

## Understanding Disability and Disability Rights in Nigeria

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**ABSTRACT:** *This paper aimed at conceptualizing disability within the law, culture and society in Nigeria. It attempted to compare the definitions of disability and provide a unique definition of disability based on the Nigerian experience. This theoretical paper explored the types and models of disability and related it to the Nigerian society. It distinguished the Nigerian Discrimination Against Persons with Disabilities (Prohibition) Act 2018 from the United Nations Convention on the Rights of Persons with Disabilities (2006). While the CPRD is majorly a compilation and restatement of human rights found in other human rights document, the DAPPA, 2018 is an anti-discrimination Act for persons with disabilities. The paper captured the expected benefits of DAPPA on persons with disabilities in Nigeria. It recommended the appointment of members of the National Commission for Persons with Disabilities as provided in the Act as the will ensure the implementation of the Act to the later. It further recommends the enlightenment of persons with disabilities on their rights as contained in Act so they can identify violation of such rights and seek redress of their rights.*

**KEYWORDS:** disability, disability rights, society, Nigeria

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### INTRODUCTION

The birth of a baby in African society is usually heralded with joy especially based on the sex of the baby. Every baby is described as beautiful and perfect, signs of congenital abnormalities are looked out for at birth. As the weeks and months go past, the parents and family members look out for signs to confirm the normalcy of the baby. They get to know if the baby responds to sounds, if the baby maintains eye connection with objects in front of her and at about three months the baby is expected to be sitting with little or no support. Parents and family members watch out for developmental milestones of the baby as the baby grows.

However, there could be visible abnormality with the baby whether caused by congenital reasons or shortly after birth or caused by infant diseases which could result in disability. Once this is noticed, the journey of disability commences for both the child and her parents (family members). Suffice it to say that mothers of children with disabilities bear the brunt of caring for the child to a

large extent. The stigma and embarrassment of having such a child is borne by the entire family, so many families hide such children from public glare.

Many cultures within Africa attribute disability to supernatural causes either as retribution for wrong done by one's forebears or as a curse or punishment for the sins or wrongs of one's parents or by the individual. So where for example, an individual loses his vision later in life, he is thought to be paying for an unconfessed evil deed. Or where a tap wine tapper accidentally falls from a tree and damages his spine such that he cannot walk, he is believed to have offended the gods, hence his punishment. Such was the thinking until the advent of medical explanations to some disabilities, however, such explanations are taken with a pinch of salt among members of rural settlements.

Commendably, with the advent of western education and medical innovations, the perception about certain disabilities has to some extent, tilted towards medical explanation. Be that as it may, there is still negative cultural perception about disability in Nigeria. With the passing into law of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, (DAPPA, 2018), disability rights have been recognized and guaranteed in Nigeria. However, there is the issue of understanding and identifying what constitutes disability in Nigeria. This paper will attempt to answer the following questions: Is the scope of disability exclusive or non-exclusive? Is disability limited to physical impairments alone such as visual impairments, mobility impairment and hearing impairment? Does disability include mental impairment, learning impairment and albinism? Is the CRPD a distinct human rights document or an anti-discrimination document? What differences exist between the CRPD and the DAPPA 2018? What difference can DAPPA 2018 make for persons with disabilities in Nigeria?

### **Conceptualization of terms**

It is imperative and needful for certain words to be conceptualized and given proper meaning as they relate to this paper. It will provide such words the appropriate perspective in which they are used in this paper and add to existing literature. These words are disability, impairment, persons with disability, human rights and disability rights.

### **Disability**

Disability is a part of being human. Almost everyone will at one time or the other in life experience disability (especially at old age if not by accident or illness). The concept of disability according to Ajobiewe,<sup>1</sup> is a wide one which covers impairments, activity limitations, and participation restrictions. He defines disability as any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being.<sup>2</sup>

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<sup>1</sup> Theo Ajobiewe, *Management of Disability in the Family and Community* (Ibadan: Teton Educational Services 2014) 8.

