. Again, in various programmes supported by various funders, DPOs in their advocacy work have also established relationships and connections with relevant authorities, and they are usually being consulted before certain intervention decisions are taken. The Albinism Foundation (TAF) for instance works with governments, development agencies in programme areas that have helped to improve the health, education and social wellbeing of persons with albinism in Nigeria; as well as assist and empower them to find their rightful place in society.⁷⁰ The Centre for Citizens with Disabilities (CCD) has also done a lot of work which is geared towards the promotion of inclusion, participation, access and mainstreaming of disability rights in Nigeria.⁷¹

9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?

The enactment of the Disability Act in 2019 is a specific outcome of DPOs engagement in the disability rights advocacy and struggle. In 2019, a policy on sexual health rights of persons with disabilities with particular focus on women and girls was formulated. This policy was designed in full consultation with persons with disabilities and one of the DPOs was involved in the project. Also, when the

68 UN Expert Group on Disability Data and Statistics, *Monitoring and Evaluation: The way forward? A disability inclusive agenda towards 2015 and beyond* (2014).

69 Information generated through telephone interview with David Anyaele, Executive Director Centre for Citizens with Disabilities (CCD).

70 Adaku Onyenaucheya ‘Foundation urges better deal for persons with albinism’ *The Guardian Newspaper* 3 June 2023 <https://guardian.ng/news/foundation-urges-better-deal-for-people-with-albinis> (accessed 3 December 2023); Agency Report ‘Albino Foundation stresses need for government support’ *Independent Newspaper* 13 June 2021 <https://independent.ng/albinism-foundation-stresses-need-for-govt-support/> (accessed 3 December 2023).

71 Some of the activities of the Centre for Citizens with Disabilities can be found on their Facebook page https://web.facebook.com/CentreForCitizensWithDisabilities/?_rdc=1&_rdr (accessed 3 December 2023).

Federal Ministry of Health was trying to do the cost analysis and projecting the allocation for that policy, they also held sessions with different disability groups cutting across different sectors in order to get their input.⁷²

9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?

Yes, the Nigerian National Disability Act is yet to be reasonably appreciated by the Disability Commission and most DPOs who are expected to implement its content. There is a low level of understanding of the Act. Great effort needs to be made through research and advocacy in order to increase the capacity of members of the Commission and DPOs regarding implementation. Furthermore, issues bordering on intersectional discrimination of women with disabilities needs to be brought to be engaged with.

9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?

Capacity building for DPOs will assist DPOs with the advocacy and lobbying skills and applying a rights-based approach to disability matters. There should be no coordination gap among DPOs, persons with disabilities and government departments. This will help create an enabling environment to implement the Disability Act.

9.10 Are there specific research institutes in your region that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?

The Independent School of Disability Studies is a research centre in Nigeria that offers courses, research, and consultancy in intellectual and developmental disabilities, learning disabilities, mental health and more. The institute offers tailor-made courses looking to improve the capacity of DPOs around developmental disability, accessibility and inclusion. Other institutions that carry out research and training for interested DPOs are: University of Jos, Plateau State Nigeria; University of Ibadan, Oyo State; Kwara State University, Malete Ilorin; University of Calabar, Cross River State; University of Uyo, Akwaibom State; Bayero University Kano; Kano State; and Federal College of Education (Special), Oyo, Oyo State.

72 See Asylos & Arc Foundation report (n 49).

10 Government departments

10.1 Do you have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of person with disabilities? If so, describe the activities of the department(s).

The National Commission for persons with disabilities is an agency that was established in 2020 to monitor, evaluate and realise the government policy objectives concerning persons with disabilities. It is the responsibility of the Commission to liaise with the public and private sectors and other bodies in order to ensure that the peculiar interests of persons with disabilities are taken into consideration in every government policy, programme and activity. The Commission also ensures that research, development and education on disability issues and persons with disabilities are carried out.

The Federal Ministry of Women Affairs and Social Development is the government department that is specifically responsible for promoting and protecting the rights and welfare of persons with disabilities. The Ministry provides basic services and organises seminars and workshops for persons with disabilities. The Department is also responsible for the formulation of policies and programmes for persons with disabilities.

