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THE DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (PROHIBITION) ACT

The Discrimination against Persons with Disabilities (Prohibition) Act outlaws discrimination on the basis of one's physical, mental or sensory impairment. Signed into law in January 2019, the Act sets up a National Commission for Persons with Disabilities to oversee the inclusivity of persons with disabilities in society and uplift their well-being.

While the Act provides a 5 years transitory period (from its enactment) to enable modification of public structures/services to meet the peculiar needs of persons with disabilities, other provisions are intended for immediate implementation.

This Factsheet intends to simplify key provisions of the Act in a manner that provides more clarity to the rights of persons with disabilities.

Arrangement of Sections

Part I- Prohibition of Discrimination and Awareness Programmes (Sections 1-2)

Part II – Accessibility of Physical Structure (Sections 3-8)

Part III – Road Transportation (Sections 9-12)

Part IV -Seaports, Railways and Airport Facilities (Sections 13-15)

Part V – Liberty, Rights to Education, Health and First Consideration in Queues, Accommodation and in Emergencies (Sections 16-27)

Part VI- Opportunity for Employment and Participation in Politics and Public Life (Sections 28-30)

Part VII- Establishment of the National Commission for Persons with Disabilities (Sections 31-39)

Part VIII- Appointment and Duties of the Executive Secretary and Other Staff (Sections 40- 51)

Part IX- Miscellaneous Provisions – (Sections 52-56)

Part X Interpretation (Sections 57-58)

Schedules

S/N	Highlighted Sections	Provisions
1.	Section 1 Prohibition of Discrimination and Awareness Programmes	<p>This prohibits the discrimination of a person on the ground of his/her disability- section 1(1)</p> <p>A body corporate who discriminates on this ground is subject to a fine of N1,000,000 while an individual is liable to pay a N100,000 fine, face a six months imprisonment term or both- section 1(2)</p> <p>A civil action may also be brought by the person discriminated against as the Act outlaws discrimination in its totality and under any manner or circumstance.</p> <p>The Act describes a person with disabilities as one who has a long term physical, mental or sensory impairment that may hinder full and effective participation in society on an equal basis with others.</p>
2	Section 2 Awareness Programmes	<p>This places the responsibility of promoting the rights, dignity of persons with disabilities and their contributions with the Federal Ministry of Information.</p>
3.	Section 3 Right of access to public premises	<p>This guarantees a person with disability with a right to access the physical environment and buildings on an equal basis with others.</p> <p>This provision is further complemented by sections 4 and 5 of the Bill that require public facilities to be accessible and usable by persons with disabilities. The public facilities include road-side walks, pedestrian crossings and special facilities such as elevators, crutches, guide canes, toilet facilities , door protective and re-opening devices.</p>
4	Section 6 Transitory Period	<p>This gives a five years transitory period within which all public buildings or structures whether immovable or not must be modified and accessible to persons with disabilities including those on wheelchairs.</p>
5	Section 7 Building Plan	<p>This provides the procedure for erecting public structures, so it conforms with a building code that has accessibility features for persons with disabilities including those on wheelchair.</p> <p>Section 7(2) prohibits government bodies, agencies or individuals responsible for the approval of building plans</p>

S/N	Highlighted Sections	Provisions
		<p>from approving plans that fail to provide such accessibility features. Officers who do this are liable on conviction to a fine of at least N1,000,000 (One Million Naira), an imprisonment term of two years or both.</p> <p>Persons with disabilities may also seek to redress this right in court by notifying the relevant authority on the existence of the state of inaccessibility- section 8</p> <p>On notification, the relevant authority is expected to take necessary steps to remove the barrier and make the environment accessible.</p> <p>Corporate bodies who fail to comply with such notice may face a fine of N10,000 in damages for every day of default. This position is slightly different for contravening individuals who face N5,000 in damages for each day of default, a six months imprisonment term or both-section 8(2)</p>
6	Section 9 Goods, services and facilities	<p>This prevents a person who provides goods and services from discriminating against a person with disability either in the terms and conditions for providing the said goods and services or by refusing to avail its facilities to him/her.</p>
7	Section 10 Accessibility of vehicles	<p>Mandates government providers to make provisions for lifts, ramps and other accessibility aids that enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities -section 10(1)</p> <p>Also mandates every public vehicle to have functional audible and visual display of their destination within five years of commencement of this Act- section 10(2)</p> <p>A similar provision to section 10(1) is provided in section 11 for all transport service providers. Section 11 also mandates the regular and frequent maintenance of accessibility aids and equipment in vehicles.</p> <p>In addition, section 11(4) places a duty of care on a driver who must ensure that his vehicle comes to a stop before a person with disability alights from the vehicle. There is also a responsibility placed on all intending passengers to wait for a person with disability to board before them in section 11(5)</p>