<sup>2</sup> Ibid.

Ozaji on his part defines disability as simply loss of ability or loss of function.<sup>3</sup> He differentiated disability from impairment by noting that disability is disturbance at the activity level while impairment is disturbance at the organ level<sup>4</sup>. Meaning that while disability is lack of ability to function within the normal range, impairment is the damaged organ. Thus, impairment precedes disability; impairment is the cause of disability. For example, severe hearing loss (impairment) results in inability to hear (disability).

It has also been defined as “difficulty or dependency in carrying out activities of daily living which is mostly related to self-care and other activities that are essential to living independently”.<sup>5</sup> Emphasis is placed on one’s inability to carry out activities of daily living independently and easily. Thus, where an individual is unable to independently carry out activities of daily living or does so with huge difficulties, such an individual will be said to have a disability. This definition resonates with ageing processes where an octogenarian may have difficulties in carrying out activities of daily living, especially related to self-care because feeble body organs associated with ageing. Therefore, disability is not a static concept but one that is dynamic and an interactive process that may fluctuate over a life course.<sup>6</sup>

Disability as defined by the DAPPA 2018 “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”<sup>7</sup>. This definition is a representation of that the mind and intent of the United Nations Convention on the Rights of Persons with Disabilities when it provided a definition for persons with disabilities. Though the Convention did not define disability, it provided a working definition for persons with disabilities, from where others can deduce the definition for disability.

It is the view of the author that disability is a long term physical, mental, intellectual or sensory impairment which incapacitates the individual from functioning independently, effectively and normally in everyday activities and which attracts stereotypes from others. The existence of an impairment which may be physical, mental, intellectual, or sensorial and must be of a long-term nature is key. It is also imperative for such impairment to hinder, prevent or incapacitates the individual from functioning independently, (all by himself, without aid – human or otherwise), effectively (properly) and normally (as others) in activities of daily living. In addition, such

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<sup>3</sup> Emeka Desmond Ozaji, *Special Needs Education & Rehabilitation for Beginner Professionals* (Jos: Deka Publications 2005) 2.

<sup>4</sup> Ibid 3.

<sup>5</sup> I. Mouchaers and others ‘The Concept of Disability and Its Causal Mechanisms in Older People Over Time from A Theoretical Perspective: A Literature Review’ *European Journal of Ageing* (2022) 19:397-411.

<sup>6</sup> Ibid.

<sup>7</sup> DAPPA, 2018, S. 57.

impairment must attract negative stereotypes which could be cultural or societal, and hinders bearers from participating on an equal basis with others.

**Person with disability** – Having examined what disability is, the question of who a person with disability is becomes easier to answer. A person with disability is simply an individual experiencing a disability. If defined in conjunction with the meaning of disability as provided in several legislations, a person with disability is one who suffers from long term impairment which may be of *physical, mental, intellectual* or *sensorial* in nature; is unable to, or hindered or prevented from independently, effectively and normally performing everyday life's activities; and suffers stereotypes from others. Examples of persons with disabilities therefore include persons with physical impairments such as visual impairment, hearing impairment, and physical or mobility impairment. Persons with Albinism and dwarfism are also included as persons with disabilities because they have long term physical impairments which hinders them from performing effectively and normally in everyday life's activities and on an equal basis with others, and they suffer from serious stereotypes for members of the society. The impairment must be of a long-term nature to qualify as disability. Thus, where an individual has a domestic accident and sprains an ankle, and is unable to walk independently, effectively and normally, he will not fall under the scope of persons with disability because the impairment is not long-term.

Persons with mental health disorders which of a long-term nature are clearly included as persons with disabilities. According to World Health Organization, "mental health disorder is characterized by a clinically significant disturbance in an individual's cognition, emotional regulation, or behaviour... [and] associated with distress or impairment in important areas of functioning."<sup>8</sup> There are many different types of mental disorders or mental health disorders. They include anxiety disorder, depression, bipolar disorder, post-traumatic stress disorder, schizophrenia, eating disorder, disruptive behaviour and dissocial disorders, neurodevelopmental disorders (such as attention deficit and hyperactivity disorder and autism spectrum disorder).

