

Nigeria Alternative Report/List of Issues on the implementation of the United Nations Convention on the Rights of Persons with disabilities

Submitted to the United Nations Committee on the Rights of Persons with Disabilities

BY

Joint National Association of Persons with Disabilities

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List of abbreviations:

1. **ACJA** - Administration of Criminal Justice Act
2. **COVID-19** - Coronavirus Disease 2019
3. **CRA** - Child Rights Act
4. **CRPD** - Convention on the Rights of Persons with Disabilities
5. **DSVA** - Domestic and Sexual Violence Agency
6. **FMI** - Federal Ministry of Information
7. **ICT** - Information and Communication Technology
8. **JONAPWD** - Joint National Association of Persons with Disabilities
9. **NAPTIP** - National Agency for the Prohibition of Trafficking in Persons
10. **NASSP** - National Social Safety Nets Project
11. **NCPWD** - National Commission for Persons with Disabilities
12. **NEET** - Not in Education, Employment, or Training
13. **NGO** - Non-Governmental Organization
14. **NHIS** - National Health Insurance Scheme
15. **NIMC** - National Identity Management Commission
16. **NOA** - National Orientation Agency
17. **NPIE** - National Policy on Inclusive Education
18. **NSIP** - National Social Investment Program
19. **NSPP** - National Social Protection Policy
20. **NSR** - National Social Register
21. **UN** - United Nations
22. **VAPP** - Violence Against Persons (Prohibition) Act
23. **WASH** - Water, Sanitation, and Hygiene

Executive Summary

This shadow report highlights critical issues concerning the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in Nigeria, reflecting gaps in legislation, systemic barriers, and societal attitudes. A significant challenge is the inconsistency between federal and state-level adoption and implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018. While the federal government has made legislative advances, 23 out of 36 states have domesticated the Act, and enforcement remains weak, leading to inadequate accessibility in infrastructure, limited political participation, and significant disparities in education and employment opportunities for persons with disabilities. Additionally, the absence of explicit constitutional protections against disability-based discrimination and the reliance on a welfare approach instead of a rights-based framework further undermine efforts toward equality and inclusion.

The intersectional vulnerabilities faced by specific groups, such as women, youths and children with disabilities, add layers of complexity to the situation. Particularly, women with disabilities experience compounded discrimination in education, employment, and political representation, with no affirmative policies addressing their inclusion. They are disproportionately affected by gender-based violence, limited reproductive healthcare access, and dependency on caregivers, exacerbating their marginalization. Similarly, children with disabilities face systemic exclusion from meaningful participation in decision-making processes and are often denied access to quality education due to inadequate policies and inaccessible infrastructure. This situation is further compounded by societal stigma, inadequate teacher training, and underfunded inclusive education initiatives.

Moreover, the report identifies critical gaps in awareness, accessibility, and enforcement mechanisms. Limited public understanding of disability laws, insufficient training for law enforcement and service providers, and the absence of accessible information and infrastructure contribute to the exclusion of persons with disabilities from public life. The lack of comprehensive data collection and monitoring mechanisms impedes the development of targeted policies and accountability. The report urges the government to adopt a rights-based approach, strengthen legislative and policy frameworks, ensure adequate funding, and actively involve organizations of persons with disabilities in planning and implementation to achieve the CRPD's objectives.

The proposed list of issues in the report emphasizes critical gaps in Nigeria's implementation of the CRPD and poses questions aimed at addressing systemic challenges in legislation, enforcement, and societal inclusion. These questions underscore the need for constitutional amendments to explicitly prohibit disability-based discrimination and shift from a welfare-oriented to a rights-based framework. A recurring concern is the lack of nationwide domestication and enforcement of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018, with questions probing how the government plans to bridge state-level disparities. The list also highlights issues of inadequate data collection, asking how the government intends to ensure accurate representation of persons with disabilities in policies and welfare programs, particularly in marginalized and rural communities. Furthermore, the list seeks clarity on steps to amend outdated or discriminatory laws, like those in the Immigration Act, and ensure accessibility in public services, education, and healthcare.

The questions also reflect an urgent need for targeted interventions to address the unique vulnerabilities of women and children with disabilities. For women and youths, the issues focus on implementing

affirmative action in education, employment, and politics and strengthening protections against gender-based violence. For children and their parents, the list queries the government's plans to explicitly address their participation in decision-making and ensure accessible and inclusive education frameworks. The broader systemic barriers—such as stigma, limited political will, and insufficient funding—are underscored in queries about how the government plans to raise awareness, enforce sanctions against non-compliance, and include organizations of persons with disabilities (OPDs) in decision-making processes. By focusing on these structural and intersectional issues, the questions push for a comprehensive, rights-based approach to disability inclusion in Nigeria.

THE LIST OF ISSUES

Article 1- 4: Purpose, definitions, general principles and general obligations

Nigeria's initial report to the UN Committee on the Rights of Persons with Disabilities (CRPD) highlights constitutional and legislative efforts to protect the rights of persons with disabilities, including the Discrimination Against Persons with Disabilities (Prohibition) Act of 2019 and the National Policy on Disabilities (2018).¹ However, the Constitution lacks explicit protections for disability rights, with no mention of "disability" in Section 42's anti-discrimination provisions. Existing references, such as Section 16(2)(d), adopt a welfare rather than a rights-based approach and are non-justiciable. Efforts to amend the Constitution for better inclusion, such as the 2021 bill and proposals by civil society organizations, remain pending. While the CRPD has been domesticated federally, Nigeria's federal structure requires each state to adopt the Act through its respective House of Assembly, leaving the rights of persons with disabilities unevenly protected across the country. This underscores the need for explicit constitutional guarantees to ensure comprehensive and enforceable disability rights nationwide.²

