



THE SENATE FEDERAL REPUBLIC OF NIGERIA

**REPORT OF THE SENATE JOINT COMMITTEE ON
SPORTS AND YOUTH DEVELOPMENT, POVERTY
ALLEVIATION AND SOCIAL WELFARE**

ON

**A BILL FOR AN ACT TO ENSURE FULL INTEGRATION
OF PERSONS WITH DISABILITIES INTO THE SOCIETY
AND TO ESTABLISH A NATIONAL COMMISSION AND
VEST IT WITH THE RESPONSIBILITIES FOR THEIR
EDUCATION, HEALTH CARE, SOCIAL, ECONOMIC AND
CIVIL RIGHTS (ESTABLISHMENT, ETC) BILL, (SB. 022)
2016**

JUNE, 2016

**REPORT OF THE SENATE JOINT COMMITTEE ON
SPORTS AND YOUTH DEVELOPMENT, POVERTY
ALLEVIATION AND SOCIAL WELFARE ON A BILL
FOR AN ACT TO ENSURE FULL INTEGRATION OF
PERSONS WITH DISABILITIES INTO THE SOCIETY
AND TO ESTABLISH A NATIONAL COMMISSION AND
VEST IT WITH THE RESPONSIBILITIES FOR THEIR
EDUCATION, HEALTH CARE, SOCIAL, ECONOMIC,
AND CIVIL RIGHTS. (ESTABLISHMENT, ETC) BILL
(SB. 022) 2016**

1.0 BACKGROUND

The Senate of the Federal Republic of Nigeria, at its plenary Sitting on Wednesday, 2nd December, 2015, read the full integration of persons with disabilities into the society and to establish a National Commission for persons with disabilities and vest it with the responsibilities for their Education, Healthcare, Social, Economic and Civil rights (ESTABLISHMENT, ETC) BILL 2015 (SB. 022) the Second Time and referred same to the Joint Committee for further legislative action.

It should be noted that during the life time of both the 6th and 7th National Assembly, this same Bill was passed and sent to Mr. President for his assent but unfortunately it was withheld and as such, the Bill is being re-introduced again in this 8th National Assembly.

Mr. President, Distinguished colleagues, we are not un-aware of the fiscal policy of government, especially the need to reduce bureaucracy with a view to the change agenda of the present administration. The establishment of this Commission will give the disabled persons the desired recognition and

protection and the Commission is also envisaged to be a modest and easy to manage.

2.0 OBJECTIVE OF THE BILL

It should further be noted that over ten percent of the Nigerian population is disabled by sheer providence or accident and these people are daily confronted with several challenges, prominent among which are gross marginalization and discrimination against them on the basis of their impairment. However, one would agree that without necessary legislation, the challenges that these groups of people encounter on daily basis would be difficult to minimized or completely eradicated.

However, the main objective of the Bill in the considered opinion of the Joint Committee Members, is that the Bill seeks to enact a law for the social protection of persons with disabilities against any sort of discrimination that they may suffer from and to equally establish a National Commission for the disabled persons that will be responsible for their education, health care, Social, Economic and Civil Rights as contained in sections **15(political objective), 16(Economic objective), 17(Social objective) 18 (Educational objective), 20(Environmental Objective) and 33(Right to live)** under both the directive principles of State Policy and Fundamental Rights as provided in the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

The Joint Committee strongly believed that through this piece of legislation, the above stated desired objectives as expressed in the long title of the Bill and the explanatory memorandum will be achieved.

3.0 METHODOLOGY

The Joint Committee took into consideration the sensitive and vital nature of the subject as covered by the Bill and decided to carry out some legislative activities as follows:

1. Held Committee Interactive meetings;
2. Request for Submissions of vital information from key-stakeholders;
3. Interactive sessions with relevant bodies and individuals such as CEDAR Seed Foundation, an umbrella body for the disable persons;

4. Comparative study of our various national laws and that of other jurisdiction such as the **American Disability Act, 1990**; and
5. Committee members also carried out an in-depth clause by clause consideration of the entire provisions of the Bill and came up with its recommendations as expressly stated in the recommendation columns of the Bill.

4.0 LEGISLATIVE SUMMARY

After a careful scrutiny of the long title, clauses, sub-clauses, supplementary provisions and schedules as contained in the Bill, the Members of the Joint Committee unanimously resolved that some of the clauses and sub-clauses in the Bill are retained while the rest are amended in order to avoid any ambiguity.

The clauses of the Bill that are retained by the Joint Committee *are as follows:-*

Clauses: 1. PART I – Prohibition, Discrimination, Harmful Treatment and Penalty;

Clause 2. PART II – Awareness of Programmes;

Clause 3. PART III – Right To Accessibility of Physical Structure;

Clause 4. Accessibility Aids in Public Building;

Clause 5. Accessibility to Road and Side Walk;

Clause 6. Transitory Period;

Clause 7. Building Plan- Penalty;

Clause 8. Complain of Inaccessibility;

Clause 9. **PART IV — ROAD TRANSPORTATION Goods, Services and Facilities;**

Clause 10. Accessibility OF Vehicles;

Clause 11. Waiver of Charges on Assistive;

Clause 12. Reserved Spaces;

Clause 13. PART V — SEAPORTS AND RAILWAYS;

Clause 14. Transitory Period for Railways and Seaports;

Clause 15. PART VI — AIRPORT FACILITIES, Assistive Service and Airline;

Clause 16. Special Safety Briefing OF Persons with Disabilities;

