1. Population indicators

1.1 What is the total population of Nigeria?

According to the 2006 Population and Housing Census the total population of Nigeria was 140,431,790.1

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

The methodology used to obtain statistical data on the prevalence of disability in Nigeria was through field interview (National Census).2

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

The total number of people with disabilities in Nigeria according to the 2006 Census were 3,253,169 and the percentage is approximately 2.32 per cent.3

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

The total number of women with disabilities in Nigeria in line with the 2006 Census is 1,544,418 and the percentage is 1.1 per cent.4

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1 LLD Candidate, Centre for Human Rights, University of Pretoria.
2 LLD Candidate, Centre for Human Rights, University of Pretoria.

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2 Interview with surveyor C Nwogwu, State Director National Population Commission, Imo State, Nigeria.
3 Census Priority Table (n 1 above) 14 – 15.
4 Census Priority Table (n 1 above) 20 – 21.
1.5 What is the total number and percentage of children with disabilities in Nigeria?

According to the 2006 Census the total number of children with disabilities in Nigeria is 1,002,062 and the percentage is 0.71 per cent.\(^5\)

1.6 What are the most prevalent forms of disability in Nigeria?

The most prevalent forms of disability in Nigeria include:

1. visual impairment;
2. hearing impairment;
3. physical impairment;
4. intellectual impairments; and
5. communication impairment.\(^6\)

2 International obligations

2.1 What is the status of the United Nation's Convention on the Rights of People with Disabilities (CRPD) in Nigeria? Has Nigeria signed and ratified the CRPD and the Optional Protocol?

Nigeria signed and ratified both the Convention and its Optional Protocol on 30 March 2007 and 24 September 2010\(^7\) 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? Has Nigeria submitted its report? If not, what reason does the relevant government department give for the delay?

The Ministry of Women Affairs and Social Development is responsible for the submission of Nigeria's country report. Nigeria's Report was due by May 2012. The delay was caused by lengthy national processes.

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5 Census Priority Table (in 1 above) 40 -- 41.
6 'Interview source from Mrs Comfort Nnaji, principal planning officer, ministry of Women Affairs and Social Development Imo State Nigeria': CC Opara, Principal Assistant Social Welfare Officer I, Ministry of Women Affairs and Social Development Imo State.
2.3 If Nigeria has submitted the report in 2.2 and if the Committee on the Rights of Persons with Disabilities had reviewed the report, indicate if the Committee made any concluding observations and recommendations to Nigeria’s report. Was there a domestic effect in Nigeria on disability issues due to the reporting process?

Nigeria has not submitted the report. Therefore there were no observations.

2.4 While reporting under various other United Nation’s instruments, the African Charter on Human and People’s Rights or the African Charter on the Rights and Welfare on the Child, has Nigeria also reported specifically on the rights of persons with disabilities in its most recent reports? If so, have concluding observations adopted by the treaty bodies, addressed disability? If relevant, were these observations given effect to? Was mention made of disability rights in Nigeria’s UN Universal Periodic Review (UPR)? If so, what was the effect of these observations or recommendations?

Regional instruments

- **African Charter on Human and Peoples’ Rights (ACHPR)**
  
  Nigeria’s fourth periodic report\(^8\) (the report) on human rights incidences and interventions to the Committee on the ACHPR did not report specifically on the rights of persons with disabilities. The report made reference to the constitutional, administrative and judicial measures adopted towards the protection of the family and rights of women, children, the aged and the disabled, to the extent that government directs its policies towards ensuring that suitable and adequate shelter, food and welfare of the disabled and other citizens are provided.

- **African Charter on the Rights and Welfare of the Child (ACRWC)**
  
  The Nigeria report on the status of implementation of the African Charter on the Rights and Welfare of the Child (ACRWC)\(^9\) did not mention the right of persons with disabilities.