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8	Section 12 Reserved Places	<p>Provides for suitable places to be marked and reserved for persons with disabilities. However, to be entitled to a reserved parking space, it is expected that the car can be identified with the necessary insignia (sign, symbol etc)- section 12(2)</p> <p>A person/organisation/ corporate body in control of a public parking lot who fails to provide for reserved parking spaces for persons with disabilities is liable to pay N1,000 for each day of default-section 12(3)</p> <p>A person without disability commits an offence if he/she also parks in a reserved space and could pay a fine of N5,000 on conviction. Additionally, a person who intentionally obstructs the reserved space is liable to a fine of N5,000 if convicted- section 12(4)</p>
9	Section 14 Seaports and Railways	<p>This mandates airlines operating in Nigeria to ensure that their facilities are accessible to persons with disability-section 14 (1(a). For instance, making available presentable and functional wheelchairs, ensuring that persons with disabilities are assisted to go on and off board in safety and comfort and according priority to persons with disabilities in boarding and disembarking from the aircraft- section 14(b)-(d)</p> <p>It also provides for airports to make available functional assistive and protective devices to and from the airport-section 14(2)</p> <p>Section 13 of the Act also mandates seaport facilities and vessels, railway stations and trains to be accessible to persons with disabilities. However, unlike airline operations there is a proviso of five years to modify their operations.</p> <p>There is a provision for all general information to be translated into an accessible format appropriate to the person with a disability present- section 15</p>
10	Section 16 Prohibition of use of Persons with Disability in soliciting for alms and penalty	<p>This provides that a person shall not employ, use or involve a person with disability in begging or parade them in public with the intention of soliciting for alms- section 16(1) Persons who violate this are liable on conviction to a fine of N100,000, a term of 6 months imprisonment or both- section 16(2)</p>

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11	Section 17 Right to Free Education	<p>This entitles a person with disability to a right to education free from discrimination. It also entitles a person with disability to free education up to secondary level and mandates the National Commission for Persons with Disabilities to provide educational assistive devices.</p> <p>The provision in section 17 is further complemented by section 18 which mandates all public schools from primary to tertiary to be inclusive of and accessible to persons with disabilities.</p> <p>To achieve this, it mandates the provision of special facilities and at least one trained personnel to cater for the education of persons with disabilities in every school. It also mandates the inclusion of braille, sign language and other skills to form part of the curricula in primary, secondary and tertiary institutions.</p>
12	Section 19 Subsidised education for special education personnel	<p>This provides for the subsidised education for special education personnel.</p> <p>This provision compliments section 17 and 18 which provide for the right to free education and inclusiveness.</p>
13	Section 20 Appropriate Mode of Education for Persons with Disabilities	<p>This provides for the education of persons with disabilities (especially children) to be communicated in the most appropriate language and mode irrespective of whether they are blind, deaf or with multiple disabilities.</p>
14	Section 21 Free Healthcare	<p>This mandates the Government to provide persons with disabilities free access to adequate health-care devoid of discrimination. It also entitles persons with mental disability to free medical and health services in all public institutions.</p>
15	Section 22 Certificate of Disability	<p>This provides that a Person with Disability must obtain a Permanent Certificate of Disability from the National Commission for Persons with Disabilities - section 22(1) However, a temporary certificate of disability may be issued by a doctor with approval of the Commission if the doctor suspects disability in the course of treatment of a person who was not a person of disability before - section 22(2). Where this disability however persists for over 180 days, the Commission on the recommendation of the doctor shall issue a Permanent State of Disability - section 22(3)</p>

S/N	Highlighted Sections	Provisions
		<p>Persons who unlawfully issue or obtain a certificate of Disability are liable on conviction to a fine of N200,000, an imprisonment term of one year or both - section 23</p> <p>Public hospitals are also mandated to provide for special communication where a person with communicational disabilities is medically attended to - section 24</p>
16	<p>Section 25</p> <p>Situation of Risk and Humanitarian Emergencies</p>	<p>This provides for the safety and protection of persons with disabilities in disasters, emergencies, risks or violence by the Government with due regard to their peculiar vulnerabilities.</p> <p>Persons with disabilities are also expected to be accorded with first priority in queues and consideration when free accommodation is provided by schools, service providers, government and organisations - sections 26 and 27</p>
17	<p>Section 28</p> <p>Equal Right to Work</p>	<p>This guarantees a person with disability with the right to work and earn a living in a labour market/work environment free from hinderances to employment.</p> <p>Persons and companies who breach this provision are liable on conviction to nominal damages of a minimum of N250,000 payable to the affected person (when an individual commits the offence) or N500,000 (when a company commits the offence). Principal officers of a company are also liable to pay N50,000 damages to the affected person with disability- section 28(2) and (3)</p> <p>Employers of labour in public institutions shall have at least 5% of persons with disabilities in their employment- section 29</p>
18	<p>Section 30</p> <p>Participation in politics</p>	<p>This encourages persons with disabilities to fully participate in politics and public life. It also mandates the government to promote an environment where persons with disabilities can engage in public affairs in non-governmental organisations, associations and in the administration of political parties.</p>
19	<p>Section 31</p> <p>Establishment of National Commission for Persons with Disabilities</p>	<p>This establishes a National Commission for Persons with Disabilities that is under the Presidency. The head office of the Commission shall be in the Federal Capital Territory (FCT)- section 31</p>