Paragraph 33 of the state party report stated that Nigeria has domesticated the Convention on the Rights of Persons with Disabilities (CRPD) through its Discrimination Against Persons with Disabilities (Prohibition) Act of 2019. However, in view of Nigeria's federal structure, the Act does not automatically apply to the thirty-six states of the federation. For the legislation to apply to all states, each state's House of Assembly must domesticate its provisions. As of December 31, 2024, 26 states in Nigeria have adopted the Disability Act, protecting the rights of persons with disabilities. These states include North Central states like Kogi, Kwara, Nasarawa, Niger, and Plateau, as well as Northeast states such as Bauchi, Northwest states including Jigawa, Kaduna, Kano, Sokoto, and Zamfara, Southeast states like Abia and Anambra, South-South states such as Cross River and Edo, and Southwest states including Ekiti, Lagos, Ondo, and Oyo. Some of these states have also established disability board offices, headed by an executive secretary, to ensure the Act's implementation. However, 11 states have yet to adopt the Disability Act, leaving a significant gap in protecting the rights of persons with disabilities in those states³.

The practical implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2019 is impeded by a lack of awareness, resources, and inconsistent enforcement across states. Significant challenges persist, such as high unemployment rates, insufficient education, and various forms of abuse. Systemic barriers, inadequate infrastructure, and low involvement of youths with disabilities in decision-making processes further hinder progress.⁴

¹ Federal Republic of Nigeria, Initial Report submitted to the UN Committee on the Rights of Persons with disabilities in accordance with Article 35 of the Convention on the Rights of Persons with Disabilities (CRPD), para 25-35

² Federal Republic of Nigeria, Initial Report submitted to the UN Committee on the Rights of Persons with Disabilities in accordance with Article 35 of the Convention on the Rights of Persons with Disabilities (CRPD), para 25-35

³ The cable news: Available here: <https://www.thecable.ng/setting-the-bar-states-that-prioritised-disability-friendly-policies-in-2024/>

⁴ "Disability Inclusion in Nigeria: Gaps and Opportunities." Agora Policy Research Platform. Available at: <https://agorapolicy.org/research/policy-platform/210-despite-recent-progress-nigeria-needs-more-action-on-disability-inclusion.html>

Proposed questions for the List of Issues:

- What specific measures has the Federal Government of Nigeria taken to amend the Constitution to explicitly prohibit discrimination on the grounds of disability, particularly in Sections 15(2), 42, and 16(2)(d), and to shift from a welfare-based to a rights-based framework for addressing disability?
- How does the Federal Government plan to address the significant disparities in the domestication and implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2019 across Nigeria's 36 states, and what strategies are being employed to ensure nationwide awareness, resource allocation, and enforcement?

Article 5- Equality and Non-Discrimination

In Nigeria, legislative efforts to promote equality and prevent discrimination mainly focus on employment, underscoring the need to extend non-discrimination legislations to all aspects of daily life for comprehensive protection of persons with disabilities. The Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 does not address intersecting factors that exacerbate discrimination against persons with disabilities like age, gender, socio-economic background, conflict, displacement and sexual orientation, and 'disability', 'sexual orientation' and omnibus ground like 'other status' are not expressly included as prohibited grounds of discrimination in Section 42 of the Constitution, and reference with 'disability' in Section 42 is opaque as it does not specifically prohibit discrimination on ground on disability. Consequently, denial of reasonable accommodation is not a prohibited ground of discrimination both in the Constitution and the Act.⁵

Equality remains elusive for persons with disabilities in Nigeria, particularly women, who face compounded discrimination due to disability, gender, and other statuses. Nigeria ranks 139th out of 156 countries on the World Economic Forum's Gender Gap Index, with legislative attempts to address inequality rejected by the 9th National Assembly. Customs, stereotypes, and religious beliefs further hinder progress. The country struggles to fully implement Article 5 of the CRPD, particularly in providing reasonable accommodations and recognizing their denial as discrimination. Persons with disabilities are often viewed as charity cases rather than rights holders, and weak sanctions against discrimination, coupled with inadequate enforcement mechanisms, result in rare convictions. Additionally, the lack of disaggregated disability data and minimal representation in political positions highlight the urgent need for broader inclusion and recognition of their rights in Nigeria.

Proposed questions for the List of Issues:

- What strategies are being implemented to raise awareness of disability laws and rights among the general public and policymakers, and how does the government plan to improve the collection of disaggregated disability data and increase representation of persons with disabilities in decision-making positions?

Article 6: Women with disabilities

⁵ "An Appraisal Of The Discrimination Against Persons With Disabilities (Prohibition) Act 2019." The Nigeria Lawyer. Available at: <https://thenigerialawyer.com/an-appraisal-of-the-discrimination-against-persons-with-disabilities-prohibition-act-2019/>

Despite constitutional advocacy for gender equality and non-discrimination, women in Nigeria face systemic injustices due to discriminatory laws, cultural norms, entrenched gender stereotypes, limited educational opportunities, and poverty. For women and girls with disabilities, these challenges are compounded by multifaceted discrimination and insufficient legal protections. The Discrimination Against Persons with Disabilities (Prohibition) Act does not explicitly address the unique challenges faced by women and girls with disabilities.⁶ Similarly, while the **Violence Against Persons (Prohibition) Act of 2015** tackles gender-based violence, it lacks specific provisions tailored to protect women and girls with disabilities, leaving this vulnerable group inadequately safeguarded.⁷ Westminster Foundation for Democracy's report of 2021 states that 30% of Nigerian women and girls experience physical, emotional and/or sexual abuse in their lifetime with about 55% of the survivors having challenges accessing support, and that 24.8% of females aged 18 – 24 had experienced sexual abuse before age 18.⁸

There is currently no quota or affirmative action for women with disabilities regarding education, employment and political participation and this is evident in the fact that there is no representation of women with disabilities in parliament and executive cabinet.

