







TABLE OF CONTENT

SECTION ONE

- Introduction
- Part I Prohibition of Discrimination, And Awareness Programmes
- Part II- Accessibility of Physical Structures
- Part III- Road Transportation
- Part IV- Seaports, Railways and Airport Transport
- Part V Liberty, Right to Education, Health and First Consideration in Queues, Accommodation and Emergencies.
- Part VI- Opportunity for Employment and Participation in Politics and
 Public Life
- Part VII Establishment of The National Commission for Persons with Disabilities.
- Part VIII -Appointment and Duties of The Executive Secretary and Other Staff.
- Special Facilities/ Reasonable Accommodation

SECTION TWO

UNDERSTANDING DISABILITY

- What is disability?
- Types of disabilities
- Barriers to Disabilities Inclusion in The Society
- Ways to Break Barriers to Disability Inclusion
- Right Terminologies for addressing PWDs
- Guidelines
- About us

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (PROHIBITION) ACT ENACTED BY THE NATIONAL ASSEMBLY IN 2018

Simplified by:
Persons with Disabilities Community of Practice
(CoP)

Supported by:







SUMMARY

The Act is to provide for the full integration of persons with disabilities into the society, establish the National Commission for people with disabilities and vests in the Commission the responsibilities for their education, health care, social, economic and civil rights and for related matters.

Introduction

The Nigeria Disability Act provides for the full integration of persons with disabilities into the society and establishes the National Commission for persons with disabilities and vests the commission with the responsibilities for their education, health care, social, economic civil rights, and for related matters.

There shall be a transitory period of five years from the date of the commencement of this Act (Jan 2019 - Jan 2024) in which public buildings and structures, schools, roads, seaports, airport, health facilities and services, employment and political participation that are inaccessible and exclusive to persons with disabilities shall be modified to be accessible and inclusive and useable for all persons with disabilities

This is a simplified version of the Discrimination Against Persons with Disabilities Prohibition Act 2018 to make it easy for all to read, understand, and use it to seek justice when necessary.



PART I – PROHIBITION OF DISCRIMINATION AND AWARENESS PROGRAMMES

- The Discrimination Against Persons with Disability (Prohibition) Act 2018 protects people with disabilities from discrimination in any manner or circumstance. Anyone who discriminates against a person with a disability is committing an offence and can face a fine or imprisonment. Additionally, the person who was discriminated against can initiate a civil action against the offender, regardless of whether the offender was convicted or acquitted.
- The Federal Ministry of Information is responsible for creating measures that promote awareness and educate the public on the rights, respect, and dignity of individuals with disabilities.

Penalty:

- (a) A body corporate, a fine of N1,000,000; and
- (b) An individual, a fine of N100,000 or six months' imprisonment or both.



PART II: ACCESSIBILITY OF PHYSICAL STRUCTURES





• All public buildings such as schools, hospitals, banks, government offices
and other public facilities must be built using the approved building codes to
ensure access on an equal basis for all PWDs and be equipped with the
necessary accessibility facilities such as ramps, handrails, signposts, road
side walks, lifts etc.

Penalty:

- An officer who directs and approves a building plan that contravenes the building code commits an offence and is liable to pay a fine of N1,000,000 or face a term of 2 years imprisonment.
- Any individual or A body corporate who disobeyed shall pay a fine of #5,000 or #10,000 respectively for damages for each day of default to the PWD affected or face 6month imprisonment or will be charge for both.



PART III - ROAD TRANSPORTATION

The Act prohibits discrimination against persons with disabilities in the provision of goods, services, and facilities. Government transport service providers shall ensure that their vehicles, parks, and bus stops are accessible to persons with disabilities, and shall provide and maintain accessibility aids for persons with disabilities.

Suitable parking spaces shall be reserved and marked for persons with disabilities and makes it an offence to park in these spaces without proper identification or intentionally obstruct them.