Persons with disabilities also include persons with intellectual impairments. Causes of intellectual disorders are not known. It could occur at birth or any time before the age of eighteen years. Intellectual disability refers to a person's inability to learn at an expected level and to function in daily life. Some congenital causes of intellectual disability include down syndrome, fetal alcohol syndrome, fragile X syndrome, genetic conditions, birth defects, and infections which may have occurred before birth. Adventitious causes include serious head injury, stroke, or certain infections. Persons experiencing long-term sensorial disability also constitute persons with disabilities. Sensorial disability is neurological disorder that affects the human brain to process sensory information (such as sight, hearing, taste, touch and smell) normally and properly. It is an

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<sup>8</sup> WHO, Mental Disorders, 8<sup>th</sup> June 2022, <https://www.who.int/news-room/fact-sheets/detail/mental-disorders#:~:text=A%20mental%20disorder%20is%20characterized,different%20types%20of%20mental%20disorders> accessed 30<sup>th</sup> December, 2022.

impairment that mainly affects the sense organs such as the sense of smell, sight, hearing, taste or touch, and covers mainly visual impairment or blindness and hearing loss or deafness.

It must be pointed out that a major aspect of the term disability is the fact that the impairment must be of a nature that hinders or prevents the individual from functioning independently, effectively and normally in daily life's activities or what is also called activities of daily living. These activities include self-care and other daily life functioning such as walking, hearing, seeing and reproduction.

Another important feature of the concept of disability is the fact that it attracts stereotypes from other members of the society. In Nigeria, there is negative cultural perception about disability. Disability is viewed as a curse or punishment meted out by mystic or supernatural forces on the individual for acts or omissions done either by the individual or his forebears. There are many stereotypes associated with disability in Nigeria. It includes cultural stereotypes and societal stereotypes which feed environment and social barriers that hinder the full integration of persons with disabilities on an equal basis with others.

**Human Rights** – This is one term that has been given several definitions by several authors and jurists. Ajomo opined that "...human rights are inherent in man: they arise from the very nature of man as a social animal. They are those rights which all human beings enjoy by virtue of their humanity, whether black, white, yellow, malay or red".<sup>9</sup> This view agrees with the literal interpretation of the two words used. These rights accrue only to humans by virtue of their humanness. Their humanity simply qualifies them to enjoy the rights. This is similar to the thoughts of Ogbu when he shared that:

[H]uman rights are...rights which all persons everywhere and at all times equally have by virtue of being moral and rational creatures. They are inherent in any human being simply because of his [or her] humanity – the birth right of all mankind.<sup>10</sup>

Thus, human rights are rights which every human in any part of the universe is entitled to by virtue of their humanity. They are unique to humans alone and are not earned nor negotiated for, but imbedded in human existence as it enhances human dignity.

Odje<sup>11</sup> tried to distinguish between 'human rights' and 'fundamental rights' when he stated that: while all rights enjoyed and asserted by human persons may be described generally as human rights, not all human rights can be termed fundamental rights or fundamental human rights under our classification unless they are entrenched in the constitution.

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<sup>9</sup> M A Ajoma, *The Development of Individual Rights in Nigeria's Constitutional History in Individual Rights Under the 1989 Constitution*, (Nigeria Institute of Advance Legal Studies, 1996) 10.

<sup>10</sup> O N Ogbu, *Human Rights Law and Practice in Nigeria: An Introduction*, (CIDJAP Publishers, 1999) 1-3.

<sup>11</sup> Mudiaga Odje, "Fundamental Rights Provisions of the Constitution", *Nigeria Judges Conference Papers* (1982) 41.