United Nations instruments

- **Convention on the Rights of the Child (CRC)**
  
  The Minister of Women Affairs and Social Development while presenting the Nigeria Country Report\(^10\) did not specifically report on the rights of persons with disabilities.

- **Convention on the Elimination of all forms of Discrimination against Women (CEDAW)**
  
  Nigeria in its sixth periodic report in 2008 did not report specifically on the rights of persons with disabilities.\(^11\)

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2.5 Was there any domestic effect on Nigeria’s legal system after ratifying the international or regional instruments in 2.4 above?

After ratifying the ACHPR, the ACRWC, and the CRC, they were incorporated into Nigerian legislation through an Act of the National Assembly (the legislature) in line with the Nigerian Constitution. The Constitution states that no treaty between the federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. Consequently, 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 since, progressively been implementing the ACHPR through Chapter 2 and 4 of the Constitution and through other government ministries, commissions and organisations. Moreover, there is the Child’s Right Act which has been adopted by the 22 states of the Federation. States that have passed the Child Right Act have been encouraged to develop mechanisms for the effective implementation of the legislation in their domains. Nigeria has through this Act mainstreamed the provisions of the CRC. Nigeria has yet to domesticate the CEDAW.

2.6 Do ratified international treaties automatically become domestic law under your legal system? If so, are there any cases where the courts applied international treaty provisions directly?

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 the National Assembly.

2.7 With reference to 2.4 above, has the United Nations CRPD, or any other ratified international instrument, or parts thereof, been incorporated verbatim into national legislation? Provide details.

The ACHPR was incorporated in its entirety into Nigerian legislation. The Amended 1999 Constitution of the Federal Republic of Nigeria, in chapter II and IV make provision for socio economic rights and civil and political rights respectively. These provisions essentially conform to the provisions in the ACHPR. However, the chapter II group of rights are rendered non justiciable under the Nigerian Constitution and cannot expressly be determined by any court of law in Nigeria. Nigeria has also mainstreamed the CRC.
3 Constitution

3.1 Does the Constitution of the Republic of Nigeria of 1996 (hereinafter referred to as the ‘Constitution’) contain provisions that directly address disability? If so, list the provisions and explain how each provision addresses disability.

The Constitution does not contain any provision or provisions that directly address disability.

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

The Amended 1999 Constitution of Nigeria contains some provisions that indirectly address disability. These include:

- Section 42(2) which prohibits discrimination based on the circumstances of a person’s birth; and
- Sections 14, 16(1) and 17 which guarantee the right to equality and fundamental rights for all.

4 Legislation

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

- There is a 1993 Nigerians with Disability Decree passed by the Nigerian military government in 1993. This legislation directly addresses disability by providing for the rights and social welfare of persons with disabilities.

Some legislation on disability can be found in some states in Nigeria:

- Lagos State Special People’s Law 2011 set up an Office of Disability Affairs whose functions include:
  - The issuance of guidelines for the education, social development and welfare of persons living with disability; investigation, prosecution and sanctioning in appropriate cases the violation of any of the provisions of the law subject to an individual’s right to seek redress in court; re-orientation and education of the public on the right attitude towards persons living with disabilities; issuance of directives and guidelines on all manner of disabilities, preventive or curative exercises; actualising the enjoyment of all rights in the law by persons living with disabilities; keeping and updating a register and database of persons living with disabilities.

disabilities; and an advocacy and enlightenment campaign drive targeted at members of the public on ways to empathise with persons living with disabilities.

The law also establishes a Disability Fund, which shall be administered by the office and to which individuals, corporate bodies and government may make contributions. As settled in the law, the purpose of the Fund is to advance the cause of persons living with disability in the state.

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

• The Child Rights Act, 2003
It states that children are entitled to freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion. Further, it provides categorically that the dignity of the child shall be respected at all times. The Act specifies that children in need of special protection measures should be protected in a manner that will enable them to achieve their fullest, possible social integration.