Clause 17. PART VII — RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES;

Clause 18. Service at Queues;

Clause 19. PART VIII — LIBERTY

Prohibition OF Use OF Person with Disabilities In Soliciting For alms And Penalty;

Clause 20. PART IX — COMMUNAL LIFE- Freedom of Movement

Clause 22 (a) Right to Free Education;

Clause 23. Inclusiveness OF Education

Clause 24. Free Education for Special Education Personnel;

Clause 25. Appropriate Mode Of duration For Persons with Disabilities;

Clause 26. Free Healthcare

Clause 27. Certificate OF Disability

Clause 28. Provision OF Special Communication at Hospitals;

Clause 29. Equal Right to Work

Clause 30. Job Security;

Clause 31. PART X — ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION
Accommodation;

Clause 32. PART XI — PARTICIPATION IN POLITICS AND PUBLIC LIFE
PARTICIPATION IN POLITICS;

Clause 33 (1) PART XII — ESTABLISHMENT OF THE COMMISSION
National Commission;

Clause 34 (1), (2) and (4) Membership of the Governing Council;

Clause: 35 Membership of the Governing Council;

Clause 36. Tenure of Office;

Clause 37. Cessation of Office

Clause 38. Allowances of Members

Clause 39. Power of the Council

Clause 40. Functions of the Commission;

Clause 41. Powers of the Commission;

Clause 42. (a) and (c). PART XIII – Appointment and Duties of the Executive
Secretary and Other Staff

Appointment and Duties of the Executive Secretary of the Commission;

Clause 43. Resignation of Executive Secretary;

Clause 44. Staff of the Commission and Their Remuneration;

Clause 45. Appointment, Secondment from Public Service;

Clause 46. The Structure of the Commission;

Clause 48. Funds of the Commission;

Clause 49. Power to Accept Gifts;

Clause 50. Power to Borrow;

Clause 51. Annual Estimate and Expenditure;

Clause 52. Audit;

Clause 54. Power to Acquire Land, Cap. 202 LFN, 2004;

Cause 55. PART XIV — MISCELLANEOUS PROVISIONS SERVICE OF DOCUMENTS;

Clause 56. Payment of Judgment;

Clause 57. Indemnity of officers;

Clause 58. Engagement of Professionals other than Staff;

Clause 59. Regulations;

Clause 60. Waivers of Proof of Special Damages;

Clause 61. PART XV – INTERPRETATION

Supplementary provision, first schedule (compliance order) and second schedule part I.

The other clauses of the Bill that are amended are also as follows:-

The Long Title;

Clause 21. Prohibition Of Segregation;

Clause 33 (2), PART XII — ESTABLISHMENT OF THE NATIONAL COMMISSION;

Clause 34. (3) (c) (xii). Membership of the Governing Council;

Clause 42. (b). PART XIII – Appointment and Duties of the Executive Secretary and Other Staff of the Commission;

Clause 47. Pension and Gratuity;

Clause 53. Annual Report; and

Clause 62. Citation.

Second schedule part II and the Explanatory Memorandum

5.0 RECOMMENDATION

The Joint Committee to which the Bill was referred to, have satisfactorily concluded work on it, hereby recommend that the Senate do give a favourable consideration to this important Bill and equally give it an expeditious passage.

6.0 CONCLUSION

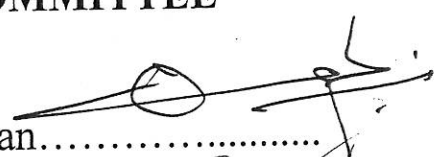
Mr. President, my Distinguished colleagues, on behalf of the Members of the Joint Committee, I wish to sincerely thank you for the opportunity given to us to serve in this regard. I respectfully recommend this Bill, for a smooth passage.

I SO MOVE

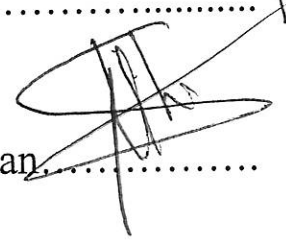
ENDORSEMENT PAGE

MEMBERS OF THE SENATE JOINT COMMITTEE

1. Sen. Obinna J. Ogba

- Chairman.....

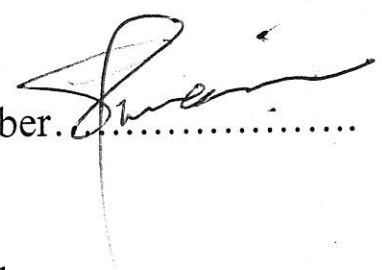
2. Sen. Malam Ali Wakili, *mni*

- Co-Chairman.....

3. Sen. Kabiru G. Marafa

- Member.....

4. Sen. Danjuma Tella La'ah

- Member.....

5. Sen. Abdullahi I. Gobir

- Member.....

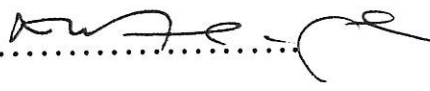
6. Sen. Dino Melaye

- Member.....

7. Sen. Emmanuel Andy Ubali

-Member.....

8. Sen. Ovie Omo –Agege

- Member.....

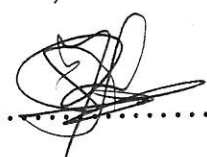
9. Sen. Mohammed Ubali Shittu

-Member.....

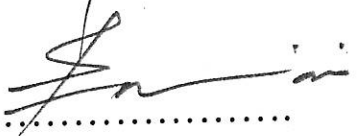
10. Sen. Samuel Anyanwu

- Member.....

