

**A Bill to Provide a Law for Persons with Disabilities in Kano State
2018**

CITATION

This law may be cited as the law for persons with disability in Kano State, 2017 (1439AH).

COMMENCEMENT

The law shall come into operation on the ----- Day of ----- 2018 (1439 AH)

Interpretation

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In this Law:

“**Accessibility aid**” includes any fixture and any device that aids accessibility.

“**Augmentative and alternative communication**” means the art of studying and (when necessary compensation) temporary or permanent activity limitation and participation restriction of an individual with severe disorder of speech language production and / or comprehension, including spoken or written modes of communication;

“**Board**” means Kano State Emergency Relief and Rehabilitation for the Disabled Board Law 2008;

“**Communication Disorder Disability**” means the kind of disability that affects the natural means of communication of a person; including but not limited to deafness and blindness;

“**Disability**” means state of substantial impairment of the physical, visual, vocal, auditory, sensory, or mental

capabilities of a person at birth or by injury, sickness or it's effect or congenital deficiency;

“Discrimination” means any act of prejudice and segregation in any way and by all respects of life.

“Environment” includes buildings, roads, sidewalks, pedestrian crossings, open spaces

“Free” means provision of services that shall not involve any financial implications.

“Government” means the Kano State Government and all its local governments;

“Governor” means Governor of Kano State;

“Multiple Disability” means more than one disability occurring in person's life;

“Other Programmes” means any programme that may enhance the life of Persons with Disabilities and not covered by the social welfare provision herein;

“Public Building” means building owned or used by Government or Government office, or a building available for the use of members of the public;

“Public Places” means any place that is meant for the use of general public or a section of the populace;

“Relevant Authority” means the person, natural or artificial, or body including ministry whose duty is to take an action that is in issue;

“Social Welfare” means provision of amenities and services;

“Special Communication” means special means (including sign language, augmentative and alternative communication) of communicating with person with speech or hearing disability;

“Substantial” means noticeable and veritable disability;

Funds: Means the Kano state persons with disabilities funds

Disable chiefs: means the established traditional structure of Sarkin Guragu, Sarkin Makafi, Sarkin Kutare, Sarkin Kurame and Sarkin zabiya”

“State” means Kano State of Nigeria;

PART 1

PROTECTION AGAINST DISCRIMINATION:

Prohibition from Discrimination, stigmatization and use of derogatory language

1. (1) No person with disability shall be discriminated against on the ground of his or her disability by any person or institution in any manner or circumstances.
- (2) No person with disability shall be subjected to prejudice or negative segregation, including those based on gender, work, education, health, age, tradition and any other area of life.

PART 2

ACCESS AND OPPORTUNITIES

Provision of Adequate standard of Living and Social Protection

- 2 (1) State and Local Governments shall give special consideration to persons with disabilities in social welfare, and other programmes in line with the existing laws.
- (2) Persons with Disabilities shall have access to appropriate and affordable

clean water and sanitation facilities for disability related needs.

- (3) Where accommodation is being provided by schools, employers, organizations, government and in any other circumstances whatsoever, persons with disabilities shall be given consideration for reservation.

- (4) That state and local governments shall provide 2% of all entrepreneurship and empowerment programmes for persons with disabilities.

- (5) That the state and local governments shall provide user friendly water and sanitation facilities for persons with disabilities across the state.

Provision of Facilities in Public Buildings

3. (1) Persons with disabilities shall have the right and necessary facilities to access public buildings and public places.

- (2) No public building or public place shall be constructed without the provision of all the necessary accessibility aids to ease access and use for persons with disabilities.

- (3) The Government shall make a provision for persons with disabilities when roads, side-walks, pedestrian crossing and all other facilities made for public use are constructed.

- (4) The relevant authorities shall ensure that the plan for all public buildings conforms to the building code provided by the relevant government agency before approval is granted.

Women and Adolescent Girls with Disabilities

4. Government shall ensure that women and adolescent girls with disabilities have access to all the rights and opportunities specified under the provisions of this Law.

Responsibilities of Parents or
Guardians of Children with
Disabilities

5. (1) Parent and guardian of children with disabilities shall ensure that such children within and outside the home are free from all forms of neglect, exploitation, violence or abuse.
- (2) Children with apparent disability shall be registered by the Board and shall have right to:
 - (a) access free medical care from any public health facilities; and
 - (b) free and compulsory education from primary to secondary schools including all necessary educational learning facilities
- (3) Government shall provide information on how the children with disabilities, their families and care givers can access all services and support as mentioned under 2 (a) and (b) above.
- (4)
 - (a) no child shall be separated from his parents on the basis of disability of either or both parents unless on special cases.
 - (b) children with disabilities may be temporarily separated from their parents, for the purpose of medical treatment, rehabilitation, training or general improvement, provided that such parent shall have right to visit.
- (5) The board shall provide and sponsor alternative care for children with disabilities where the immediate family is unable to provide the needed care.
- (6) In all matters concerning children with disabilities, the best interest of the child shall be the primary consideration.

Right to Health

6. (1) Government shall provide persons with disabilities with free quality health care services and programmes including referrals.
- (2) Where a medical officer suspects permanent disability in the course of medical examination, he shall issue and submit to the board a medical report of the disability.
- (3) Government shall ensure provision of communication support services in every public health facilities for persons with communication disorder.
- (4) Special equipment to suit persons with disability's unique needs shall be provided in public and private health facilities
- (5) Existing health staff shall be trained on skills unique to persons with disability through refresher training and knowledge update.
- (6) All public health care providers operating within the state shall employ sign language interpreters to ease access to health care services for persons with disabilities.