Women hold only 3.6% of parliamentary seats, 9.8% of local governance roles, and 30.3% of managerial positions, with financial inclusion at 27.3%. These disparities are more severe for women with disabilities, who experience multifaceted discrimination, higher unemployment, limited education and essential services access, as well as cultural biases that favour men in inheritance and decision-making. They are also more vulnerable to violence and abuse due to dependency on caregivers.

There is no quota or affirmative action policy specifically for women with disabilities in education, employment, or political participation, leaving them largely underrepresented in decision-making roles.

Additionally, women with disabilities are at increased risk of violence and abuse, particularly because of their dependency on caregivers. A report⁹ by the **Advocacy for Women with Disabilities Initiative (AWWDI)** revealed that while there is widespread awareness of the barriers faced by women with disabilities, knowledge of protective measures remains limited. This underscores the urgent need for targeted public education on the rights and needs of women with disabilities.

Proposed questions for the List of issues:

- How does the government plan to introduce and implement affirmative action policies or quotas for women with disabilities in education, employment, and political participation to address their significant underrepresentation in decision-making roles, including parliament and executive cabinet positions?

⁶ “An Appraisal of the Discrimination Against Persons with Disabilities (Prohibition) Act 2019.” Omplex Law Firm. Available at: <https://omplex.com.ng/an-appraisal-of-the-discrimination-against-persons-with-disabilities-prohibition-act-2019/>

⁷ “Everything You Need to Know About the Law That Could Reduce Gender-Based Violence in Nigeria.” Global Citizen. Available at: <https://www.globalcitizen.org/en/content/everything-you-need-to-know-vapp-Nigeria/>

⁸ Westminster Foundation for Democracy (WFD). (March 2021). The Impact of the Violence Against Persons (Prohibition) Act and Related Laws in Nigeria. Available at: <https://www.wfd.org/sites/default/files/2023-02/Report%20of%20the%20Impact%20of%20the%20VAPP%20and%20related%20laws%20in%2012%20states.pdf>

⁹ Findings by AWWDI on the Existing laws and Policies of Selected MDA's to Reduce GBV against women and Girls with Disabilities: Available at: <https://awwdi.org.ng/821/>

- What measures are in place to raise public awareness about the rights of women with disabilities and to strengthen law enforcement mechanisms to protect them from violence and abuse, including training for caregivers and law enforcement personnel to address the intersectional challenges they face?

Article 7- Children with Disabilities

The Child’s Rights Act 2003 does not have specific provisions for children with disabilities. While some rights of children with disabilities may be implied in the CRA, such as the principle of the **best interest of the child** applicable to all children, there is no explicit recognition of their distinct circumstances.¹⁰ Similarly, the **Discrimination Against Persons with Disabilities (Prohibition) Act of 2015** addresses the rights of persons with disabilities generally, without provisions tailored specifically to children with disabilities.¹¹

Sections 16, 75, 155, 158, 215 of the Child’s Rights Act and other sections that provide for child participation, align with **Article 7(3) of the CRPD**, focusing on the right of children with disabilities to express their views freely in all matters affecting them. However, these provisions are limited to participation in specific judicial proceedings, such as criminal cases and custody matters. They do not extend to other settings, such as administrative forums or broader decision-making processes. As a result, children with disabilities often lack opportunities to participate in decisions affecting their lives in public and private affairs.

Nigeria lacks a comprehensive national policy to ensure the meaningful participation of children with disabilities in decision-making processes. Existing policies, such as the National Child Health Policy and the National Policy for Integrated Early Childhood Development, include limited provisions for participation but fail to address broader decision-making inclusion. While frameworks like the Child Rights Act (2003) and the National Child Policy (2007) aim to protect children’s rights, poor implementation leaves children with disabilities vulnerable to neglect, abuse, and exclusion. In practice, they are often excluded from institutional and community-level decision-making forums, with limited opportunities to express their views or influence policies, perpetuating their marginalization.¹²

Proposed questions for the List of issues:

- What steps has the Nigerian government taken to amend the Child’s Rights Act 2003 and the Discrimination Against Persons with Disabilities (Prohibition) Act to include explicit provisions that address the unique rights and circumstances of children with disabilities, particularly their right to meaningful participation in decision-making processes?
- How does the government plan to develop and implement a comprehensive national policy specifically focused on children with disabilities, ensuring their inclusion in decision-making processes across public and private affairs, including health, education, and recreation?

¹⁰ Ajanwachuku, M. A., & Faga, H. P. (2018). The Nigerian Child’s Rights Act and Rights of Children with Disabilities: What Hope for Enforcement? *Curentul Juridic – Juridical Current*, 72(1), 60-62.

¹¹ Federal Ministry of Education, Nigeria. (2015). *National Policy on Special Needs Education in Nigeria*. Abuja: Federal Ministry of Education, page 23.

¹² Uzoma, E. R., Shikako, K., Snider, L., & Dahan-Oliel, N. (2023). A Portrait of the Rights of Children with Disabilities in Nigeria: A Policy Review. Preprints. <https://doi.org/10.20944/preprints202308.0819.v1>. Page 8

Article 8- Awareness Raising

In Nigeria, the Federal Ministry of Information (FMI) and the National Commission for Persons with Disabilities (NCPWD) are spearheading awareness raising initiatives. The FMI leads initiatives through its parastatals, such as the National Orientation Agency (NOA). Despite these institutions, significant discrimination and stigmatization challenges persist. Studies by the **Joint National Association of Persons with Disabilities (JONAPWD)** and the **Centre for Citizens with Disabilities (CCD)** reveal a lack of awareness about the Disability Act, especially in rural areas, and the underrepresentation of disability issues in the media. Additionally, derogatory language, non-inclusive media content, inaccessible venues, and insufficient data and help centres, undermine the effectiveness of awareness raising efforts.