Penalty:

- Any person, organization, or body corporate in control of public parking lots who fails to reserve parking space for PWDs, on conviction is liable to fine of N1,000 for each day of default.
- Any individual without disability who parks vehicle in the reserved parking space or who obstruct the reserved parking space on conviction is liable to a fine of N5,000.

PART IV - SEAPORTS, RAILWAYS AND AIRPORT TRANSPORT

- All boats and ships including seaport facilities, vessels and boarding stations shall be made inclusive and accessible for use to people with disabilities.
- All railways and trains including their facilities and train stations shall be made accessible and inclusive for easy boarding and easy movement for people with disabilities
- All airline operators shall make sure their aircrafts are wide enough for easy movement of people with disabilities when boarding.
- All airlines shall have an extra wheelchair for the use of people with disabilities when the need arises.
- All airlines shall have handlers to assist people with disabilities to sit safe and comfortably making sure that they board first and disembark last and any information at the airport must be made accessible and inclusive for people with disabilities.



PART V - LIBERTY, RIGHT TO EDUCATION, HEALTH AND FIRST CONSIDERATION IN QUEUES, ACCOMMODATION AND EMERGENCIES.

- No body shall use persons with disabilities to beg on the street or displaying their disabilities to beg for alms.
- All persons with disabilities shall have equal right to accessible and inclusive education with all facilities, infrastructures and learning materials available., They also have right to free education up to secondary school level without being discriminated against. Braille, sign language interpreters and other skills for communicating with persons with disabilities shall form part of the curricula for all schools beginning from primary to university level for easy communication.
- Government shall make provision to make sure that persons with disabilities
 have access to health care without discrimination and persons with mental
 disabilities are entitled to free medical services in all public health centers.
- Persons with disability shall obtain a certificate of disability from the commission.
- A doctor who suspects disability at the cause of treatment of a person who
 was not a person with disability before may, with the approval of the
 commission issue a temporary certificate of disability which shall not last for
 more than 180 days. Which if the condition persists beyond that period, the
 commission upon the doctor's recommendation, may issue the person
 certificate of disability.



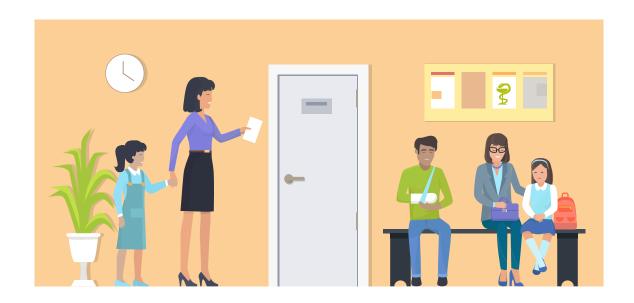
• A person issued with a permanent certificate of disability is entitled to all rights and privileges under this act.

Penalty:

Any person who employ, use, involve, or parade a person with disability in begging or with the intention of soliciting for alms has commits an offence and liable for a fine of N100,000 or a 6 months term imprisonment



- Any person who unlawfully issued or obtained a certificate of disability is liable upon conviction to a fine of N200,000, an imprisonment term of one year or both.
- All public hospitals are to make a provision for special communication such as sign language or braille etc. where a person with communication disability is being attended to in the hospital.
- In all situations of emergencies and the occurrences of natural disaster, the government shall take all the necessary steps to ensure the safety and protection of persons with disabilities taking into consideration their peculiar vulnerability.
- In queues, persons with disabilities shall be given first consideration and be attended to outside the queue without them queueing.



Penalty:

Any person who disobeys this law shall be liable upon conviction to a fine of N50,000 or six months imprisonment or both.

 All persons with disabilities are to be given first consideration when accommodation is provided by schools, service providers, government, and organizations.



PART VI: OPPORTUNITY FOR EMPLOYMENT AND PARTICIPATION IN POLITICS AND PUBLIC LIFE

• No PWD shall be denied employment on the basis of disability. All employers as much as possible shall ensure at least 5% of their employees are PWDs.