11 Main human rights concerns of people with disabilities in Nigeria

11.1 Contemporary challenges of persons with disabilities in Nigeria (eg in some parts of Africa is ritual killing of certain classes of PWDs such as persons with albinism occurs).

There is weak enforcement of the existing Act, laws, policies, and programmes on persons with disabilities. The major reason why enforceability and implementation of laws and policies remain weak is that persons with disabilities are not allowed to participate fully and actively from the onset.

The lack of effective approaches and collaborations to the implementation of the provisions of the legal instruments is another contemporary problem. There is lack of commitment on the part of policymakers and those who wield political authority.

Deep-seated negative socio-cultural attitudes and perceptions of persons with disabilities persist.

Disability matters in Nigeria is generally viewed as charity and welfare instead of rights, hence barriers to accessing basic social services and economic opportunities remain. These barriers range from discrimination, exploitation, violence, stigma, inadequate housing, and education to healthcare.

11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- **Access and accommodation:** There is a legal response regarding access and accommodation.⁷³ Access and accommodations is still a big challenge for persons with disabilities in Nigeria as transport, buildings and airplanes are still fraught with non-friendly infrastructure and policies. A practical example is the case of Dr Chike Okogwu, a person with physical disability. In December 2020, Dr Chike Okogwu was prevented from boarding a Dana airline scheduled for 21h05 from Abuja to Lagos on the excuse that the airline does not fly PWDs at night. Expectedly Dr Chike missed his flight and his medical appointment. Enraged by the airline's insensitivity and nonchalance, Dr Chike destroyed the airlines property and in the process injured its staff. Dr Chike subsequently sued the airline and the airline sued him as well. The matter was eventually settled out of court.⁷⁴ This case is only one among many.
- **Access to social security:** There is no legal response in this regard and it is seriously non-existent in Nigeria.
- **Access to public buildings:** There is a legal provision in this regard,⁷⁵ but most buildings in Nigeria remain inaccessible to persons with disabilities.
- **Access to public transport:** A legal response exists in this regard,⁷⁶ but the reality is that inclusive transportation system for persons with disabilities in Nigeria is lacking.
- **Access to education:** Legally, access to education is recognised.⁷⁷ Efforts in this regard are growing however, but a lot is still required if inclusive/quality education for person is to be achieved. There is still discrimination, lack of required accommodation, exclusion and general lack of understanding as to the meaning of inclusive education for persons with disabilities.
- **Access to vocational training:** Vocational training is legally recognised for persons with disabilities.⁷⁸ This is usually provided by missionaries and NGOs in Nigeria.
- **Access to employment:** There is a legal recognition in this regard.⁷⁹ However employment of persons with disabilities in mainstream sectors has been low, despite the calls to ensure that PWDs are mainstreamed into the government employment circle. The involvement of persons with disabilities in the board of the National Commission of Persons with Disability is a laudable development.⁸⁰
- **Access to recreation and sport:** There is no certainty of any legislation in this regard. Persons with disabilities face a number of barriers to participation in sports. Nigeria has sports activities programmes for persons with disability but there is underrepresentation of persons with disabilities in sports.
- **Access to justice:** This is a huge challenge. Lack of quality education for persons with disabilities is tantamount to ignorance concerning inalienable rights. Lack of needed facilities in terms of reasonable accommodation and assistive devices contribute to very access to justice for persons with disabilities.

73 As stipulated in secs 3-8 of Discrimination Against Persons with Disabilities (Prohibition) Act, 2018.

74 For more details see T Olu 'Chike Okogwu, passenger with disability who sued Dana Air' *The Whistler Newspaper* 1 December 2021 <https://thewhistler.ng/chike-okogwu-passenger-with-disability-who-sued-dana-air-for-n1-billion-drops-lawsuit/> (accessed 20 September 2023).

75 Discrimination Act, secs 3-4.

76 Discrimination Act, secs 9-14.

77 Discrimination Act, secs 17-18.

78 Discrimination Act, sec 20.

79 Discrimination Act, secs 28-29.

80 This can be seen at https://www.emansion.gov.lr/2press.php?news_id=3250%26related=7%26pg=sp (accessed 20 September 2023).

11.3 Do persons with disabilities have a right to participation in political life (political representation and leadership) in Nigeria?