Many Nigerian states have not fully operationalized the Disability Act, and where domesticated, the establishment of disability-focused bodies is inconsistent, leading to limited awareness and poor implementation of Article 8 of the CRPD. Awareness campaigns, including those addressing harmful cultural practices like ritualistic killings, are insufficient and often lack meaningful involvement of organizations of persons with disabilities (OPDs). Challenges include limited political will, inadequate professional training for key stakeholders, persistent stereotypes, poor engagement, budgetary constraints, and lack of disaggregated data. Addressing these issues requires stronger political will, improved stakeholder collaboration, sufficient funding, and comprehensive data collection to enhance awareness and inclusion of persons with disabilities in Nigeria.

Proposed question for List of issues:

- How does the government plan to improve the representation of disability issues in the media, address the use of derogatory language, and ensure that awareness campaigns are inclusive and consistently involve organizations of persons with disabilities (OPDs) in meaningful consultations?
- What steps are being taken to provide adequate professional training for public service officers, to combat stereotypes and promote positive attitudes toward persons with disabilities, and how is the government addressing budgetary constraints to ensure effective awareness-raising initiatives?

Article 9- Accessibility

The **Discrimination Against Persons with Disabilities (Prohibition) Act, 2018** provided for the provision of accessibility aids in public buildings and required a five-year transition period for modifications. Since the Act came into force on January 23, 2019, the transition period has now elapsed. However, many public and private structures remain non-compliant, reflecting significant gaps in enforcement and implementation.¹³

Public infrastructure and transportation services are particularly inadequate, as most are not designed to accommodate persons with disabilities, significantly impacting other rights such as freedom of movement

¹³ NCPWD Spells Out Accessibility Specification For Public Facilities In Nigeria.” Qualitative Magazine. Available at: <https://qualitativemagazine.com/ncpwd-spells-out-accessibility-specification-for-public-facilities-in-nigeria/>

and the right to work. Although the Act provides for sanctions against non-compliance, these have not been effectively enforced, contributing to persistent violations.¹⁴

Accessibility challenges extend beyond physical spaces to digital and communication technologies. Persons with disabilities face significant barriers in accessing information technologies, especially those from economically disadvantaged backgrounds who cannot afford assistive technologies. While the Act addresses accessibility of information technologies, it is unclear whether this includes communication accessibility, particularly in official interactions. The absence of clear mandates for accessible communication technologies creates barriers to participation in public life, limiting persons with disabilities' ability to engage effectively with government services, legal processes, and other essential interactions. This omission impacts their access to rights such as education, employment, and freedom of information.

Despite initiatives like the E-Governance Master Plan and various state and national policies, accessibility remains hindered by limited funding, inadequate technology, deficient policies, and poor institutional awareness. The effective implementation of the **National Accessibility Standards** further delays progress in ensuring accessibility in both physical and digital spaces.¹⁵

Societal stigma and stereotypes exacerbate these barriers, creating attitudinal obstacles that exclude persons with disabilities from planning and decision-making processes. Institutions generally lack the capacity or willingness to address disability concerns comprehensively, perpetuating inaccessibility.¹⁶

Proposed questions for the List of issues:

- With the five-year transition period under the Discrimination Against Persons with Disabilities (Prohibition) Act now elapsed, what specific measures has the government taken to enforce compliance with accessibility requirements in public and private buildings, Information, communication and education materials, and how are non-compliant entities being held accountable?
- What is the timeline for the approval and implementation of the National Accessibility Standards, and how does the government intend to strengthen institutional awareness, capacity, and funding to ensure accessibility in both physical and digital spaces across all sectors?

Article 10- Right to Life

In Nigeria, Section 33 of the Constitution protects against unlawful deprivation of life, except as court-ordered punishment for a criminal offense, and extends to access to essential services such as healthcare, education, and employment. Despite these protections, implementation gaps persist due to lack of respect for the rule of law by state agents inadequate laws, lack of political will, and insufficient awareness. Unlawful killings by state actors and private individuals often occur without accountability, eroding trust in

¹⁴ Agbakuribe, B. C., & Oriaku, I. (2023). Disability Statute and Amenability in Nigeria: Reinforcing Enforcement and Compliance with Guidance Counselling Enlightenment. *European Journal of Educational and Development Psychology*, 11(1), page 6. <https://doi.org/10.37745/ejedp.2013/vol11n1119>

¹⁵ "Accessibility Department." National Commission for Persons with Disabilities (NCPWD). Available at: <https://ncpwd.gov.ng/Apps/Web/accessibility>

¹⁶ Agbakuribe, B. C., & Oriaku, I. (2023). Disability Statute and Amenability in Nigeria: Reinforcing Enforcement and Compliance with Guidance Counselling Enlightenment. *European Journal of Educational and Development Psychology*, 11(1), page 11. <https://doi.org/10.37745/ejedp.2013/vol11n1119>

the justice system. Persons with disabilities, especially those with oculocutaneous albinism and angular kyphosis, are particularly vulnerable to violence, including discrimination, human trafficking, and ritualistic killings.¹⁷ The Association of Lawyers with Disabilities in Nigeria has reported recent murders of individuals with physical disabilities, highlighting the urgent need for effective protective measures and law enforcement to address these human rights abuses.

List of issues:

- What steps are being taken to increase awareness among law enforcement agencies and the judiciary about the specific vulnerabilities of persons with disabilities to violence, discrimination, and ritualistic killings, and to provide targeted training on upholding their rights under the CRPD?
- What measures has the government implemented to ensure accountability for unlawful killings and violence against persons with disabilities, particularly those with albinism and angular kyphosis, and how is it addressing the gaps in law enforcement and justice mechanisms?