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 indicating what the facts, the decision(s), the reasoning and impact (if any) the cases has had.

Generally, after researching the same, I was not able to find any Nigerian case or decision relating to a disability issue or issues.17

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

• There is a national policy aimed at integrating persons with disabilities in governance.18 This policy is intended at providing equal opportunity for persons with disabilities to contest elective positions, have access to elections, and the ability and opportunity to vote in elections.

17 The researchers also interviewed senior lawyers, judges and lawyers in the Ministry of Justice.
The National Social Welfare Policy\(^19\) aims to take care of the developmental needs of persons with disabilities, orphans and vulnerable children, as well as the elderly in society. The main objective of the policy is to provide a comprehensive social welfare package to check the growing menace of street begging in and around cities by citizens, as well as take into consideration the plight of the aging sector of the country's population and other vulnerable groups.

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.

The Nigerian National Policy on Education,\(^20\) recognises that children and young persons with special needs shall be provided with inclusive education services.

### 7 Disability bodies

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

The Joint National Association of Persons with Disabilities (JONAPWD) is the official body in Nigeria that specifically addresses the violation of the rights of people with disabilities. The Executive Council of JONAPWD acts as a conduit between the Nigerian government and persons with disabilities in order to promote the rights of persons with disabilities. JONAPWD protects persons with disabilities by reporting any form of inhuman treatment they are subjected to, to the government. It has been able to establish partnership with other mainstream human rights organisations, like Action Aid Nigeria, coalition for change and PACT Nigeria. However, it has been argued that JONAPWD does not have the capacity to become an effective rights-based advocacy body as a result of the absence of a strategic plan including an obvious lack of transparency.\(^21\)

#### 7.2 Other than the ordinary courts or tribunals, does your country have any official body that though not established to specifically address a violation of the rights of people 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. It is a platform for all Nigerians with disabilities to come together and speak with one voice.\(^22\) ASCEND is more or less a socio-political group with the objective aim of integrating persons with disabilities in society generally, and in politics in particular.\(^23\)

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22 As above.
23 (n 21 above) 20
8 National human rights institutions

8.1 Discuss Nigeria’s position with regard to a Human Rights Commission or an Ombudsman or Public Protector in Nigeria? Does its remit include the promotion and protection of the rights of people 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.

Nigeria has a National Human Rights Commission. One of the functions and powers of the Human Rights Commission is to deal with all matters relating to the protection of human rights as guaranteed by the Nigerian Constitution, the ACHPR, United Nations Charter, the Universal Declaration of Human Rights and other international treaties on human rights to which Nigeria is a signatory.

Furthermore, the National Human Rights Commission has addressed issues relating to the rights of persons with disabilities in Nigeria in the following ways: it has 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 concerns.  

The Nigerian Human Rights Commission also conducted a survey to support facilities in tertiary institutions aimed at assisting persons with disabilities to enjoy inclusive education. It was found that few tertiary institutions in Nigeria have basic facilities like ramps, lifts with sound and brailed floor numbering to assist persons with disabilities. It has also planned workshop and advocacy visits for institutions to improve access to persons with disabilities. The National Human Rights Commission has provided ramps and lifts with sound and brailed floor numbering in its head office at Abuja, Nigeria.

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

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

In addition to the JONAPWD and the ASCEND, mentioned in 7.1 & 7.2 above which are the national umbrella bodies, there is a multiplicity of other DPOs working at a national, state and local level. Most of these organisations cater for the needs of single impairment groups:

- 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

- **The Spinal Cord Injury Association of Nigeria**
  Provides therapeutic care and support for people with spinal cord injury

- **Deaf Women in Nigeria**
  Takes care of women with hearing and communication impairments

- **The Accidents Victim Support Association**
  Provides services for people with mobility problems and other physical, vision and hearing 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

- **Resource Centre for Advocacy on Disability**
  Assists with advocacy support through networking on disability issues