Thus, they are fundamental human rights if they are provided for in the Constitution. Human rights have been enshrined in our Constitution,<sup>12</sup> therefore, making it both a national and an international concept. It has been universally adopted as affecting all humans. The basic norm governing this concept is one of respect for human personality irrespective of colour, race, sex, religion or disability.

Human rights are those fundamental rights of the person that are considered necessary for a life with human dignity. They are necessary for the adequate development of human personality and human happiness.<sup>13</sup> They are essential for any human to live a respectable and dignified life devoid of inhumane treatment.

Human rights may also be viewed as freedoms, immunities and benefits that all humans should be able to claim as a right in the society in which they live or dwell.<sup>14</sup> As succinctly put by Miller: Human rights are those claims which are mainly directed towards providing a minimum standard of decent living worthy of a man as a human being (never as an animal). For this reason, human rights represent that very fundamental demands or claims which the individual or groups make on themselves and their society or government; which differ from appeals to benevolence and charity. The rights are the property of man as man without any exception.<sup>15</sup>

It is clear that human rights are rights necessary for human dignity which all humans, irrespective of their sex, colour, religion, race or disability enjoy by virtue of their being humans. Every living human is entitled to human rights on the basis of their humanity and nothing more.

### **CPRD and DAPPA distinguished**

The United Nations Convention on the Rights of Persons with Disabilities was adopted on the 13<sup>th</sup> of December, 2006 and opened for signature on the 30<sup>th</sup> of March, 2007. The Convention has enjoyed relative acceptance from many countries due to content. The intention of the Convention is basically to reaffirm the human dignity of persons with disabilities; serve as a compilation of rights; and expand existing rights to cover persons with disabilities; and provide for completely new rights for them. The Convention acknowledges the existence of already existing United Nations rights Conventions like the Universal Declaration on Human Rights; International Covenants on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against

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<sup>12</sup> Constitution of the Federal Republic of Nigeria, Chapter IV and Chapter II.

<sup>13</sup> Nachiketa Singh, "Human Rights: Various Meanings" in Tapan Biswal, *Human Rights Gender and Environment* (Viva Books, 2015) 44.

<sup>14</sup> B A Garner, *Black's Law Dictionary* (7<sup>th</sup> Edition, 1999) 745.

<sup>15</sup> D Miller cited in C. M Chukwuodozie, *Introduction to Human Rights and Social Justice* (Enugu: Ochumba Printing and publishing Company, 1999) 3.

Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment; the Convention on the Rights of the Child; and the International Covenant on the Protection of All Migrant Workers and Members of Their Families. However, goes ahead to re-echo the need for the respect of the rights to dignity of persons with disability, and the prevention of discrimination on the basis of disability. This is what has been described as pluralization of human rights<sup>16</sup>.

The thoughts expressed are that human rights ought to apply to all humans by virtue of their humanness, hence covers all categories of persons, persons with disabilities inclusive. Hence, it is thought to be superfluous to have separate Conventions provide for specific persons such as persons with disabilities. The question that comes to mind is whether the rights contained in the CRPD are novel rights different from others provided for in the previous Conventions. There ought not be need for the provision of group specific rights protection because all groups are contemplated and covered by the Universal Declaration of Human Rights. However, the argument has been that there could be need for specific mention of groups especially where it is thought the such groups need stop-gap mechanism to ensure their protection.<sup>17</sup> In such a situation, it is ideal to have an anti-discrimination provision to cover the lacuna and address the issue of discrimination against the group in question. This is the rationale behind the Convention on the Elimination of Racial Discrimination.

The purpose of the Convention is to “promote, protect and ensure the full and equal enjoyment of all human rights and freedom by persons with disabilities”.<sup>18</sup> The general principle of the Convention may be summarized as non-discrimination and it obliges governments “to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.”<sup>19</sup> It basically re-affirms the rights stated in previous human rights conventions such as Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; and International Covenant on Economic, Social and Cultural Rights.