Penalty

Any person who contravenes the above have committed an offence and liable to damages of a minimum of N250,000 payable to the affected person with disability.

Any organization or its officer found wanting shall pay a fine of N500,000 and N50,000 respectively, payable to the affected person with disability.

PWDs shall be encouraged to participate in political, electoral, administrative,
 and legal activities of their society effectively and fully.



PART VII - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES.

- The National Commission for persons with disabilities is established by this Act with headquarters in Abuja.
- The Commission is a body corporate and can acquire and dispose of property.
- The Commission's Governing Council is appointed by the President and is responsible for managing the Commission's affairs, including establishing inclusive schools, vocational and rehabilitation centers, receiving complaints of rights violations, and enforcing compliance with building codes and any other accessible and inclusive



PART VIII - APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

- This section outlines the appointment and duties of the Executive Secretary and other staff of the Commission, as well as the structure of the Commission itself.
- The Commission will have an Executive Secretary who must have the required
 qualifications and experience and be a person with a disability. The Executive
 Secretary will be responsible for the administration and implementation of
 policies for the Commission.
- The Commission will appoint employees as needed for efficient performance,
 either directly or from the Public Service of the Federation.



 The Commission will establish necessary departments, maintain a fund to manage its expenditures, maintain accounts and records, and submit an annual report to the Secretary to the Government of the Federation and the National Assembly.

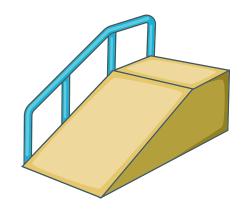
The Governing Council of the Commission is responsible for the day to day running of the Commission.

SPECIAL FACILITIES

- 1. Wheelchairs, clear floor, wheelchair passage, and turning space.
- 2. Stair climbing wheelchair,
- 3. Crutches, white canes,
- 4. Hearing aid,
- 5. Curb ramps and ordinary ramps,
- 6. Handrails, grab bars,
- 7. Elevators or Lifts,
- 8. Wide-entrance doors,
- 9. Parking space,
- 10. Accessible toilets,
- 11. Accessible routes including walkways, halls, windows, and aisles,









- 12. Stain-shopping stairs
- 13. Sign language interpreters
- 14. Braille and large print
- 15. Accessible alarm systems; audible alarms, visual alarms, auxiliary alarms, etc.









SECTION TWO UNDERSTANDING DISABILITY

What is Disability?

Disability is defined as a physical, mental, intellectual, or sensory impairment or condition that makes it difficult for a person to do certain activities (activity limitation) and interact with people around them (participation restrictions) in the society on an equal basis. However, it is important to note that disability can be visible or not visible.



Types of Disabilities

Types of disabilities and their definitions include but not limited to:

1. Physical Disability: A physical disability is a substantial long and short-term limitation affecting a person's mobility, physical functioning, stamina, or agility, It can limit the individual, either temporarily or permanently for a wide range of reasons, such as genetic disorder, injury or a specific condition, These limitations hinder the person from performing some basic daily tasks.





2. Dyscalculia: Dyscalculia refers to a specific neurodevelopmental learning disability characterized by markedly below age-level arithmetic skills in children with otherwise adequate intellectual abilities, appropriate neurologic development, and schooling opportunities.

- **3. Epilepsy:** is a chronic non-communicable disorder of the brain that affects people of all ages.
- **4. Low Vision/Visually Impaired and Blind:** Blind is a term used to describe those who have a complete lack of sight or light perception. While low vision/visual impairment is a functional term to describe those whose visual function interferes with the ability to perform their activities of daily living, such as reading, driving, etc, and to see objects in a class range.
- **5. Deaf/Hard of Hearing:** The term "deaf" is used for people with profound hearing loss and the term "hard of hearing" indicates moderate loss to severe hearing loss. People who are hard of hearing usually communicate through spoken language and can benefit from hearing aids, cochlear implants, and other assistive devices as well as captioning.