Article 11- Situations of Risk and Humanitarian Emergencies

In Nigeria, significant gaps persist in emergency preparedness and response for persons with disabilities. During the 2022 floods, which displaced 2.4 million people, accessible evacuation protocols and shelters were often absent.¹⁸ Persons with disabilities faced barriers such as inaccessible warnings, insufficient training for humanitarian workers, and exclusion from evacuation and emergency plans. Minimal consultation with Organizations of Persons with Disabilities (OPDs) and the lack of systematic training for emergency workers further marginalize this group. These challenges highlight the need for inclusive disaster risk reduction and emergency response strategies.¹⁹

Proposed questions for the List of Issues:

- What measures has the government taken to integrate specific provisions for persons with disabilities in official evacuation and emergency response plans, and how does it ensure meaningful consultation with Organizations of Persons with Disabilities (OPDs) during the design and implementation of these plans?
- What steps are being taken to provide systematic, standardized training for emergency and humanitarian workers on addressing the specific needs of persons with disabilities, and how does the government ensure such training is developed in collaboration with OPDs?

Article 12- Equal Recognition Before the Law

¹⁷ Aborisade, R.A. Two People and One Albino! Accounts of Discrimination, Stigmatization, and Violence Against People Living with Albinism in Nigeria. *J. Hum. Rights Soc. Work* 7, 299–310 (2022). <https://doi.org/10.1007/s41134-022-00214-3>

¹⁸ “Nigeria Floods Flash Update December 2022.” UNICEF. Available at: <https://www.unicef.org/media/132336/file/Nigeria-Floods-Flash-Update-December-2022.pdf>

¹⁹ Barriers to Healthcare Access for Deaf Nigerian Women and Girls during Emergencies.” *World Federation of the Deaf*. Available at: <https://wfdeaf.org/wp-content/uploads/2022/12/Barriers-to-Healthcare-Access-for-Deaf-Nigerian-Women-and-Girls-during-Emergencies-FINAL.pdf>

In Nigeria, the 1999 Constitution provides for equal recognition before the law; however, its provisions on socio-economic rights are non-justiciable, limiting their enforceability.²⁰

While there is no specific law establishing adult guardianship in Nigeria, the National Mental Health Act of 2022 introduces measures relevant to legal capacity, such as the right of persons with mental health conditions to appoint legal representatives and participate in the formulation of their treatment plans. However, the Act still permits practices that fall short of international standards under the CRPD, including substituted decision-making mechanisms, which allow others—such as legal representatives or health professionals—to make decisions on behalf of individuals.²¹ These practices contradict General Comment No. 1 of the CRPD Committee, which emphasizes the need to replace substituted decision-making systems with supported decision-making frameworks, including safeguards to prevent abuse and undue influence.

Proposed questions for the List of Issues:

- What steps has the government taken to align the National Mental Health Act of 2022 with the CRPD’s standards by replacing substituted decision-making mechanisms with supported decision-making frameworks, including appropriate safeguards to prevent abuse and undue influence?
- How does the government plan to address the non-justiciability of socio-economic rights under the 1999 Constitution to ensure persons with disabilities have enforceable legal protections for their equal recognition before the law, as mandated under Article 12 of the CRPD?

Article 13- Access to Justice

Nigeria’s Constitution broadly addresses access to justice but does not explicitly include disability as a protected category,²² and the 2018 Discrimination Against Persons with Disabilities (Prohibition) Act lacks provisions for procedural accommodations in court proceedings.²³ Barriers to justice for persons with disabilities include inaccessible courtrooms, documents not available in accessible formats, insufficient training for justice professionals, and negative societal attitudes. Incidents like the mistreatment of Tigran Gambaryan by court officers highlight these issues.²⁴ Additional challenges include poverty, illiteracy, inaccessible transportation, and the exclusion of persons with intellectual and psychosocial disabilities as witnesses. Women and girls with disabilities, particularly survivors of gender-based violence, face compounded difficulties due to the scarcity of sign language interpreters, inaccessible facilities, and limited government efforts to address these gaps.²⁵

²⁰ Vanguard Nigeria. (2022). *Justiciability of Chapter Two of the 1999 Constitution as amended: Need for the Nigerian Judicial System to be more proactive*. Retrieved from [Vanguard Nigeria](https://www.vanguardngr.com/2022/02/10/justiciability-of-chapter-two-of-the-1999-constitution-as-amended-need-for-the-nigerian-judicial-system-to-be-more-proactive/).

²¹ Omaplex Law Firm. (2022). *The Rights of Persons with Disabilities in Nigeria: Legal Framework, Access to Justice, and Inclusion*. Available at <https://omaplex.com.ng>

²² (Ngozi Chuma Umeh, ‘Reading “Disability” into the Non-Discrimination Clause of the Nigerian Constitution’ (2016) 4 African Disability Rights Yearbook 54 <https://www.saflii.org/za/journals/ADRY/2016/4.pdf>

²³ Law Nigeria, ‘Discrimination Against Persons with Disabilities (Prohibition) Act, 2018’ <https://lawnigeria.com/2019/11/13/discrimination-against-persons-with-disabilities-prohibition-act-2019/>

²⁴ Reuters, ‘Binance Staffer Detained in Nigeria Seeks Bail on Health Grounds’ (Reuters, 2 September 2024) <https://www.reuters.com/world/africa/binance-staffer-detained-nigeria-seeks-bail-health-ground-2024-09-02/>

²⁵ Omaplex Law Firm, ‘Barriers to Justice for Persons with Disabilities in Nigeria’ <https://omaplex.com.ng/the-rights-of-persons-with-disabilities-in-nigeria-legal-framework-access-to-justice-and-inclusion-ii-2/>

Proposed questions for the List of Issues:

- What steps is the government taking to amend the Constitution and the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 to include explicit provisions for procedural accommodations in court proceedings, ensuring equal access to justice for persons with disabilities?
- What measures are being implemented to make courtrooms, judicial facilities, and legal documents accessible to persons with disabilities, including providing sign language interpreters, accessible transportation, and information in alternative formats, particularly for women and girls with disabilities who are survivors of gender-based violence?