- **Persons with Disabilities Action Network**
  Inclusive Participation and Access through research and documentation, advocacy capacity building, resource mobilisation and networking

- **Leonard Cheshire Disability**
  Provides training, workshops and research

- **National Handicap Carers Association of Nigeria**
  A support group for persons with disabilities

- **Christian Blind Mission**
  Running community based rehabilitation programmes for persons with disabilities

- **Inclusion International**
  Advocates for human rights of people with intellectual disabilities and their families

Admittedly and according to Lang,25 disability organisations in Nigeria are weak and are always in conflict with each other. This does not allow them to communicate with one unifying voice in effectively advocating for their rights.

9.2 In the countries in your region, are DPOs organised and 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.

25 Lang & Upah (n 21 above) 20.
9.3 If your country has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?

Though the CRPD has not been domesticated in Nigeria, the Ministry of Women Affairs try to partner with DPOs through focus group discussions on issues concerning them with respect to policies, programmes and operational modalities that will make for effective social inclusion of persons with disabilities in society. Furthermore, the government has also provided disability desks in each of the 774 local government areas and at the office of the National Commission on Human Rights.

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

- In Nigeria, DPOs have tried to lobby government towards a rights based approach to disability issues.
- They have also partnered with the national government in developing policies and programmes on disability even though participation is generally poor.
- DPOs have also lobbied the Independent National Electoral Commission (INEC) to amend section 57 of the Electoral Act, so as to ensure that all Nigerians with disabilities have access to voting and can be voted for during elections.

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

DPOs in Nigeria face the following barriers when it comes to engaging with implementation:

- Lack of political will
- No national disability legislation
- Non-existence of administrative structures for effective implementation.

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

To the best of my knowledge, there are no best practice models for ensuring effective involvement of DPOs in Nigeria.

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 introduction of the Disability Bill in the National Assembly in order to secure disability rights is an example of a specific outcome in recognising the rights of persons with disabilities. Furthermore, disability legislation has been enacted in some states of the Federation with disability advisors and desks provided.
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?

In the area of teacher training and funding of schools, a lot of capacity building and support is required. DPOs need to be sensitised to the dangers of adopting the welfare approach to disability as this will further perpetuate their exclusion from society. The greatest challenges DPOs face is the non-existence of any structure to apply and implement a rights based approach to disability issues.

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?

- DPOs need be trained and sensitised through public lectures and the media on the principles of the social/human rights approach to disability.
- There is a need to adopt a national legislation on disability, so that the proposed national commission for persons with disability can take off.
- There is a need to establish an adequate administrative infrastructure at a national, state, and local level to ensure effective implementation and consequently provide an opportunity for DPOs to play or take a leading role.
- There is a need to ensure DPOs are represented at the policy making bodies of both federal and state governments.

10 Government departments

10.1 Does Nigeria have government departments that are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the departments

The government department responsible for promoting and protecting the rights and welfare of persons with disabilities in Nigeria is the Federal Ministry of Women Affairs and Social Development.26

The Ministry provides some basic rehabilitation services. They also organise seminars and workshops for persons with disabilities. The Ministry is also responsible for the formulation of policies and programmes for persons with disabilities.

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26 This is situated at Abuja.
11 Main human rights concerns of people with disabilities

11.1 What are the contemporary challenges of persons with disabilities in Nigeria? (for example, in some parts of Nigeria ritual killing of certain classes of PWDs occurs, such as people with albinism. Tanzania has been in the headlines in this regard. We should have a way of interrogating customary practices that discriminate, injure and kill persons with disabilities).

There are deep-seated negative social attitudes and perceptions of persons with disabilities, who deserve compassion and concern. Ritual killing of people with albinism also occurs. There is no comprehensive legislation on disability and a non-homogenous disability movement.

11.2 How does Nigeria respond to the needs of person with disabilities with regard to the areas listed below?

- **Access to public buildings**
  Most public buildings in Nigeria are not accessible to persons with disabilities. Only very few tertiary institutions and government offices have ramps, lifts with sound and floors with brail numbering.

