



## **NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES LAGOS, NIGERIA**



### **ROUNDTABLE ON THE UNSERVED HANDICAPPED: RAISING RESPECT AND AWARENESS FOR THE RIGHTS OF THE DISABLED IN NIGERIA**

28th June, 2010

## **COMMUNIQUE**

#### **INTRODUCTION**

Perhaps the most important index of civilization of a society and indeed the measure of the strength of a nation is the humane treatment and the measure of respect it accords the disabled, weak and infirm members of its population.

According to the World Health Organization (WHO), disability is any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being, due to impairment. The disabled include persons with physical or other dysfunction, which may be acquired, congenital, even hereditary, consequentially affecting their full participation in the society, and the performance of social roles.

It is recognized that human rights have universal application without bias to disabilities, gender, race or class (or other social category). In principle, the human rights of people living with disabilities (PLWDs) are automatically inherent in the general principles of human rights. Given the long standing discriminatory practices and the non recognition of PLWDs rights as human rights, it has become clear that it is absolutely necessary to make a clear delineation of their human rights. Consequently, they will no longer be constantly ignored and violated under the mistaken belief that PLWDs rights can be effectively recognized and protected in a subsumption within the general principles of human rights.

The United Nations (UN) adopted various instruments which prohibits discrimination and sets standards on treatment of PLWD, some of which include: The UN Charter; the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families; the Convention on the Elimination of All Forms of Discrimination Against Women; the Declaration on the Rights of Disabled Persons; the Declaration on the Rights of Mentally Retarded Persons; the Declaration on Social Progress and Development and other relevant instruments.

The UN also adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Preconditions for equal participation as enumerated by the Standard Rules include: Awareness raising; Medical Care; Rehabilitation; Support Services; Accessibility; Education; Employment; Income Maintenance and Social Security; Family Life and Personal Integrity; Culture; Recreation and Sports; Religion; information and Research; Policy-making and Planning; Legislation; Economic Policies; Coordination of work; Organization of Persons with Disabilities; Personnel Training; National Monitoring and Evaluation of Disability programmes in the Implementation of the Rules; Technical and Economic Cooperation; and International Cooperation.

The UN Decade for People with Disabilities (1983-1992) is the period in which UN member states were expected to implement the World Programme of Action Concerning People with Disabilities. The decade raised the expectations of disabled people all over the world. It was hoped that at the end of the Decade, the quality of disabled people would be improved, yet, this did not materialize, especially in a country like Nigeria. There comes a time in the life of a nation when it has to take vital decisions for the citizens to define who they are, reassert their social values and express what they believe. That time has now come for Nigeria.

In consideration of the foregoing, the Nigerian Institute of Advanced Legal Studies, through its Jadesola Akande Centre for Women, Children and Disabled Persons held a Roundtable on The Unserved Handicapped: Raising Respect and Awareness for the Rights of the Disabled in Nigeria.

#### **OBSERVATIONS**

The Roundtable made the following observations-

1. The spectrum of disability includes: physical disability resulting from visual, hearing, speech impairment, mobility impairment, mental disability/mental handicap resulting from psychiatric disease, mental retardation and learning impairments, whether congenital or acquired.
2. There are persons with disabilities in all parts of the world and at all levels in every society. Closely allied to this is the fact that the number of persons with disabilities in the world is indeed growing. The UN estimates that there are about 600 million of the world's 6.7 billion people who are persons with disabilities of various types and degrees. This puts the total percentage of persons living with disability in the world at about 10%. There are about 10 million PLWD in Nigeria. In Lagos State alone, there are about 1.8 million disabled persons. On the average, 9 out of 10 disabled persons in Nigeria live below the poverty line.
3. The causes and the consequences of disability vary throughout the world. This is a result of differences in socio economic circumstances and of the different provisions that states make for the well being of their citizens.
4. While the present disability policy is the result of developments over the past 200 years, and in many ways reflect the general living conditions and social and economic policies of different times, specific circumstances such as ignorance, neglect, superstition and fear have in the history of disability isolated persons with disabilities and delayed their development.
5. After women, children and youths, disabled persons constitute one of the next categories of neglected and marginalized sectors in Nigeria and Africa, yet the humanity of a society is to a large extent, measured by the way and manner it treats these categories of her population especially persons with disability.
6. Superstitious beliefs, harmful traditional practices, tales by the clergy of disability as evidence of being bewitched, absence or shortage in the number of specialist medical practitioners, non-availability of machines to conduct proper diagnosis early enough have added to the woes of PLWD in Nigeria.