6. Albinism : This is a rare genetic condition caused by mutations of certain genes that affect the amount of melanin your body produces. Melanin controls the pigmentation (color) of your skin, eyes, and hair. People with albinism have extremely pale skin, eyes and hair



7. Learning Disability: These are a group of neurodevelopmental impairments that can significantly hamper a person's ability to learn new things. As a result, the person may have trouble with tasks such as speaking, reading, writing, paying attention, understanding information, remembering things, performing mathematical calculations, or coordinating movements – *Gupta, S. (2022, August 30)*.



8. Psychosocial Disability (PSD): refers to the social consequences of disability and the way that your life is impacted upon due to mental illness. People affected by PSD may find it challenging to set goals and make plans, engage in education, training and employment and other social and cultural activities.



9. Dyspraxia: Developmental Co-ordination Disorder (DCD), also known as dyspraxia, is a condition affecting physical co-ordination. It causes a child to perform less well than expected in daily activities for their age, and appear to move clumsily.

- **10. Deaf-blindness:** this is a combination of sight and hearing loss that affects a person's ability to communicate, access information and get around. It's also sometimes called "dual sensory loss" or "multi-sensory impairment".
- 11. Dyslexia: This is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities.



12. Down Syndrome: Down syndrome (Trisomy 21) is a genetic disorder caused by the presence of all or a portion of a third chromosome 21. Patients typically present with mild to moderate intellectual disability, growth retardation, and characteristic facial features



- **13. Bipolar :** People with bipolar disorder experience alternating depressive episodes with periods of manic symptoms. During a depressive episode, the person experiences a depressed mood (feeling sad, irritable, empty) or a loss of pleasure or interest in activities, for most of the day or nearly every day.
- **14. Dwarfism:** "Person of short stature," and "Little person," are commonly used to refer to a person with a medical condition called "Dwarfism." Dwarfism is generally defined as an adult height that is below 4 feet 10 inches (147 cm) and the average height among individuals with dwarfism is 4 feet (122 cm).



15. Cerebral Palsy (CP): Cerebral Palsy (CP) is a group of disorders that affect a person's ability to move and maintain balance and posture. CP is the most common motor disability in childhood. Cerebral means having to do with the brain. Palsy means weakness or problems with using the muscles.

16. Attention-Deficit/Hyperactivity Disorder (ADHD): The National Institute of Mental Health defines attention-deficit/hyperactivity disorder (ADHD) as a mental condition that is marked by an ongoing pattern of inattention and/or hyperactivity-impulsivity that interferes with functioning or development.



17. Intellectual and Developmental Disability (IDD): This is defined as significant limitations in cognitive and adaptive functioning. The severity is classified as mild, moderate, severe, and profound, based on various measures of functioning and clinical judgment.

- **18. Autistic Spectrum Disorder (ASD):** This is a neurodevelopmental disorder characterized by deficits in social communication and the presence of restricted interests and repetitive behaviors.
- **19. Muscular Dystrophy (MD):** This incorporates an assortment of hereditary disorders that lead to progressive, generalized disease of the muscle prompted by inadequate or missing glycoproteins in the muscle cell plasma membrane.



20. Traumatic Brain Injury (TBI): This is a non-degenerative, non-congenital insult to the brain from an external mechanical force, possibly leading to permanent or temporary impairment of cognitive, physical, and psychosocial functions, with an associated diminished or altered state of consciousness.