Granted that the Convention reaffirms already existing human rights provision, it also provides additional context on how they should specifically apply to persons with disabilities. For example, the Convention recognizes “that persons with disabilities enjoy legal capacity” and “reaffirms that persons with disabilities have the right to recognition everywhere as persons before the law”. However, it goes ahead to mandate State parties to take appropriate measures to provide “support they may require in exercising their legal capacity”.

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<sup>16</sup> Frederic Megret, ‘The Disabilities Convention: Human Rights of Persons with Disabilities or Disability Rights?’ ecopy available at: <http://ssrn.com/abstract=1267723>.

<sup>17</sup> Ibid.

<sup>18</sup> Convention of the Rights of Persons with Disabilities, Art. 1

<sup>19</sup> Ibid, Art. 4.

It also provides new obligations on State Parties to protect persons with disabilities in accordance to humanitarian law and human rights law in situations of risks, armed conflicts, humanitarian emergencies and natural disasters.<sup>20</sup> And obligates State Parties to put in place “effective measures to ensure the personal mobility with the greatest possible independence for persons with disabilities”.<sup>21</sup> These are examples of provisions innovatively included in the CRPD to promote the protection of the rights of persons with disabilities.

The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 is an off shoot of CPRD, which from its title, can be described as an anti-discrimination legislation targeted at providing for the full integration of persons with disabilities. The Act outrightly prohibits the discrimination of persons with disability on the basis of disability. Unlike the CRPD, the DAPPA, 2018 does not necessarily reaffirm already existing human rights provisions as contained in the Constitution of the Federal Republic of Nigeria, 1999 and the African Charter on Human and Peoples’ Rights (1981). DAPPA clearly is an anti-discrimination Act which frowns at the discrimination of persons with disabilities and provides for measures to ensure their full integration and participation in society. The Act places responsibility on the Federal Ministry of Information to champion the promotion of awareness programmes concerning the rights, dignity, capabilities, achievements and contributions of persons with disabilities.<sup>22</sup>

### **Expected Benefits of DAPPA**

As an anti-discrimination legislation, DAPPA, 2018 clearly prohibits and criminalizes the discrimination of persons with disabilities in the ground of disability. It stipulates a fine of ₦1,000,000.00 (One Million Naira) only for a corporate body and ₦100,000.00 (One Hundred Thousand Naira) only or 6 months imprisonment or both for an individual who discriminates against a person with disabilities on the ground of disability. It also criminalizes the act of employing or procuring a person with disabilities for the purpose of begging or soliciting for alms, and attaches a fine of ₦100,000.00 (One Hundred Thousand Naira) only or 6 months imprisonment or both for any one convict for the offence. Thus, it portends several benefits for persons with disabilities. which can be discussed in discussed under 4 headings: accessibility of physical structure and transportation facilities; right to education, health and first consideration in queues; opportunity for employment and participation in politics and public life; and establishment of the National Commission for persons with disabilities.

It should however be pointed out that the Act provides a 5 (five) years transitory period within which all public buildings and structures including automobile should be modified to become accessible for persons with disabilities. This transitory (grace) period only applies to modifying buildings and structures including transportation facilities, which have been inaccessible for

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<sup>20</sup> Ibid, Art. 11.

<sup>21</sup> Ibid, Art. 20.

<sup>22</sup> Discrimination of Persons with Disabilities (Prohibition) Act 2018, s 2.



persons with disabilities. It does not apply other aspects of the Act such as the discrimination of persons with disabilities based on disability, nor procuring a person with disabilities for the purpose of begging alms. We shall discuss these benefits under the above-mentioned headings.