People with disabilities have a right to participation in political life in Nigeria.⁸¹ There are however reports that persons with disabilities had inadequate assistive materials during the 2023 elections.⁸²

11.4 Are persons with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in Nigeria?

Socio-economic rights of persons with disabilities are not constitutionally protected in Nigeria. This means that socio-economic rights, like the right to education or health, are implicitly non-justiciable. The non-justiciability of socio-economic rights in Nigeria is also discernible in section 6(6)(c) of the Nigerian Constitution.⁸³ But with the existence legislation that derives effect from the Constitution, it can be said that there is sufficient ground to say that socio-economic rights of persons with disabilities are recognised. However social protection for persons with disabilities in Nigeria is still relatively weak. Implementation of socio-economic rights for persons with disabilities is a huge challenge and a lot is required.

11.5 Specific categories experiencing issues/vulnerability.

- **Women with disabilities:** Girls and women with any form of disability are generally among the more vulnerable and marginalised of the disability community. Women and girls suffer cultural discrimination and most times sexual and domestic violence. Indeed, systematic inequalities between women and men exist in Nigerian communities.
- **Children with disabilities:** Children with disabilities also experience severe vulnerabilities. Most of the time, children with disabilities are treated as a burden to their families or the community and thus become subject to isolation and violence. Children with disabilities like women are at the risk of sexual abuse and neglect. Some children with disabilities may not even recognise the abuse and might not be able to ask for help, especially when the children depend on their abuser for assistance. Parents or child protection professionals also not have the required skills to properly communicate with the child, or to accurately assess or understand a child with disabilities needs.

81 As provided in sec 30 of the Discrimination Act.

82 As stated in M Abdullahi 'Report: 2023 election shows INEC not committed to assisting PWDs' *The Cable* 14 July 2023 <https://www.thecable.ng/report-2023-election-shows-inec-not-committed-to-assisting-pwds> (accessed 20 November 2023); See also P Onajuobi & Q Yahya 'Voters with disabilities lament poor provisions during 2023 elections' *Campus Reporter* 30 August 2023 <https://campusreporter.africa/voters-with-disabilities-lament-poor-provisions-during-2023-elections/> (accessed 29 November 2023).

83 Under sec 6(6)(c) of the Nigerian Constitution, socio-economic and cultural are unenforceable by any court in Nigeria. This has been interpreted to mean that socio-economic rights shall not by any means be the subject of litigation in any court of law in Nigeria as noted in *Attorney General of Borno v Rev Joshua Adamu* (1996) 1 NWLR (Pt 427) 68. This argument was also presented by Nigeria in the case of *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria and Universal Basic Education Commission ECW/CCJ/APP/08/08*.

12 Future perspective

12.1 Are there any specific measures regarding persons with disabilities being debated or considered in Nigeria at the moment?

The Federal Executive Council (FEC) is making a case for accessibility of public places, schools and insists that new office buildings must accommodate relevant structures that would serve persons with disabilities. There is also a call for Special Loan facilities to Persons with Disabilities through the National Commission for Persons with Disabilities. Campaign for social inclusion and mass distribution of assistive devices are on-going as well⁸⁴ and emphasis is on partnerships, collaborations and information sharing.

12.2 What legal reforms are being raised? Which legal reforms would you like to see in Nigeria? Why?

The National Disability Act did not specifically address issues around children and women with disabilities. It also does not acknowledge the intersectional identities of persons with disabilities, children and women in particular. The popular opinion is that issues of intersectional discrimination of women and children are not yet adequately represented.⁸⁵ The Act also does not adequately make provisions for disability sports. The foregoing are gaps in the legislation, and I hope to see legal reforms in this direction. Persons with disabilities are not a homogenous group, other areas of their identities ought to be acknowledged.

84 'FG to boost support for people living with disabilities' This Day Newspaper 12 August 2021.

85 As stated by Theophilus Odaudu, Programme Officer (Nigeria), Disability Rights Fund and Disability Rights Advocacy; Adeyinka Ige-Onabolu, human rights and development expert; Danlami Umaru Basharu, Director of the Anglo-Nigerian Welfare Association for the Blind in Asylos & Arc Foundation report (n 49) 76-77.