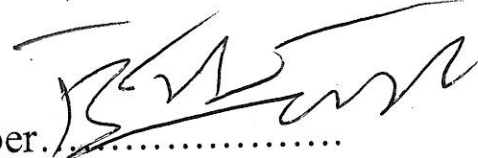
11. Sen. Mohammed Shaaba Lafiagi - Member.....



12. Sen. Mao Ohuabuwa

- Member.....

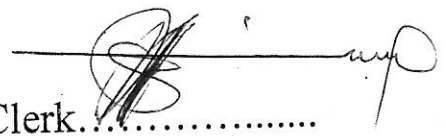
13. Sen. Buhari Abdulfatai

- Member.....

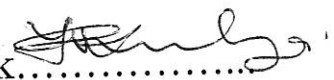
14. Sen. Sunny O. Ogbuoji

- Member.....

Barr. B.S. Maina

- C'ttee Clerk.....

Yakubu A. Mohammed

- C'ttee Clerk.....

A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF THE PERSONS WITH DISABILITIES INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES AND VEST IT WITH RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC AND CIVIL RIGHTS, (ESTABLISHMENT, ETC) BILL, (SB. 022) 2016

THE LONG TITLE	A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES AND VEST IT WITH RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC, CIVIL RIGHTS, (ESTABLISHMENT, ETC) BILL (SB. 022) 2015	<i>A BILL FOR AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY AND TO ESTABLISH A NATIONAL COMMISSION AND VEST IT WITH THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTH CARE, SOCIAL, ECONOMIC AND CIVIL RIGHTS (ESTABLISHMENT, ETC) BILL (SB. 022), 2016.</i>	The Long Title of the Bill is so wordy and ambiguous therefore, it is redrafted and hereby recommended
CLASUSES	PROVISIONS OF THE BILL	JOINT COMMITTEE'S RECOMENDATION	REMARKS
1.	PART I – PROHIBITION OF DISCRIMINATION AND HARMFUL TREATMENT Prohibition and Discrimination and Penalty 1. (1) A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance whatsoever.	PART I – PROHIBITION OF DISCRIMINATION AND HARMFUL TREATMENT Prohibition and Discrimination and Penalty 1. Retained.	Any reference to the word section or sub-section in the provision of this Bill, means a reference to a clause or a sub-clause.

	Penalty (2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to, if the person is- (a) a body corporate, a fine of N1,000, 000; and (b) an individual, a fine of N100, 000 or 6 months imprisonment or both. (3) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Bill the person against whom any such crime or wrong is committed may maintain a civil action against any such person committing the offence or causing the injury, without prejudice to any conviction or acquittal.	Penalty Retained.	
2.	PART II – AWARENESS Awareness programmes 2. The Federal Ministry of Information shall make provisions for promotion of awareness regarding- (a) the rights, respect and dignity of persons with disabilities, (b) the capabilities, achievements and contributions of persons with disabilities to the society.	PART II – AWARENESS Awareness programmes 2. Retained	
3.	PART III – ACCESSIBILITY OF PHYSICAL STRUCTURE Right of Access to Public Premises, etc. 3. A person with disabilities shall have the right to access the	PART III – ACCESSIBILITY OF PHYSICAL STRUCTURE Right of Access to Public Premises, etc. 3. Retained	

	physical environment and buildings on an equal basis with others.		
4.	Accessibility Aids in Public Building 4. A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible and usable to persons with disability.	Accessibility Aids in Public Building 4. Retained	
5.	Accessibility To Roads And Side walk 5. Road side-walk, pedestrian crossing and all other facilities made for public use shall be made accessible to and useable by persons with disabilities including those on wheelchairs and the visually impaired.	Accessibility To Roads And Side walk 5. Retained	
6.	Transitory Period 6. From the date of the commencement of this Bill, there shall be a transitory period of 5 years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disability shall be modified to be accessible to and usable by persons with disability including those on wheelchairs.	Transitory Period 6. Retained	
7.	Building plan 7. (1) Before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that the plan conforms with the building code (2) No government or government agency, or body or individual responsible for the approval of building plans shall approve the plan of a public building if the plan does not make provision for accessibility facilities in line with building code. Penalty (3) Any officer or officers who approve(s) or direct(s) the approval of a building plan that contravenes the building code shall be liable to a fine of a minimum of N1, 000,000 or two years imprisonment or to both such fine and imprisonment.	Building plan 7. Retained	

8.	Complaint Of Inaccessibility 8. (1) Subject to section 7, in the event of existence of a state of inaccessibility or barrier to access of a person with disability to the environment that he or she has a right or duty to access, he may, without prejudice to his or her right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and it shall be the duty of the relevant authority in charge to take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability. (2) If the relevant authority in charge receives the notice in subsection (1) of this section but fails to comply, he shall be liable to- (a) if a corporate body, N10,000 damages payable to the affected person for each day of default; or (b) if an individual, N5,000 damages payable to the affected person each day of default or 6 months imprisonment or both.	Complaint Of Inaccessibility 8. Retained	
9.	PART IV — ROAD TRANSPORTATION Goods, Services And Facilities 9. (1) It is unlawful for a person (the provider) who (whether for payment or not) provides goods or services, or makes facilities available, to discriminate against another person with disability- (a) by refusing to provide those goods or services or make those facilities available to him; or (b) on such terms or conditions on which the provider	PART IV — ROAD TRANSPORTATION Goods, Services And Facilities 9. Retained	