### **Accessibility of physical structures and accessibility of physical structure and transportation facilities**

The Act expressly provides that persons with disabilities have a “right to access the physical environment and buildings on an equal basis with others.”<sup>23</sup> This implies that persons with disabilities have a right to access the environment just like every other person irrespective of their disabilities. This means that the physical environment ought to be modified to be accessible to all including persons with disabilities. Therefore, hauling a person on wheelchair or backing a person on crutches from one floor to another in a public building because of the inaccessible nature of the building is totally unacceptable. Road side-walks, pedestrian crossing and others shall be accessible to persons with mobility challenge or visual impairment<sup>24</sup>. Already existing buildings have 5 years transitory or grace period to be modified to become accessible to persons with disabilities.<sup>25</sup> While new public buildings are to conform to building codes before they are approved for construction<sup>26</sup>. The Act further imposes a fine of ₦1,000,000.00 (One Million Naira) only or a term of 2 years or both on conviction of any officer who approves a public building without accessible facilities.<sup>27</sup>

The Act provides persons with disabilities have the right to request the relevant authority or person in charge of an inaccessible public building about the inaccessible nature or barrier of the building and demand the removal of the barrier. Such authority is obligated by law to remove or modify the environment or risks committing an offence which is liable to N10,000.00 (Ten Thousand Naira) only (for a corporate body) or N5,000.00 (Five Thousand Naira) only (for an individual) if convicted.

Transportation facilities are not left out in experiencing modification to become accessible to persons with disabilities. All means of transportation are mandated to provided lifts, ramps and other accessible aids to cater for persons with disabilities especially persons with mobility challenge. Again, transport facilities are mandated to have visual displays as well as audible displays to cater for different persons. It provides that while boarding a vehicle, persons with disabilities shall be allowed to board first before other intending passengers.<sup>28</sup> It also provides for

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<sup>23</sup> S. 3

<sup>24</sup> S. 5.

<sup>25</sup> S. 6

<sup>26</sup> S. 7

<sup>27</sup> S. 7 (3).

<sup>28</sup> S. 11(5).

the provision of reserved parking slots for persons with disabilities and imposes a fine on a person without disabilities who parks on such designated parking lots.

### **Right to education, health and first consideration in queues**

Persons with disabilities are entitled to free education to secondary school level.<sup>29</sup> All public schools – primary, secondary and tertiary are mandated to run inclusive and accessible education to all persons with disabilities.<sup>30</sup> It stipulates that all such schools are to have trained personnel to cater for the educational needs of persons with disabilities and that Braille, sign language and others will form part of the curricula for primary, secondary and tertiary institutions. It also provides that the education of special educators will be highly subsidized. This implies that special education courses will enjoy lower fees compared to other courses in the tertiary institutions.

The Act imposes on the government the responsibility of guaranteeing the unfettered access to healthcare without discrimination on the basis of disability.<sup>31</sup> Persons with mental disability are entitled to free medical and health services in all public hospitals<sup>32</sup>. It should be emphasized that the Act mandates a public hospital where a person with hearing impairment is medically attended to, to provide for special communication<sup>33</sup>. While this mandatory provision is the first of its kind, the Act does not impose this requirement on all public hospitals, but on only those where persons with hearing disabilities are being attended to. So, the onus lies on the such persons to in the future look for hospitals with records of medically attending to persons with such kinds of disabilities as they are the only ones mandated to have special communicators.

Interestingly, the Act mandates the government in cases of risks, violence, emergencies and natural disaster, to take necessary steps to ensure the safety and protection of persons with disabilities having regards to their peculiar disabilities<sup>34</sup>. This provision is similar to the provisions made in Article 11 of the CRPD. This implies that in a situation where there is need to evacuate people generally, the government has the responsibility of putting steps and measures in place to ensure the safe evacuation of persons with disabilities taking into consideration their particular disabilities. The realization of this role of government is dependent on the several other factors including the existence of a comprehensive and updated record or database of persons with disabilities. Where this is not factored into in a normal situation, it will be difficult to arrange rescue measures in a situation of emergency where the persons with disabilities are unknown.

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<sup>29</sup> S. 17

<sup>30</sup> S. 18.

<sup>31</sup> S. 21 (1).

<sup>32</sup> S. 21 (2).

<sup>33</sup> S. 24

<sup>34</sup> S. 25.