Article 14 - Liberty and Security of the Person

Section 35 of the Nigerian Constitution guarantees the right to liberty and security of persons. However, persons with disabilities in Nigeria continue to face significant challenges in realizing this right, as they are often subjected to deprivation of liberty under discriminatory practices and systemic failures. These challenges manifest in two primary areas: mental health and residential institutions, and the criminal justice system.

Deprivation of Liberty in Mental Health and Residential Institutions

Persons with disabilities, especially those with mental disabilities, face disproportionate deprivation of liberty in mental health and residential institutions due to discriminatory laws and practices. While the National Mental Health Act of 2021 marks progress, its lack of domestication by state Houses of Assembly and provisions like forced treatment under Section 28 raise concerns about rights violations. Discriminatory language in legal frameworks, such as the Lagos State Mental Health Law of 2019 and Section 175 of the Evidence Act of 2011, perpetuates stigma by using terms like “mentally challenged” and “unsound mind,” undermining dignity and fostering exclusion. These systemic issues highlight the need for rights-based reforms to address stigma and protect the liberties of persons with mental disabilities.²⁶

Cultural and societal stigma exacerbates these legal shortcomings. In many communities, persons with disabilities are stigmatized and viewed as abominations, leading to their removal to informal institutions such as religious centers for so-called “cleansing.” These practices often involve chaining, seclusion, and other inhuman and degrading treatments, as documented in the 2019 Human Rights Watch Report.²⁷ There are records of persons with disabilities being chained in religious centres and other places, especially in rural areas.²⁸

Compounding these violations is the critical shortage of accessible and affordable mental health services. Nigeria has fewer than 300 psychiatrists for a population exceeding 200 million, leaving many without

²⁶ Evidence Act 2011, Section 175, Laws of the Federation of Nigeria

²⁷ Human Rights Watch, ‘Nigeria: People With Disabilities Locked Away, Abused’ (2019) <https://www.hrw.org/report/2019/06/12/locked-away>.

²⁸ Human Rights Watch, ‘Nigeria: People With Disabilities Locked Away, Abused’ (2019) <https://www.hrw.org/report/2019/06/12/locked-away> accessed 18 January 2025

proper care. Families often turn to traditional healers and religious centers, where harmful practices are perpetuated by untrained personnel.²⁹

Despite legal frameworks like the National Commission for Persons with Disabilities and awareness campaigns, the intersection of stigma, discriminatory language, and inadequate services and legal protection creates a system that denies persons with disabilities their liberty, dignity, and security, often without accountability or redress.

Deprivation of Liberty in the Criminal Justice System

Within the criminal justice system, persons with disabilities face additional risks of deprivation of liberty, particularly in forensic institutions or other facilities where they are detained after being involved in harmful acts but not declared guilty. Many are detained indefinitely due to the absence of reasonable accommodations, legal representation, or procedural safeguards.³⁰

Although the Administration of Criminal Justice Act (ACJA) of 2015 and the Nigerian Correctional Service Act of 2019 provide mechanisms for monitoring detention facilities, such as official visits to custodial centres to inspect the wards, cells, yards, and other apartments or divisions of the custodial centres, these laws fail to address the specific needs of persons with disabilities.³¹

Furthermore, detention centers are frequently overcrowded, and persons with disabilities are disproportionately impacted by the lack of accessible infrastructure and support systems. Despite provisions for visitation of detention centres, there are reports that detention centres are congested, particularly because of many cases awaiting trial, of which persons with disabilities in such detentions are gravely impacted.³² This denial of procedural fairness is compounded by a lack of accountability, as there are no effective mechanisms to investigate or prosecute those responsible for disability-based deprivation of liberty.³³

Proposed questions for the List of Issues:

- What measures are being taken to review and amend discriminatory provisions in laws such as the National Mental Health Act of 2021, the Lagos State Mental Health Law of 2019, and Section 175 of the Evidence Act of 2011 to ensure compliance with Article 14 of the CRPD and eliminate stigmatizing language that perpetuates harmful stereotypes?

²⁹World Health Organization, 'Mental Health Atlas 2020: Nigeria' <https://www.who.int/publications/m/item/mental-health-atlas-2020-country-profile-nigeria> accessed 18 January 2025.

³⁰ Amnesty International, 'Nigeria: Detention Without Due Process' (2022) <https://www.amnesty.org/nigeria-reports/>.

³¹ ACJA 2015, Section 34; Nigerian Correctional Service Act 2019, Section 27.

³² Prisoners' Rehabilitation and Welfare Action, 'Prison Conditions in Nigeria' (2023) <https://www.prawa.org/prison-reports>.

³³Amnesty International, 'Nigeria: Detention Without Due Process' (2022) <https://www.amnesty.org/nigeria-reports/>.

- How is the government addressing the critical shortage of accessible and affordable mental health services, and what steps are being taken to prevent harmful practices, such as chaining and seclusion in religious centers, through improved regulations, monitoring, and public education?
- What actions are being taken to ensure that detention facilities provide reasonable accommodations and accessibility for persons with disabilities, and how does the government plan to strengthen accountability mechanisms to prevent indefinite detention and ensure procedural fairness for persons with disabilities in forensic and custodial settings?

Articles 15- Freedom from torture or cruel, inhuman or degrading treatment or punishment.

Nigeria's commitment under article 15 is reflected in constitutional provisions and legislation, such as the Anti-torture Act 2017 and Section 73 of the Labour Act and the Disabilities Act, which sanctions exploitation for begging. However, these laws do not explicitly prohibit acts of torture, cruel, inhuman, or degrading treatment or punishment based on disability.

Persons with disabilities are disproportionately subjected to ill-treatment, including forced institutionalization, involuntary treatment in psychiatric hospitals, and degrading conditions in detention facilities. These practices are often conducted with state officials' knowledge or participation, constituting violations of Article 15. For example, forced treatment in psychiatric hospitals and other institutions continues under the guise of medical necessity, often without the free and informed consent of persons with psychosocial or intellectual disabilities.