Barriers to Disability Inclusion in the Society

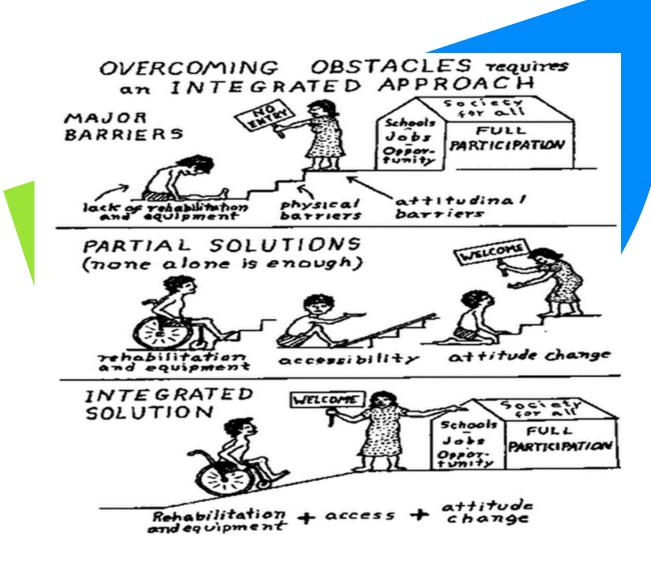
According to Collins dictionary, **barriers** are those obstacles that are in a person's environment and institution that prevents movement, access, functioning and separates, or hinders one from achieving a particular purpose.



Types of Barriers:

- Physical or Environmental Barriers: This is a barrier that hinder PWDs from
 actively participating in the community. This ranges from inaccessibility to
 social and economic infrastructures and facilities such as, schools, hospitals,
 water pumps, transport, roads, shopping centers, walkways and
 inadequacies in assistive technologies (adaptive, assistive and rehabilitative
 devices).
- Communication Barriers: This is lack of proper communication systems such as inaccessible written and spoken information and lack of sign language interpreters etc.

- Institutional or Policy Barriers: this is lack of policy/lack of full implementation of the disability law that enables the coordination of effective inclusion and mainstreaming of disability issues and programs at most organizations, institutions, community and at the national levels; including policy at work places for PWDs.
- Attitudinal/Social Barriers: This speaks to the negative attitude of non-disabled persons in the society which manifests in the various forms of discriminations, segregation, degradation, abuse, etc as well as negative stereotyping of people with a disability, social stigma and other forms of overt discrimination. PWDs often report that attitudes are the most disabling barriers of all due to cultural and religious beliefs.



Ways to Break Barriers that Hinders Disability Inclusion

- 1. Develop, review and implement policies using a disability lens to view potential barriers and develop/make programs that are more inclusive.
- 2.Be innovative and create infrastructure design with good facilities that are accessible and inclusive
- 3. Abstain from assumptions and beliefs concerning the abilities and strength of people with disabilities
- 4. Promote positive attitude towards people with disabilities
- 5. Support and promote initiatives that champion the rights of PWDs



- 6. Respect the rights of PWDs because disability rights are human rights.
- 7. Include PWDs in policy development and decision because there is "Nothing About Us Without Us".
- 8. Make sure programs and learning materials are accessible and inclusive.
- 9. There should be proper, effective, inclusive and accessible communication channels such as sign language interpreter(s), large prints, braille, signage, text to speech technology systems.
- 10. Acknowledge that PWDs are humans first before their disabilities.

RIGHT TERMINOLOGIES FOR ADDRESSING PWDS

APPROPRIATE	INAPPROPRIATE
A person with a disability; People/Persons with disabilities,	The handicap, crippled, invalid, retarded, people living with disabilities, victim, unfortunate, deformed, lame, special people
A person who uses wheelchair; Wheelchair user	Confined to wheelchair, wheelchair bond
A person with a learning disability; Children with special needs	Imbecile, mentally defective, retarded, below average, brain damaged
A person who is blind, visually impaired, A person low vision	Invalid
A person who is deaf, Hard of hearing	Deaf and dumb, mute, invalid
A person with albinism	Albino, oyibo pepper, alfin
Dwarfism/A person of little stature	Dwarf, midget
A person with Psychosocial disability	Mentally unstable, mad, Insane, crazy, hyper-sensitive, psycho, nuts, kolomental
A person with cerebral palsy/Children with special needs	CP victim, spastic
A person with Autism, Children with special needs	Mentally defective, slow-slow
A Person with Down Syndrome, Children with special needs	Mentally defective, slow-slow, retarded, invalid
A person with physical disability, An amputee, Crutches user	People living with disabilities, victim, deformed, lame deformity, physical challenged
A person without a disability, non- disabled person	Normal person