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20	Section 32 Establishment and Membership of the Governing Council	<p>This establishes a Governing Council consisting of a part-time Chairman and eighteen other persons who are responsible for steering the affairs of the Commission- section 32(2). The eighteen other persons are drawn from a person with disability from each of the six geopolitical zones, a representative from the Federal Ministry of Education, Health, Sports, Women Affairs, Housing, Transport, Environment, Labour and Productivity, Justice, Finance, the National Human Rights Commission and the National Planning Commission - section 32(2)</p> <p>The Chairman of the Council and the representative from each of the six geo-political zones shall be appointed by the President subject to confirmation of Senate - section 32(3)</p> <p>The Chairman and Members of the Council shall hold office for a renewable term of four years or on such terms and conditions as may be specified in their letter of appointment- section 34</p> <p>However, they will cease to hold office as a Member of the Council for various grounds such as becoming bankrupt, being guilty of a gross misconduct in relation to his duty or by resigning his/her appointment - section 35(1)</p> <p>He/ she may also be removed by the President on recommendation by the Council if it is not in the interest of the Commission or the public that he/she continues to remain- section 35(3) However, where this happens another person representing the same interest must be appointed by the Council if an unexpired term remains- section 35(2)</p>
21	Section 37 Powers of the Council	<p>Powers of the Governing Council include managing the affairs of the Commission, employing staff of the Commission with such remuneration and entering into contracts for the discharge of its duties. The Council is also responsible for receiving, disbursing and accounting for funds of the Commission.</p>
22	Section 38 Functions of the Commission	<p>This outlines the functions of the Commission. These include making available not less than 5 percent of the work force to persons with disabilities, collecting data and records on the special education of persons with disabilities, facilitating the procurement of scholarships awards for persons with</p>

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		<p>disabilities up to university level, ensuring that facilities are built in every community to accommodate the special needs of persons with disabilities, promoting and uplifting the social well-being of persons with disabilities by encouraging the public to change their attitude towards them, procuring assistive devices for all disability types, receiving complaints by persons with disabilities on violation of their rights and issuing the insignia of identification for persons with disabilities among others.</p>
23	<p>Section 39</p> <p>Powers of the Commission</p>	<p>This gives the National Commission for Persons with Disabilities power to do any lawful thing that can facilitate carrying out any of its functions. These include the entering into contracts for the education of persons with disabilities, selling, leasing or disposing any property, acquiring assets necessary for the conduct of its business and sponsoring research for the performance of its functions among others.</p> <p>The Commission may also acquire any land for the purpose of performing any of its functions-section 51</p>
24	<p>Section 40</p> <p>Appointment and duties of the Executive Secretary of the Commission</p>	<p>This provides for an Executive Secretary of the Commission who shall be responsible for the execution of its policies and daily administration. Apart from having the requisite qualification and experience appropriate to perform the functions of the office, the Executive Director must be a person with disability.</p>
25	<p>Section 45</p> <p>Funds of the Commission</p>	<p>This establishes a Fund for the Commission to settle all expenses incurred by it. This includes its cost of administration, payment of salaries, remuneration, and anything done in relation to its functions- section 45(2)</p> <p>Budgetary allocations from the Federal Government or monies granted by anybody or institution within or outside Nigeria shall be credited to the Fund - section 45(1)</p> <p>In addition, the Commission may also accept a gift of land, money or property on terms and conditions that are not inconsistent with any law- section 46.</p> <p>It may also borrow to execute or complete some special projects – section 47</p>

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		Court judgments made against the Commission shall be paid from the Fund of the Commission section 53
26	Section 48 Annual Estimate and Expenditure	<p>This provides for the keeping of the accounts and records of transaction by the Commission who must ensure all payments from the Fund are authorised- section 48.</p> <p>The Auditor General for the Federation is responsible for inspecting and auditing the records of the Commission and drawing the attention of the Secretary to the Government of the Federation to any irregularities disclosed by his/her inspection and audit - section 49.</p> <p>The Commission must also submit an annual review of its activities to the Secretary to the Government of the Federation not later than 30th June every year while a copy of its audited accounts and annual report must be submitted to the National Assembly- section 50</p> <p>The Governing Council must ensure that the Commission's accounts are audited quarterly and externally audited once a year- section 45(3)</p>
27	Section 54 Indemnity of Officers	<p>This indemnifies a Member of the Council, Executive Secretary, officer or employee of the Commission from civil or criminal proceedings.</p> <p>A notice, summons or document required to be served on the Commission may be served by delivering it to the Executive Secretary or by sending it through registered post addressed to the Executive Secretary at the head office in the Federal Capital Territory (FCT) - section 52</p>



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Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making processes.

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