	provides those goods or services or makes those facilities available to him; or (c) in a manner in which the provider provides those goods or services or makes those facilities available to him.		
10.	Accessibility Of Vehicles 10. (1) Government Transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus-stop to persons with disabilities including those on wheel chairs. (2) Every public vehicle should have functional audible and visual display of their destination within 5 years from the commencement of this Bill.	Accessibility Of Vehicles 10. Retained	
11.	Waiver Of Charges On Assistive 11. Wheelchairs, crutches, guide canes (for blind), braces and any other mobility aid and appliance or assistive devices used by a person with disability shall not be subject to charges, provided they are not carried in commercial quantities and for commercial purposes.	Waiver Of Charges On Assistive 11. Retained	
12.	Reserved Spaces 12. (1) At public parking lots, suitable spaces shall be properly marked and reserved for persons with disabilities. (2) For a person with disability to be entitled to the use of the reserved space in subsection (1) of this section, his car shall have been properly identified with the necessary insignia. (3) A person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1) of this section commits an offence and is liable on conviction to a fine of N1, 000 for each day of default.	Reserved Spaces 12. Retained	

	(4) A person without disability who parks a vehicle in the reserved space in subsection (1) of this section commits and an offence and is liable on conviction to a fine of N5, 000. (5) A person who unlawfully obstructs the reserved space in subsection (1) of this section commits an offence and is liable on conviction to a fine of N5, 000. (6) Subsection (4) of this section does not apply if a person with disability is a passenger in the vehicle.		
13.	PART V — SEAPORTS AND RAILWAYS Seaports and Railways 13. (1) Seaports and facilities therein as well as vessel shall be made accessible to person with disabilities. (2) Railway stations, trains and facilities therein shall be made accessible to persons with disabilities.	PART V — SEAPORTS AND RAILWAYS Seaports and Railways 13. Retained	
14.	Transitory Period For Railways And Seaports 14. The provisions of section 14 shall be subjected to the transitory provision contained in section (6)	Transitory Period For Railways And Seaports 14. Retained	
15.	PART VI — AIRPORT FACILITIES Assistive Service And Airline 15. (1) All airlines operating in Nigeria shall- (a) ensure the accessibility of their aircraft to persons with disabilities; (b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need it to and from the aircraft; (c) ensure that persons with disabilities are assisted to get on	PART VI — AIRPORT FACILITIES Assistive Service And Airline 15. Retained	

	and off board in safety and reasonable comfort; (d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft. (2) All airports shall make available for the conveyance of persons with disabilities who need it to and from the aircraft, a presentable and functional assistive and protective device.		
16.	Special Safety Briefing Of Person With Disabilities 16. Any general information shall be translated into the accessible format appropriate to the person with disability present.	Special Safety Briefing Of Person With Disabilities 16. Retained	
17.	PART VII — RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES Situation Of Risk And Humanitarian Emergencies 17. (1) In all situations of risk, including situations of violence, emergencies and the occurrences of natural disasters- (a) government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability.	PART VII — RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN EMERGENCIES Situation Of Risk And Humanitarian Emergencies 17. Retained	
18.	Service at Queues 18. (1) In queues, person with disabilities shall be given first consideration, and as much as possible should be attended to outside the queue. (2) Any person in breach of this section shall be liable on conviction to 6 months imprisonment or fine of N50, 000.00 or both.	Service at Queues 18. Retained	

19.	PART VIII — LIBERTY Prohibition Of Use Of Person With Disabilities In Soliciting For Alms And Penalty 19. (1) No person shall- (a) employ, use or involve a person with disability in begging; (b) parade persons with disabilities in public with intention of soliciting for alms; (c) use condition of disability as a guise for the purpose of begging in public. (2) A person who contravenes subsection (1) of this section commits an offence and is liable on conviction to 6 months imprisonment or a fine of N100, 000 or both.	PART VIII — LIBERTY Prohibition Of Use Of Person With Disabilities In Soliciting For Alms And Penalty 19. Retained	
20.	PART IX — COMMUNAL LIFE Freedom Of Movement 20. Person with disabilities shall have the liberty of movement within or out of the Country and freedom to choose their residence on an equal basis with others.	PART IX — COMMUNAL LIFE Freedom Of Movement 20. Retained	
21.	Prohibition Of Segregation 21. Except on medical grounds or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, a person with disability shall not be isolated or segregated from the community or compelled to live in a particular area.	Prohibition Of Segregation 21. <i>Except on medical grounds or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) a person with disability shall not be isolated or segregated from the community or compelled to live in a particular area.</i>	<i>The year 1999 (as amended) was omitted in the provision of the Bill.</i>
22.	Right To Free Education	Right To Free Education	

	22. (1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form. (2) Persons with disability shall be entitled to free education to secondary school level. The Commission shall provide educational assistive devices.	22. Retained	
23.	Inclusiveness Of Education 23. (1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive of and accessible to persons with disabilities, accordingly every school shall have- (a) at least a trained personnel to cater for the educational development of persons with disabilities; (b) special facilities for the effective education of persons with disabilities. (2) Braille, sign language and other skills for communicating with person with disabilities shall form part of the curricula of primary, secondary and tertiary institutions.	Inclusiveness Of Education 23. Retained	
24.	Free Education For Special Education Personnel 24. The education of special education personnel shall be highly subsidized.	Free Education For Special Education Personnel 24. Retained	
25.	Appropriate Mode Of Education For Persons With Disabilities 25. Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximizes academic and social development.	Appropriate Mode Of Education For Persons With Disabilities 25. Retained	
26.	Free Healthcare	Free Healthcare	