Right to Education

7. (1) Every person with disability shall have an unrestricted right to education without any form of discrimination or segregation.
- (2) All educational structures and facilities in schools shall be designed in a manner that is accessible and user friendly to persons with disabilities.
- (3) In accordance with subsection 2 of this section, every school shall have trained personnel to cater for the special needs and educational development of

persons with disabilities

- (4) The Ministry of Education shall collaborate with relevant agencies to design programmes that will:
 - (a) ensure early education of persons with disabilities
 - (b) promote interaction between children with disabilities and other children in an inclusive education system
 - (c) ensure continued training of personnel catering for persons with disabilities
- (5) Persons with disability shall have improved admission opportunities and choice of course in all schools at all levels.
- (6) All persons with disabilities shall be entitled to the state government's education scholarships at all levels including scholarship to study abroad

Right to Work
and Employment

8. (1) Persons with disabilities shall have right to work on equal basis with others, this includes the right and opportunity to gain a living by working freely in a chosen or accepted labour market and work environment.
- (2) No employer or his agent shall discriminate against persons with disabilities in any manner whatsoever including but not limited to:
 - (a) job application procedure;
 - (b) the terms and conditions of employment;
 - (c) denying the employees access or limiting the employees access to opportunity for promotion, advancement, transfer, training, or any other benefit associated with employment;
 - (d) on-the job training;

- (e) work place accommodation where applicable
- (f) employee compensation;
- (g) dismissal mainly on the ground of disability; or
- (h) Subjecting the employee to any other detriment.
- (i) The above provisions shall be restricted where the condition of the disable person is hazardous to the general public

(3) An employer of labor whose employee sustained disability shall:

- (a) retain and re-train the employee for effectiveness within the organization;
- (b) pay off such employee with a sum that is not less than the aggregate value of his Thirty (30) Months' salary, if his disability is of such degree that permanently renders him unable to discharge his function or any other function that may be assigned to him; or
- (c) Without prejudice to Workman Compensation Act; pay off such employee with a sum that is not less than the aggregate value of his sixty (60) months' salary, if the disability sustained in the course of the employment is of such degree as to permanently render the employee unable to discharge his function or any other function that may be assigned to him.

Remuneration of Disables
Chiefs

9. There shall be a monthly standing order of not less than Twenty Five thousand naira (N 25,000) as allowances to each of the disables chief from each of the four clusters from the fund.

Right to Communal
Life

10. (1) Persons with disabilities shall have the right to live in the community with choices equal to others and shall have full enjoyment of their rights and full inclusion and participation in the community.
- (2) Persons with disabilities shall not be isolated or segregated from the community or compelled to live in particular area except on medical ground, any other law in force or in accordance with provisions of the constitution of the Federal Republic of Nigeria.

Right to
Transportation

11. Government shall ensure while providing public transportation that provisions are made for accessible transport for persons with disabilities.

Right to Participation in Cultural
life, Recreation, Leisure and
Sport

12. (1) The right of persons with disabilities to take part on an equal basis with others in cultural life is guaranteed and accordingly government shall take all appropriate measures to ensure that persons with disabilities:
 - (a) enjoy access to cultural materials in accessible formats;
 - (b) enjoy access to electronic media programmes and places for cultural performance services such as theatres, museums, cinemas, libraries, tourism services and as much as possible enjoy access to monuments and sites of national cultural importance except on medical grounds.
- (2) Government shall ensure that persons with disabilities have the opportunity to develop and utilize their creative, artistic and intellectual potentials not only for their own benefits but also for

the enrichment of the society.

**PART 3
OTHER RELATED MATTERS**

Prohibition from Cruelty,
Trafficking and Inhuman
Treatment

13. (1) No person with disability shall be subjected to medical or scientific experiment without his or her consent
- (2) No person shall employ, use or involve persons with disabilities for alms begging or trafficking.

Situation of Risk
And Humanitarian
Emergencies

14. (1) Government shall take all necessary measures to ensure safety of persons with disabilities in all situations of risk including situation of armed conflict, humanitarian emergencies and occurrence of natural disasters.
- (2) Persons with disabilities shall be given first consideration as much as possible in queues.

Punishment and Fine

15. Any person found guilty of violating the aforementioned provisions in this law is liable to the following prescribed punishment.
 - a. That any person or organization found discriminating, stigmatizing and use of derogatory language on ground of disability shall be liable to a fine of the sum of fifty thousand naira only (N50,000.00) or 12 months imprisonment or both for individuals and two hundred thousand naira (N200,000) for corporate bodies.
 - b. Any person or organization found guilty of contravention be liable to a fine of Two Hundred

Thousand Naira (N200, 000) or with imprisonment for a term of not less than two (2) years or both for individuals and Five Million Naira (N5, 000, 000) for corporate bodies.

- c. Every parent or guardian found concealing, abandoning, neglecting, engaging the disables in alms begging and/or segregating a child with disability shall be liable to an imprisonment of not less than Six (6) Months or an option of fine of not less than Fifty Thousand Naira (N50, 000) or both.

Establishment of Disability Fund

16. (1) There shall be established a fund to be known as Kano State Persons with Disabilities Trust Fund.
- (2) The purpose of the fund shall be the advancement of the cause of Persons with Disabilities in Kano State.
- (3) Government, unions, organizations and individuals may make contribution to the fund for the benefit of Persons with Disabilities. Corporate bodies operating in the State shall also contribute to the fund or execute certain projects or programmes for Persons with Disabilities based on Corporate Social Responsibilities.
- (4) The fund shall be administered by the Board saddled with the responsibility of implementing the provisions of this Law.
- (5) The Kano state Government shall make a contribution of an amount not less than N 100,000,000.00 to the fund annually