7. Adding to the distress faced by PLWD worldwide is the reluctance of employers of labour both in the public and private sectors to recruit PLWD despite their meeting the qualification for such jobs. An estimated 386 million of the world's working age people are disabled and unemployment among the working age disabled is as high as 80 percent.
8. The design of nearly all public infrastructure and private buildings reflects the attitude of the public towards the disabled—a gross lack of concern. Car parks are located far from the main buildings without facilities like wheel chairs and potters to ease mobility for the disabled. Access to public transportation is a big challenge as the buses do not stop for commuters to get in and the other commuters do not show concern for the plight of the disabled.
9. Children are one of the most vulnerable groups among persons with disabilities. All over the world, different cultures, religions and myths emphasize the disgrace of giving birth to a disabled child. Despite modern human rights attitudes, the idea that a disabled child is the result of the anger of the gods, or ancestors, the embodiment of sin in the family is still prevalent.
10. The Child Rights Act 2003 (CRA) affirms the human rights provisions of in chapter IV of the Constitution of the Federal Republic of Nigeria and also includes other rights that are specific to the child. However, unlike the UN Convention on the Rights of the Child, the CRA did not give the disabled child adequate attention as one would have expected. Mention is indirectly made of the disabled child in Part V of the CRA (Children in need of care and protection) as one of the categories of children that may be brought before the court for protection (section 50 (1) (d)).
11. Although there have been numerous legislative bills on the subject matter for consideration by the Federal and State legislatures over the years, there is only one legislation that is fully enacted for the protection of the welfare of persons with disability and that is the 2003 Disabled Persons Welfare (Enhancement) Law of Lagos State.
12. The Constitution fails to acknowledge the reality that disability is a basis of discrimination, marginalisation and/or exclusion in Nigeria and in assuming this approach it leaves persons with disability with little or no protection.
13. The Constitution provides for humane work environment, but there is no provision in our work place infrastructure for disabled persons.

## RECOMMENDATIONS

At the end of the Roundtable, the following recommendations were made:

1. There is need to urge the Nigerian government to take steps necessary to fully accede to the UN Convention on Rights of Persons with Disability by ratifying it and subsequently domesticating it.
2. The legislature has the duty to harmonize all the bills related to PLWD and ensure that it not only enacts necessary legislations, but that it enacts adequate legislations. The legislations should acknowledge disabled children's rights; should change the attitude of the society towards disability and ensure that disabled children are able to live the normal lives that they are entitled to. Some of the bills in this respect that have been pending before the National Assembly include:
  - a. A Bill for an Act to establish the National Social Security Board and vest it with the responsibility for the control and administration of benefits and assistance to enhance the welfare of citizens especially disadvantaged persons, particularly children, women, the handicapped, the sick, the aged and the unemployed (2000).
  - b. A Bill for an Act to provide special facilities for the use of handicapped persons in public buildings.
  - c. The Discrimination against Persons with Disabilities (Prohibition Bill) (2008).
  - d. A Bill for an Act to prohibit all forms of discrimination against persons with disabilities and give them equal opportunities in all aspects of life in society and related matters (2009).
  - e. The Mental Health Bill (2008).
  - f. The Social Welfare Bill (2008).
3. Government must formulate policies to guarantee the employment of persons with disabilities and institute stiff penalties for individuals or corporate bodies who directly or indirectly discriminate against PLWD. This must be backed up with adequate sanctions and this can only be achieved through legislation.
4. The labour Act should be amended with particular provisions for disabled persons as a special class.
5. We have learnt from the Nigerian experience that even when a good and adequate law is in place, failure on the part of the Executive will render such law ineffective. Therefore when an adequate legislation has been passed, the executive has the duty to ensure that it implements and enforces the legislation to end by bringing to reality its goals and objectives.
6. Assistive technology has become the norm all over the world. The government of Nigeria should make concerted efforts to provide and encourage the production of assistive technologies like; SmartboxAT's the Grid, Freedom Scientific's JAWS, the free and open source alternative-arca, the LOMAX keyboard etc, designed specifically for PLWD.
7. Disability should be mainstreamed into the process of governance, thereby making the people accept disability as normal. To this end, the federal and state governments should create agencies for the promotion of the welfare of the disabled.
8. There is need for attitudinal change on the part of the public on how they relate to the disabled. The physically able people should associate more closely with people with disability and shed off any form of discrimination. To this end, there is the need to raise respect and awareness for the rights of the disabled in Nigeria. Public enlightenment programs must be embarked on by government to sensitize the society on the rights of disabled persons. The press and the media must be unrelenting in exposing all forms of discrimination against disabled persons.
9. Government should ensure through the town planning departments of government in all the States of the federation and the Federal Capital Abuja that new buildings are constructed with accessibility codes and guidelines, remodel old buildings to meet the code and make transport system disability friendly.

*Signed:*

**Professor Epiphany Azinge, SAN**  
*Director General*