

# **CONCEPT NOTE ON THE URGENT NEED TO PUSH FOR A PRESIDENTIAL ASSENT TO THE NIGERIA'S DISABILITY BILL.**

**Summary of why the Disability Bill should be urgently assented to:**

- **The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was signed and ratified by the Nigerian Government since 24<sup>th</sup> September 2010, but is yet to be domesticated to bring it under the Nigerian statute books as required under the provision of Section 12 of the Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended)**
- **Nigeria's population of persons living with disabilities is estimated to at twenty five million people, yet there is no comprehensive law or institution set up to specifically cater for their needs as required under the CRPD.**
- **Persons with disabilities in Nigeria face countless discrimination daily on account of their disabilities, particularly in accessing public buildings and transportation, healthcare, education, physical and emotional abuse and neglect. These dehumanising challenges have further made persons with disabilities to desperately demand for the establishment of a law with appropriate institutional framework to protect them.**
- **The provisions of the Bill, if assented to, can be progressively implemented within the "moratorium" period by the Federal Government. This will give the government the flexibility to explore more suitable policies to enable persons living with disabilities benefit the rights as enshrined in the CRPD.**
- **Signing the Bill into law would considerably help in reducing the level of discrimination against persons with disabilities. Especially in areas of employment, access to education, etc.**
- **This Bill if assented to would demonstrate Nigeria's commitment to honour its international obligations.**

## **1. Introduction**

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was signed by State Parties to the Convention on 30 March, 2007. The CRPD came into force on 3 May 2008.

Nigeria ratified the CRPD on the 24 September, 2010 with its Optional Protocol. The Federal Government is however, yet to put in place an appropriate legislation for the operationalization of the provisions of the CRPD.

Nigeria has also not met its reporting obligations to the Committee established under Article 34 of the Convention requiring Nigeria to report every two years, on the extent of its implementation of the provisions of the Protocol. Importantly, Nigeria is yet to comply with the provision of Section 12 of the CFRN, 1999 (as amended) which provides that a treaty cannot come into force until passed into a national law by the National Assembly.

## **2. Previous efforts towards the passage of the Bill**

There have been several efforts by successive administrations in Nigeria to pass the Disability Bill. In several of these efforts, the Bill had always scaled the legislative rigours, but had sadly failed to get the presidential assent.

The reason for failing to get the required presidential assent has been hinged on the cost implications to both government and corporate organisations. For example, having to redesign public buildings to make them accessible to persons with disabilities is one of the requirements of the CRPD. This is believed to be one of many reasons why the Bill has suffered setbacks.

### **3. Salient features of the Bill**

Salient features of the Bill as revised:

- Criminalisation of any form of discrimination against PWDs and ensuring adequate publicity, promotion of public awareness on the rights of PWDs;
- Making provision for accessibility to public buildings and related facilities;
- Provision for a five-year period within which all public buildings and structures are to be adaptable for use by PWDs;
- Accessibility to transportation including road, sea ports, railways and air and related facilities;
- Protecting the liberty of PWDs and criminalizing their use in alms begging;
- Making provision for all aspects of the educational and health care needs of PWDs to provide necessary assistive devices;
- Provision for all employer of labour in public organization to employ at least 5% of PWDs in their employment;
- Provision of adequate standard of living and social protection in terms of accommodation for PWDs;
- Encouragement of PWDs in politics and public life;
- Establishment of a National Commission for PWDs with headquarters at the FCT, Abuja, with a governing Council to run the affairs of the Commission. The staff of the Commission may also be directly appointed by the Council or may be on transfer or secondment from any public service of the Federation.

### **5. Policy Recommendations for the Implementation of the Proposed Bill for PWDs**

Since the coming into force and ratification of the CRPD, Nigeria has not put in place an appropriate institutional framework for a successful implementation of the CRPD.

Whatever operational challenges that may be contained in the Bill, the Government, in the interest of the PWDs, should at this stage look for ways

to work within the institutional framework contained in the Bill to honour Nigeria's commitment under the Convention.

The following are some policy considerations that may assist in the implementation of the provisions of the Convention:

- ***Coordinating role of the National Commission for Persons with Disabilities***

The Bill seeks to establish a Commission which places certain responsibilities, which customarily, are carried out by Ministries, Departments and Agencies (MDAs), particularly in the education, health and social welfare sectors. This naturally poses a funding constraint for Government. Until such a time as the Government can financially empower the Commission, the MDAs responsible for carrying out these functions for the PWDs should continue to carry out these functions and be supported with enhanced budgetary allocations. The Commission to be established under the proposed legislation, when fully operational, should coordinate the activities of all concerned MDAs.

- ***Public Enlightenment***

The Government can, immediately upon the passage of this Bill, carry out the provisions of the Convention requiring the promotion of awareness on the rights, respect and dignity of persons with disabilities by ensuring that the Ministry charged with the responsibility for matters relating to information focuses on and carries out this important requirement of the Convention within its operational framework. Such awareness should also include wide publication of the offences and penalties for infractions of the legislation.

## **6. Conclusion**

Nigeria, as one of the member states to sign and ratify the CRPD, has been lagging behind in its domestication. Recommending the President to sign this Bill now will place Nigeria on a pedestal among nations that have implemented the provisions of the Convention.

In the closing, Plateau, Lagos, Bauchi, Jigawa, Kano and Ogun states have passed Disability Laws to operate within their respective jurisdictions. The Federal Government should at this stage show leadership and commitment by signing this proposed Bill.