The Act also stipulates that persons with disabilities are to be given first consideration in queues or be attended to outside of the queue<sup>35</sup>. It imposes a fine of ₦50,000.00 (Fifty Thousand Naira) only or six months imprisonment or both on any one who contravenes this<sup>36</sup>. Persons with disabilities can only enjoy this positive discrimination where they are aware of their right to first consideration in queues. It goes on to specify that in the event that accommodation is being provided to students, employers, customers, civil servants, and others, consideration will be given first to persons with disabilities amongst them.<sup>37</sup>

### **Opportunity for employment and participation in politics and public life**

The Act provides that persons with disabilities have a “right to work on an equal basis with others”<sup>38</sup>. This includes the right to freely chose the type of work to venture into irrespective of their disability and not suffer discrimination on the grounds of disability. This however implies, that persons with disabilities will have requisite skills for and qualification for the work. The right to work provided in the Act does not preclude persons with disabilities from having employable skills and qualifications; it only entitles them to work on an equal basis with others. One interesting thing about this provision is that it imposes a fine on any company who contravenes the right to work to the minimum amount of ₦500,000.00 (Five Hundred Thousand Naira) only which is payable to the affected person.<sup>39</sup> It also mandates public organizations to ensure that persons with disabilities constitute at least 5% of their work force<sup>40</sup>. This provision is capable of guaranteeing the employment of a large chunk of educated persons with disabilities if enforced. The Act further provides that persons with disabilities shall be encouraged to “participate in politics and public life”<sup>41</sup>.

### **Establishment of the National Commission for persons with disabilities**

The Act provided for the establishment of the National Commission for Persons with Disabilities which will be a corporate body with perpetual succession and common seal, with the responsibility of ensuring the implementation of the provisions of the Act. Specifically, the function of the Commission include ensuring public organizations retain at least 5% of their work force as persons with disabilities; collecting and maintaining data and records on the special education of persons with disabilities; facilitating the procurement of scholarships for persons with disabilities up to university level; ensuring the building of facilities in every community to accommodate special needs of persons with disabilities; uplifting the social well-being of persons with disabilities; procuring assistive devices for all disability types; receiving complaints from persons with

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<sup>35</sup> S. 26 (1)

<sup>36</sup> S. 26 (2)

<sup>37</sup> S. 27

<sup>38</sup> S. 28 (1)

<sup>39</sup> S. 28 (3)

<sup>40</sup> S. 29

<sup>41</sup> S. 30

disabilities on violation of their rights and issuing the insignia of identification for persons with disabilities; and the likes.

### **Recommendations**

Having explored the huge benefits that persons with disabilities stand to gain from the Act, the following recommendations are made to ensure maximum benefits are derived from the enactment of the DAPPA 2018:

1. The members of the Commission should be appointed and inaugurated immediately. This is very expedient because the implementation and actualization of the provisions of the Act is to a large extent vested on the Commission. Members should be educated to understand their role in the implementation of the provisions of the Act.
2. There is need for the enlightening and educating persons with disabilities on their rights as contained in the DAPPA 2018. It is only where persons with disabilities have adequate understanding of their rights will they complain about violation of their rights and insistence on the respect of their rights.
3. Members of society also need to be educated on the rights of persons with disabilities and the offences created by DAPPA 2018 so they do go against its provisions.

### **CONCLUSION**

Disability is a part of living. It could occur at any time with the life time of any individual. It is a restriction or lack of ability to perform an activity in the normal way of performing such activity. Persons with disabilities are humans, thus deserving of rights. The CRPD was adopted to reaffirm and re-stated that persons with disabilities have rights like every other human as contained in several other documents. It imposed some responsibilities on State Parties including ensuring that enforcement of disability rights of persons with disabilities within their jurisdiction. This birthed the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018. The Act rather than merely collate the human rights of persons with disabilities, it goes further to prohibit the discrimination of persons with disabilities and imposes different fines and terms of imprisonment for offenders of the anti-discrimination law.