	26. (1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability. (2) A person with mental disability shall obtain a permanent Certificate of disability from the Commission.	26. Retained	
27.	Certificate Of Disability 27. (1) Every person with mental disability shall be entitled to free medical and health service in all public institutions. (2) Where a doctor suspects disability in the course of treatment of a person who hitherto was not a person with disability, the Doctor may with the approval of the Commission issue a Temporary Certificate of Disability which shall last for not longer than 180 days. (3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor shall issue the person a Permanent Certificate of Disability, which shall last as long as the state of the disability persists. (4) Any person issued with a Permanent Certificate of Disability, shall be entitled to all rights and privileges in this Bill. <i>Unlawful procurement of certificate of disability</i> (5) Any person who unlawfully issues or unlawfully obtains certificate of disability shall be liable to a fine of N200, 000.00 or 1 year imprisonment or both.	Certificate Of Disability 27. Retained	
28.	Provision Of Special Communication At Hospitals 28. Any public hospital where a person with communicational disabilities is medically attended to shall ensure provision for special communication	Provision Of Special Communication At Hospitals 28. Retained	

29.	Equal Right To Work 29. (1) Persons with disabilities shall have the right to work, on an equal basis with others; this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open. (2) A person in breach of this section shall be liable on conviction to nominal damages of a minimum of N250,000.00 payable to the affected person with disability. (3) Where a company is in breach of this section- (a) the company shall be liable to nominal damages of a minimum of N500,000 payable to the affected person with disability; and (b) any principal officer of the company involved in the violation shall be liable to N50,000 damages payable to the affected person with disability.	Equal Right To Work 29. Retained	
30.	Job Security 30. All employers of labour in public organisation shall as much as possible have person with disabilities constituting at least 5% of their employment.	Job Security 30. Retained	
31.	PART X — ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION Accommodation 31. Where accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organisations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be	PART X — ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION Accommodation 31. Retained	

	given first consideration.		
32.	PART XI — PARTICIPATION IN POLITICS AND PUBLIC LIFE PARTICIPATION IN POLITICS 32. (1) Persons with disabilities shall be encouraged to fully participate in politics and public life. (2) Government shall actively promote an environment in which persons with disabilities can effectively and fully participate in- (a) the conduct of public affairs without discrimination; (b) Non-governmental organizations and associations concerned with the public and political life of the country; and (c) Activities and administration of political parties.	PART XI — PARTICIPATION IN POLITICS AND PUBLIC LIFE PARTICIPATION IN POLITICS 32. Retained	
33.	PART XII — ESTABLISHMENT OF THE COMMISSION National Commission 33. (1) There is hereby established a body to be known as the National Commission for persons with disability (in this Bill referred to as “the Commission”) to be placed under the Presidency. (2) The Head office of the Commission shall be in Abuja	PART XII — ESTABLISHMENT OF THE COMMISSION National Commission 33. Retained (2) The Head Office of the Commission shall <i>be situated in the federal Capital Territory, Abuja.</i>	Abuja is defined as the “<i>Federal Capital Territory Abuja</i>” in <i>Section 279 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)</i>

34.	Membership Of The Governing Council	Membership Of The Governing Council	
	34. (1) There is established a Governing Council for the Commission (in this Bill referred to as the "the Council") which shall conduct the affairs of the Commission. (2) The Council shall consist of- (a) a full time Chairman; (b) representatives from the Nigeria geopolitical zones who shall be persons with disability; (c) a representative each from- (i) Federal Ministry of Education; (ii) Federal Ministry of Health; (iii) Federal Ministry of Sports; (iv) Federal Ministry of Women Affairs; (v) Federal Ministry of Housing; (vi) Federal Ministry of Transport; (vii) Federal Ministry of Environment; (viii) Federal Ministry of Labour and Productivity; (ix) Federal Ministry of Justice; (x) National Human Rights Commission and the National Planning Commission; and (xi) 1 person from each Geo-political Zone. (3) The Chairman of the Council and representatives of the Nigeria geopolitical zones shall be appointed by the President subject to the confirmation of the Senate. (4) The Chairman and other members of the Council shall be persons of proven integrity, honour and ability with genuine concern for an interest in the protection and integration of persons with disability.	34. (1) Retained (a) Retained (b) Retained (c) (i) – (xi) Retained 34. (2) (c) (xii) <i>Federal Ministry of finance.</i> 34. (3) The Chairman of the Council and <i>one representative each from the 6 geo-political zones of Nigeria</i>, shall be appointed by the President subject to the confirmation of the Senate.	<i>A new sub-clause (2) (c) (xii) is introduced to include the Federal Ministry of Finance.</i> <i>Paragraph (3) is redrafted to include "One representative from each of the 6 geo-political zones of</i>