Nigeria lacks independent mechanisms to monitor detention centres, psychiatric hospitals, and other institutions where persons with disabilities may be at risk of torture or ill-treatment. Without regular inspections by independent bodies, these spaces remain opaque and prone to systemic abuse.

The intersectionality of disability with gender, age, and other vulnerabilities exacerbates the risks faced by certain groups, particularly women and girls with disabilities, who are more likely to experience violence and ill-treatment.

Protective measures are inconsistently enforced due to insufficient resources, lack of awareness, and entrenched societal attitudes. For instance, a survey by the **Network of Women with Disabilities** reveals a widespread perception that protective measures for persons with disabilities are inadequate, and there is limited awareness among enforcement agencies about how to detect, investigate, and prosecute cases of abuse effectively. Effective remedies for survivors of torture and ill-treatment are rare. Access to justice is hindered by legal capacity restrictions, systemic barriers, and the absence of specialized support for survivors. Additionally, perpetrators are seldom prosecuted or sanctioned, further perpetuating a culture of impunity.

Proposed questions for the List of Issues:

- What steps is the government taking to amend existing legislation, such as the Anti-torture Act 2017 and the Disabilities Act, to explicitly prohibit acts of torture, cruel, inhuman, or degrading treatment or punishment on the grounds of disability?
- How does the government plan to establish and operationalize independent mechanisms to regularly monitor detention centres, psychiatric hospitals, and other institutions where persons with disabilities are at risk of ill-treatment, and what safeguards are in place to prevent forced treatment without free and informed consent?

Article 16 Freedom from exploitation, violence and abuse

The **Child’s Rights Act of 2003** includes provisions that address abuse and neglect of children, prescribing sanctions for offenders. However, the Act does not explicitly reference persons or children with disabilities, resulting in gaps in protection for this vulnerable group.³⁴

The **National Agency for the Prohibition of Trafficking in Persons (NAPTIP)** addresses human trafficking, sexual exploitation, and related abuses, while Lagos State’s **Domestic and Sexual Violence Agency (DSVA)** focuses on domestic and sexual violence.³⁵ These agencies, however, operate with a general focus and do not specifically target exploitation, violence, or abuse of persons with disabilities.³⁶

Moreover, not all of Nigeria’s 36 states have established agencies or equivalent mechanisms to address domestic and sexual violence. States that have not domesticated the VAPP Act or the Child’s Rights Act face significant challenges in combating violence and abuse, particularly for persons with disabilities. Even among states that have domesticated these laws, practical measures to address these issues, such as those implemented in Lagos State, remain inconsistent.³⁷

Many cases of violence and exploitation against persons with disabilities are not investigated, perpetrators are seldom prosecuted, and victims rarely receive effective remedies. Furthermore, there is limited evidence that persons with disabilities are supported to report cases of violence and abuse, and when they do, systemic barriers often prevent their cases from being pursued effectively.

A **survey by the Network of Women with Disabilities** revealed widespread beliefs in the insufficiency of protective measures, a lack of awareness about available remedies, and inadequate resources to address abuse. These findings underscore the urgent need for substantial improvements in detecting, investigating, and prosecuting abuse cases involving persons with disabilities.

³⁴ National Human Rights Commission, ‘Child’s Rights Act 2003’ (National Human Rights Commission) <https://www.nigeriarights.gov.ng/files/childrightact.pdf>

³⁵ Ngozi Eke, ‘Addressing Gender-Based Violence through State Institutions in Nigeria’ (2019) 5 Nigerian Law Journal 34

³⁶ NAPTIP, ‘About Us’ (NAPTIP) <https://naptip.gov.ng/about-us/>

³⁷ Premium Times, ‘Nigerian Govt Set to Review 2003 Child Rights Act’ (Premium Times, 2023) <https://www.premiumtimesng.com/news/more-news/767784-nigerian-govt-set-to-review-2003-child-rights-act.html>

Online exploitation, violence, and abuse of persons with disabilities, including children, are also inadequately addressed. There are no targeted strategies to combat online abuse, and law enforcement officers lack the necessary training to handle such cases effectively.

Support services for victims and survivors of violence and abuse are limited. While some initiatives exist, such as hotlines and support centres, they are often inaccessible to persons with disabilities. Few shelters or victim support services provide reasonable accommodations, and survivors with disabilities frequently lack access to psychosocial, financial, or legal assistance.

Law enforcement officers and judicial personnel are not adequately trained to interact with persons with disabilities or to handle cases of violence and abuse effectively. This lack of training further undermines investigations, prosecutions, and protection measures, perpetuating impunity for perpetrators and denying justice to victims.

Proposed questions for the List of Issues:

- How is the government improving accessibility and availability of support services, such as shelters, hotlines, and victim support centres, to ensure they are inclusive and accessible to persons with disabilities, and what measures are being implemented to provide reasonable accommodations for survivors?
- What steps are being taken to train law enforcement officers and judicial personnel to handle cases of violence and abuse involving persons with disabilities effectively, including addressing online exploitation and ensuring that perpetrators are prosecuted?

Article 17- Protecting the integrity of the person

The National Mental Health Act of 2022 prohibit forced sterilisation and other discriminatory practices against persons with mental disabilities. However, the Act fails to explicitly guarantee the right to **free and informed consent**, leaving room for potential violations of autonomy. While the Act represents progress in addressing abuses, contradictions within its provisions—such as the allowance for involuntary treatment—pose significant challenges to its alignment with the CRPD. This gap has significant implications for the implementation of Article 17 of the CRPD.³⁸

Harmful practices such as **forced sterilization, forced contraception, and denial of motherhood rights** persist, often sanctioned by societal norms or institutional practices. Women with disabilities are disproportionately affected, facing barriers to justice and inadequate support services. The **African Women with Disabilities Development Initiative (AWWDI) study of 2022** documented widespread human rights abuses, including forced sterilization and denial of reproductive rights, highlighting the urgent need for stronger protections and accountability mechanisms.