- **Access to public transport**
  Nigeria’s public transport system is not sensitive to the plight of persons with disabilities and there is no social inclusion project or programme envisaged.

- **Access to education, vocational training and health care**
  The number of persons with disabilities in mainstream schools is dismally low. They are usually kept in special schools and are prevented from having close interaction with other pupils and the community at large.

  Nonetheless, one positive factor relates to education, vocational training and health care. A number of national and international non governmental organisations (NGOs)\(^27\) are working within the disability sector to provide vocational training which will focus on computer technologies and ICT\(^28\), care giving projects and inclusive education.

  The Ministry of Women Affairs and Social Development provides some rehabilitation, medical and vocational services to persons with disabilities. Sometimes the Ministry of Health assists with funds.

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\(^{27}\) Interview with CC Opara, principal assistant social welfare officer, Ministry of Women Affairs and Social Development, Imo State. See also Xinhua (n 18 above) 19.

\(^{28}\) Christian Blind Mission (CBM), Leprosy Mission (LM), and Leonard Cheshire Disability (LCD).
• **Access to employment**
There are no policies or programmes to enable persons with disabilities to gain full or even part time employment. Efforts to provide financial independence come largely from NGOs.29

• **Access to recreation and sports**
Very few persons with disabilities have access to recreation and sporting facilities. Persons with disabilities in rural areas are usually forgotten.

• **Access to justice**
There is a Legal Aid Office attached to the Ministry of Justice that renders pro bono legal services to persons with disabilities who cannot afford to live on less than one dollar per day. Another organisation, International Federation of Women Lawyers (FIDA), also provides access to justice for persons with disabilities by offering pro bono services.

11.3 Does Nigeria provide for disability grants or other income support measures for persons with disabilities?

In Nigeria income support measures for persons with disabilities come in the form of grants.

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

Persons with disabilities have a right to participation in political life.

11.5 Specific categories experiencing particular issues or vulnerability

• **Women with disabilities**
They are highly vulnerable and bear a disproportionate burden of caring for other persons with disabilities. In the majority of cases they find it very difficult to get married as a result of their disability, and are usually raped and abandoned. These women also suffer stigmatisation.

• **Children with disabilities**
Children are more vulnerable as they are entitled to care by parents and the community. Unfortunately children with disabilities are usually stigmatised and hidden away from public view, and as a result they do not have access to inclusive education and so do not have the opportunity of interacting with other children. This leads to low self-worth and great disempowerment.

29 Xinhua (n 18 above) 24. LCD is working in Lagos, Ibadan, Port Harcourt, Imo and Enugu States and has trained a number of teachers in mainstream schools on the inclusive education approach as against the integration approach which they are used to. The CBM is also piloting community-based rehabilitation programmes in some states in Nigeria.
12 Future perspective

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

At the moment, there is a National Social Welfare Policy to take care of the developmental needs of persons with disabilities, orphans and vulnerable children, as well as the elderly within society. It is on the verge of being developed and has attracted a lot of attention and workshops.

12.2 What legal reforms are being raised? What legal reforms would you like to see in your country? Why?

- Advocacy efforts are being channelled to ensure that the Disability Bill before the National Assembly is enacted into law.
- The Nigerian Constitution amended to include disability rights specifically and these rights should be made justiciable.
- There should be a body responsible for evaluating and monitoring accessibility in all sectors of human endeavours for persons with disabilities.
- Disability awareness should be incorporated in the training of teachers, doctors, architects, lawyers, construction engineers, nurses and the like.
- There should be a legal provision that mandates representatives of persons with disabilities to participate in policy making and to work with government institutions.

30 This formed part of the resolutions of the 14th regular meeting of the National Council on Women Affairs and Social Development held in Adu Ekiti, Southern Nigeria on 9 February 2012.