			<i>Nigeria"</i>
35.	Proceeding Of Council 35. The supplementary provisions set out in the schedule to this bill shall have effect with respect to the proceeding of the Council and the other matter contained therein.	Proceeding Of Council 35. Retained	
36.	Tenure Of Office 36. (1) Subject to section 67 of this Act, the Chairman and members of the Council shall each hold office- (a) for a term of 4 years and may be re-appointed for a further term of 4 years and no more; and (b) on such terms and conditions as may be specified in his letter of appointment.	Tenure Of Office 36. Retained	
37.	Cessation Of Office 37. (1) A person shall cease to hold office as a member of the Council on the occurrences of any of the following- (a) if he becomes bankrupt; or compounds with his creditors; or (b) he is convicted of a felony or any offence involving dishonesty or fraud; or (c) he is disqualified of his professional qualification; (d) he is guilty of a serious misconduct in relation to his duties; (e) he resigns his appointment by a letter addressed to the President. (2) Where a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term. (3) A member of the council may be removed by the president	Cessation Of Office 37. Retained	

	on the recommendation of council if he is satisfied that it is not in the interest of the commission or the interest of the public that the member continue in office.		
38.	Allowances Of Members 38. Members of the Council shall be paid allowances and expenses as the Government may direct from time to time.	Allowances Of Members 38. Retained	
39.	Power Of The Council 39. The Council shall have power to- (a) manage and superintend over the affairs of the Commission; (b) make rules and regulations for the effective running of the Commission; (c) employ the staff of the Commission on such remuneration or allowance as payable to persons in similar organisation in the Country; (d) enter into such contract as may be necessary or expedient for the discharge of its function and ensure efficient performance of the functions of the Commission; and (e) receive, disburse and account for funds of the Commission.	Power Of The Council 39. Retained	
40.	Functions Of The Commission 40. (1)The functions of the Commission shall be- (a) to formulate and implement policies and guidelines as appropriate for the education and social development	Functions Of The Commission 40. Retained	

	of persons with disability; (b) to prepare schemes designed to promote social welfare of person with disability and the estimate of cost of implementing such schemes; (c) to promote and uplift the general social well-being of persons with disability by encouraging the public to change their attitude toward person with disability; (d) to make available not less than 5% of the work force to qualified persons with disability; (e) to enlighten the public and encourage persons with disability; (f) to collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disability are identified, and enumerated for planning and treatment; (g) to ensure that all facilities in each community all over the federation shall be built or modified (where and when feasible) to accommodate the special need of persons with disabilities; (h) to ensure the monitoring, evaluation and realisation of government policy objectives on persons with disabilities; (i) to facilitate the procurement of scholarship awards for persons with disabilities up to university level;		
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	(j) establishing and promoting inclusive schools, vocational and rehabilitation centres for the development of persons with disabilities; (k) liaising with the public and private sectors as well as other bodies to ensure that the peculiar interests of person with disabilities are taken into consideration in every government policy, programme and activity; (l) issue insignia of identification of persons with disabilities; (m) enforcement of compliance of public buildings codes and imposing necessary sanctions and make appropriate orders; (n) receiving of complaints of persons with disabilities on the violation of their rights; (o) support an individual's right to seek redress in court, investigation, prosecution or sanctioning (in appropriate cases) the violation of the provision of this Bill; (p) ensuring research development and education on disability issues and disable persons; (q) to collaborate with the media to make information available in accessible format for person with disabilities; (r) procuring of assistive devices for all disability types.		
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41.	Powers Of The Commission	Powers Of The Commission	
	41. (1) The Commission has power to do any lawful thing, which will facilitate carrying out of its functions and in particular may- (a) sue and be sued in its corporate names; (b) acquire, hold and manage movable and immovable property; (c) enter into contract for the education and welfare of persons with disability; (d) purchase or acquire any assets, business or property considered necessary for the proper conduct of its functions; (e) sell, let, lease or dispose of any of its property; (f) undertake or sponsor research where necessary for the performance of its functions; and (g) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission. (2) The power conferred on the Commission may be exercised by it or through any of its employees or agent authorised in that behalf by the Commission. (3) The Commission shall not be subjected to direction, control or suspension by any other authority or person in the performance of its function under this bill other than the President.	41. Retained	

42.	PART XIII – APPONITMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF Appointment And Duties Of The Executive Secretary Of The Commission (1) There shall be an Executive Secretary. (2) The Executive Secretary shall: (a) have such qualification and experience as appropriate for a person required to perform the functions of that office; (b) be responsible to the council for the execution of the policies and the administration of the daily affairs of the Commission.	PART XIII – APPONITMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF Appointment And Duties Of The Executive Secretary Of The Commission 42. (1) Retained. (a) Retained. <i>(b) be a person with disability.</i> (c) Retained	<i>A new sub-clause (42) (b) is introduced as an additional requirement in line with the international slogan of the persons with disability which says” Nothing About Us Without Us”</i>
43	Resignation of Executive Secretary	Resignation of Executive Secretary	
44.	Staff Of The Commission And Their Remuneration 44. The Council shall appoint for the Commission such member of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the function of the Commission.	Staff Of The Commission And Their Remuneration 44. Retained	
45.	Appointment, Secondment From Public Service 45. (1) The Council shall have power to appoint for the Commission either directly or by secondment from any public	Appointment, Secondment From Public Service 45. Retained	