Guidelines:

- Use person-first language (always see the person first before their disabilities)
- Focus on person's ability, not inability, deficit, or loss.
- Avoid terms that imply disease, sickness, abnormality, or a negative image.
- Don't talk about the Persons with Disabilities as though they are a group apart; say disabled persons or persons with disabilities.



- Don't use words that make disabled people seem frail or dependent,
 like victim of, crippled by, or suffering from. The word 'invalid' should
 also be avoided as it can be understood as the person is not valid.
- Don't say "able body" because it implies that PWDs lack able bodies or the ability to use their bodies well, instead use "non-disabled" 'does not have a disability' or 'not living with a disability'.
- Don't say afflicted with, stricken with, suffers from, or victim of. These terms carry the assumption that a person with a disability is suffering an ailment thereby reducing the quality of life. Not every person with disability suffers or is a victim or is stricken. Simply indicate the disability such as; he is visually impaired/blind or he is a wheelchair user or she is a person with albinism etc.



CONCLUSION

Persons with Disabilities (PWDs) are a total part of any society, and they are entitled to all the fundamental human rights available to persons without disabilities, including the right to decent work, education, health, transportation, inclusive environment, religion and tradition, relationships, marriage, available programs and decision making amongst others

Different disabilities are part and parcel of our society and therefore, we should all care about disability inclusion and make efforts to remove all barriers that may exclude persons with disabilities from meaningful participation in the society because disability is all about everyone. It is everyone's business.

Inclusion starts with me and you.



ABOUT US

The VOICE Persons with Disabilities (PWD) Community of Practice (CoP) is a community of passionate rightsholders and actors in the disability community who have come together to pursue a common goal of mutual learning aimed at advocating, and fostering inclusivity and amplifying the voices of the PWD community positively. This CoP activity comes under the Linking and Learning component of the VOICE project in Nigeria, coordinated by Oxfam and facilitated by Cognito and NINE.

Though each organization have their thematic areas of impact as disability has a wide spectrum, the community is united in their quest for a more accessible and inclusive society.



A group photo of members of the Voice persons with disabilities community of practice

The Members of the Community of Practice are:

- 1. Centre for Ability, Rehabilitation and Empowerment (CARE) FCT, Abuja
- 2. MotherHen Development Foundation (MDF) Borno State
- 3. Disability Advancement Initiative (DAI) FCT, Abuja
- 4. Foundation for Societal Empowerment and Rejuvenation (FOSER)
- Bauchi State
- 5. Disability Not a Barrier Initiative (DINABI) Ekiti State
- 6. Physically Challenged Empowerment Initiatives (PCEI) Lagos State
- 7. Spinal Cord Injuries Association of Nigeria (SCIAN), Bauchi State Chapter
- 8. The Albino Foundation (TAF), Plateau State Chapter
- 9. National Association of Persons with Physical Disabilities Nigeria
- 10. Haly Hope Foundation FCT Abuja
- 11. SafeHost International Initiative FCT Abuja
- 12. Albinism Network of Nigeria Ekiti State
- 13. Sussan's Unique Oasis Foundation Lagos State
- 14. Kids & Teens Resource Centre FCT, Abuja
- 15. King Leodews Initiative Bauchi State
- 16. Women and Girls with Albinism Network Nigeria
- 17. Hope Alive for Possibilities Initiative (HAPI) Abuja

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