	service in the federation, such number of employees as may, in the opinion of the Council be required to assist the Commission in the discharge of any of its function under this Bill. (2) The person seconded under this section may elect to be transferred to the service of the commission, and any previous service he may have rendered in the public service shall count as service to the Commission for the purpose of any pension subsequently payable by the Commission.		
46.	The Structure Of The Commission 46. There shall be established in the head office of the Commission, such departments as may be deemed necessary for the effective and efficient functioning of the Commission.	The Structure Of The Commission 46. Retained	
47.	Pension And Gratuity 47. The staff of the Commission shall be entitled to pension, gratuity, and any other retirement benefit in accordance with the Pension Reform Act.	Pension And Gratuity 47. The staff of the Commission shall be entitled to pension, gratuity, and any other retirement benefit in accordance with <i>the National Pension Reform Act, Cap. P4. Laws of the Federation of Nigeria, 2014.</i>	<i>Clear reference must be made to the National Pension Reform Act, Cap. P4, Laws of the Federation, 2014.</i>
48.	Funds Of The Commission 48. (1) The Commission shall establish and maintain a fund herein referred to as a Fund into which money accruable to the Commission shall be paid and from which all the activities of the Commission shall be funded. (2) The funds of the Commission shall be disbursed according to the approved formula. (3) The Council shall cause the account of the Commission to	Funds Of The Commission 48. Retained	

	be audited quarterly and shall be externally audited once every year.		
49.	Power To Accept Gifts 49. (1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift, provided such terms and conditions are not in consistence with any prevailing law. (2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Bill.	Power To Accept Gifts 49. Retained	
50.	Power To Borrow 50. The Commission may, from time to time borrow such sums as it may require to execute or complete some special projects of the Commission.	Power To Borrow 50. Retained	
51.	Annual Estimate and Expenditure 51. (1) Cause to be kept accounts and records of transaction and affairs of the Commission and ensure that all payments out of its moneys are currently made and properly authorised. (2) Ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.	Annual Estimate and Expenditure 51. Retained	
52.	Audit 52. (1) The Auditor – General of the Federation shall- (a) inspect and audit the account and records of financial transactions of the Commission. (b) inspect records relating to assets of the Commission; and	Audit 52. Retained	

	(c) draw the attention of the Secretary to the Government of the Federation to any irregularities disclosed by the inspection and audit. (2) The Auditor-General may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1). (3) The Auditor or an officer authorised by him is entitled at all reasonable time to a full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.		
53.	Annual Report 53. The Commission shall submit to the Presidency through the Secretary to the Government of the Federation not later than 30th June, of each financial year and it shall include the copy of audited accounts of the commission of that year and a copy of Auditors report on it.	Annual Report 53. The Commission shall submit an annual report of its activities to the Office of the Secretary to the Government of the Federation not later than 30th June of each financial year and it shall include a copy of its audited accounts and a copy of same <i>report be submitted to the National Assembly</i>	<i>Clause 53 is redrafted to include the National Assembly in line with the provision of Section 88 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)</i>
54.	Power to Acquire Land, Cap. 202 LFN, 2004 54. The Commission may subject to the Land Use Act acquire any land for the purpose of discharging its functions.	Power to Acquire Land, Cap. 202 LFN, 2004 54. Retained	
55.	PART XIV — MISCELLANEOUS PROVISIONS	PART XIV — MISCELLANEOUS PROVISIONS	

	Service of Documents 55. A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of this bill or any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and address it to the Executive Secretary at the principal office of the Commission.	Service of Documents 55. Retained	
56.	Payment of Judgment 56. Any such money which may be the judgment of any court awarded against the Commission shall be paid from the general reserved fund of the Commission.	Payment of Judgment 56. Retained	
57.	Indemnity of Officers 57. A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgement is given in his favour or in which is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Executive, officer or the employee of the Commission.	Indemnity of Officers 57. Retained	
58.	Engagement of Professional other than Staff 58. The Executive Secretary may with the approval of the Governing Council engage persons with relevant knowledge to the function of the Commission to assist otherwise than on the basis of full time employment.	Engagement of Professional other than Staff 58. Retained	
59.	Regulations 59. The governing council may make regulations for the purpose of carrying out or giving full effect to the provisions	Regulations 59. Retained	

	of the Bill.		
60.	Waivers of Proof of Special Damages 60. (1) To be entitled to the damages specifically provided in this Bill, it shall be sufficient for a plaintiff claimant as the case may be, in a court proceeding, to prove the violation of the relevant section of this Bill without specific proof of damages. (2) Nothing in this Bill shall prevent a court from accessing and awarding general and special damages in addition to the normal damages provided for in this Bill.	Waivers of Proof of Special Damages 60. Retained	
61.	PART XV – INTERPRETATION Interpretation 61. In this Act- “Accessibility aid” includes any fixture and device that aids accessibility; “Accommodation” (in the context of housing) include residential or business accommodation; “Assistive Device” means any device that assist, increases or improves the functional capabilities of person with disabilities; “Closed Captioning” is a term describing several systems developed to display text on a television or video screen to provide additional or interpretive information to viewers who which to access it; “Commission Agent” means the person who does work for	PART XVIII – INTERPRETATION Interpretation 61. Retained	

another person as the agent of that other person and who is remunerated, whether in whole or in part by the Commission; “Commission” means National Commission for people with Disability; “Disable” means having a disability; “Disability” includes long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others; “Discrimination” means differential treatment and its verbs and infinite form (discriminate, to discriminate) have the corresponding signification; “Document” includes any book register or other record of information, however compiled, record or stored; “Educational Authority” means a body of person(s) administering an education institution; “Educational Institution” means a school college, University or other institution at which education or training is provided; “Employee” includes applicant or prospective employee, Commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor; “Employer” includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor;		
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	“Employer of Labour” means “Employer” as interpreted by the workmen’s Compensation Act; “Function” includes duty; “Government employee” means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a Local government, or holds an administrative office; “Person” includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organisations, association, government departments, ministries, parastatals; “Person with Disabilities” means- (a) a person who has received preliminary or permanent certificate of disability to have condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person’s functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; (b) a person with long term physical, mental, intellectual or sensory impairment which in interaction		
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	with various barriers may hinder their full and effective participation in society on equal basis with others; “President” means President and Commander in Chief of the Armed Forces of the federal Republic of Nigeria; “Premises” include a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not); and a part of any premises; “Principal” means- (a) in relation to Commission agent – a person for whom the Commission agent does work as a Commission agent; (b) in relation to contract worker – a person for whom the contract worker does work under a contract between the employer of the contract worker and the person; “Public Building” means a building owned or used by government or government agency or a building available for the use of members of the public; “Relative” in relation to a person, means a person who is related to the first mentioned person by blood, marriage affinity or adoption; “Subtitles Caption” means caption displayed at the bottom of a movie or television screen that translate or transcribe the dialogue or narrative; “Special Communication” means special means (including		
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	sign language augmentative and alternative communication) of communicating with person with speech or hearing disability; “Special Facilities” means any provision whether movable or immovable that will enhance easy access and enjoyment in public buildings by persons with disability; significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; “State” means each of the State of the Federation, and includes the Federal Capital Territory; “Student” in relation to an education institution, includes a candidate or applicant for admission into that education institution; “Undue hardship” means significant difficulty or expense, when considered in light of such factor as- (a) the nature and cost of the accommodation needed to take care of a disabled person’s special needs; (b) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; (c) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the facility; (d) the overall finances of the person or organisation		
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	having to deal with person with disability, with the overall size of his or its business with respect to the number of its employees; the number, type, and location of its facilities; and (e) the type of operation or operations of such person or organisation, including the composition, structure and function of his or its workforce; the geographic, separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organisation.		
62.	Citation 62. This Bill may be cited as Discrimination Against Persons with Disabilities (Prohibition) Bill, 2015.	Citation 62. This Bill may be cited as Discrimination Against Persons with Disabilities (Prohibition) Bill, 2016.	<i>The citation of this Bill, is redrafted to substitute the figure 2015 with 2016</i>
	SCHEDULES Section 18(2) SPECIAL FACILITIES 1. Wheel Chairs: Clear floors or ground space on wheel chairs, Wheel chair passage and turning space 2. Crutches, guide canes etc 3. Hearing Aid 4. Curb ramps 5. Ramps 6. Handrails, grab bars	SCHEDULES Clause 18(2) SPECIAL FACILITIES Retained	

	7. Stain-shopping stairs 8. Elevators / Lifts 9. Windows 10. Entrance Doors 11. Drinking fountains and water cookers 12. Toilet facilities 13. Door protective and Re-opening Devices manoeuvring entrances at Doors 14. Parking spaces and passenger loading zones 15. Accessible routes including walk ways, halls, windows, aisles and spaces 16. Alarm:- -Audible Alarms -Visual Alarms -Auxiliary Alarms		
	SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL <i>Proceeding of the Council</i> 1. (1) Subject to this bill and section 27 of the interpretation Act, the Council may make standing orders regulating its proceeding or those of any of its Committees. (2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.	SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL <i>Proceeding of the Council</i> Retained	

	2. (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given. (2) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum. 3. (1) the council may appoint one or more Committees to carry out, on behalf of the Council such functions as the Council may determine. (2) A Committee appointed under this paragraph shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of his appointment. (3) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council. 4. (1) The fixing of the seal of the Commission shall be authenticated by the signatures of the Chairman or any other member of the Council generally or specifically authorised by the Council to act for that purpose and the Executive Secretary. (2) Any contract or instrument, which, if made or executed by any person not being a body corporate, would not be required		
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	to be under seal may be executed on behalf of the Commission by the Executive Secretary or any person generally authorised by the Council to act for that purpose. (3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed. 5. The validity of any proceedings of the Council or Committee shall not be adversely affected by- (a) a vacancy in the membership of the Council or Committee; or (b) a defect in the appointment of a member of the Council or Committee; (c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.		
FIRST SCHEDULE Section 5 COMPLIANCE ORDER Notice has been taken of the fact that your Programme is not inclusive of Disabilities Issues. In particular: This contravenes section 5 of persons with Disabilities Act, you are by ordered to Immediately comply with the said law. Take note that if after 3 months from receipt of this order, you still	FIRST SCHEDULE Section 5 COMPLIANCE ORDER Retained		

remain in default; your operational licence shall be withdrawn.

Signed

SECOND SCHEDULE

PART I – CERTIFICATE OF TEMPORARY DISABILITY

This is to certify that
of
Was examined by me
on this day of and found to be
 temporarily incapacitated.

Signed.

PART I - CERTIFICATE OF PERMANENT DISABILITY

This is to certify that
of
was examined by me
on this day ofand Found to be
 permanently incapacitated.

Signed.

SECOND SCHEDULE

PART II - CERTIFICATE OF PERMANENT DISABILITY

This is to certify that
of
was examined by me
on this day ofand Found to be
 permanently incapacitated.

Signed.

"Certificate of Permanent Disability" is now under Second Schedule Part II.

It was initially lumped up together with Certificate of Temporary Disability under the second schedule part I.

		EXPANARORY MEMORANDUM <i>This Bill seeks to enact into law the full integration of persons with disabilities into the society and to establish a National Commission for persons with disabilities and vest it with the responsibilities for their education, health care, social, economic and civil rights.</i>	The Explanatory Memorandum, clearly explained the intendment of this Bill
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