Proposed questions for the List of Issues:

³⁸ Olaniwun Ajayi LP, 'Discrimination Against Persons with Disabilities (Prohibition) Act 2018: Overview and Impact' (Olaniwun Ajayi LP, 2019) <https://olaniwunajayi.net/blog/wp-content/uploads/2019/03/DISCRIMINATION-AGAINST-PERSONS-WITH-DISABILITIES-PROHIBITION-ACT-2018-OVERVIEW-AND-IMPACT-1-1.pdf>

- What steps is the government taking to amend the National Mental Health Act of 2022 to explicitly guarantee the right to free and informed consent and eliminate provisions allowing involuntary treatment, ensuring full alignment with the CRPD?
- How does the government plan to address harmful practices such as forced sterilization, forced contraception, and denial of motherhood rights that disproportionately affect women with disabilities, and what measures are in place to ensure accountability for perpetrators?
- What actions are being taken to strengthen protections for the integrity of persons with disabilities, including establishing accessible legal and support services for survivors of human rights abuses, and how are these measures being integrated into national and institutional frameworks?

Article 18-Liberty of movement and nationality

The Nigerian Immigration Act of 1963 contains discriminatory provisions against persons with disabilities, labeling those with mental health conditions as “prohibited immigrants,” which undermines their rights to freedom of movement and equality. While the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 promotes accessibility, it fails to address the specific needs of refugees and migrants with disabilities.³⁹ Within Nigeria, deportations of vulnerable groups, including persons with disabilities, are conducted without due process or consultation, as seen in Lagos State’s forced relocations.⁴⁰ Additionally, critical immigration and refugee information is rarely provided in accessible formats, and birth registration campaigns often neglect the needs of children with disabilities, exacerbated by stigma in rural areas. These practices highlight systemic barriers and a lack of procedural guarantees for persons with disabilities.

Proposed questions for the List of Issues:

- What steps is the government taking to repeal or amend discriminatory provisions in the Nigerian Immigration Act of 1963, such as Sections 18(1)(b) and 39(1), to ensure alignment with the CRPD and protect the liberty of movement and equality of persons with disabilities?
- What measures are in place to provide accessible immigration and asylum information for persons with disabilities and to ensure that birth registration campaigns address the needs of families with children with disabilities, particularly in rural areas where stigma and discrimination are prevalent?

Article 19- Living independently and being included in the community

The Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 lacks explicit provisions on the right to independent living for persons with disabilities in Nigeria. Barriers such as limited access to decent work, ineffective housing policies, and the absence of a clear deinstitutionalization strategy hinder their ability to live independently.⁴¹ Many are forced to rely on family support or remain in institutional settings,

³⁹ Federal Republic of Nigeria, ‘Immigration Act, 1963’ (Federal Republic of Nigeria, 1963) <https://gazettes.africa/archive/ng/1963/ng-government-gazette-supplement-dated-1963-08-01-no-57-part-b.pdf>

⁴⁰ Lagos State Government, ‘LASG Declares Zero Tolerance for Street Beggars, Destitute Persons’ (Lagos State Government) <https://lagosstate.gov.ng/lasg-declares-zero-tolerance-for-street-beggars-destitute-persons/>

⁴¹ World Bank Blogs, ‘Social Inclusion of Persons with Disabilities in Nigeria: Challenges and Opportunities’ (World Bank Blogs) <https://blogs.worldbank.org/en/nasikiliza/social-inclusion-persons-disabilities-nigeria-challenges-and-opportunities>

often under inhumane conditions. Although the National Commission for Persons with Disabilities is tasked with promoting inclusion, the lack of a comprehensive policy for transitioning to community-based living arrangements exacerbates these challenges.⁴²

Proposed questions for the List of Issues:

- What steps is the government taking to amend the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 to explicitly recognize the right to independent living and to ensure its alignment with Article 19 of the CRPD?

Article 20- Personal Mobility

Persons with disabilities in Nigeria face significant barriers to personal mobility due to systemic challenges in accessing assistive technologies (AT). The availability of essential mobility aids like wheelchairs and prosthetics is limited, with most devices sourced through inconsistent donations rather than structured service delivery systems. High costs further restrict access, as many Nigerians with disabilities cannot afford AT in the absence of subsidies or insurance support. Additionally, the lack of local production and maintenance services raises costs and reduces the lifespan of these devices. Poor public infrastructure, including inaccessible buildings and transportation systems, compounds these challenges, making independent mobility difficult.⁴³

Proposed questions for the List of Issues:

- What measures is the government taking to establish a structured and sustainable system for the production, distribution, and maintenance of affordable assistive technologies and mobility aids, to ensure accessibility for persons with disabilities?
- What steps are being taken to improve public infrastructure, including accessible transportation systems and public buildings, to support the independent mobility of persons with disabilities and ensure their full inclusion in society?

Article 21- Freedom of expression and opinion, and access to information

Access to information and freedom of expression for persons with disabilities in Nigeria are hindered by the high cost of assistive devices, making them unaffordable for many. Nigerian Sign Language is not recognized as an official language, limiting accessibility for persons with hearing impairments.⁴⁴ Despite advocacy by groups like the National Association of the Deaf (NNAD), progress is slow due to limited government support, a shortage of sign language interpreters, and inadequate funding for sign language

⁴² World Bank Blogs, 'Social Inclusion of Persons with Disabilities in Nigeria: Challenges and Opportunities' (World Bank Blogs) <https://blogs.worldbank.org/en/nasikiliza/social-inclusion-persons-disabilities-nigeria-challenges-and-opportunities>

⁴³ TTSWG, *Equitable Access to Assistive Technology in Nigeria* (September 2022) 3.

⁴⁴ Federal Ministry of Health, Nigeria, Priority Assistive Products List (APL) for Nigeria (March 2022), page 8.

training.⁴⁵ These challenges underscore the need for greater efforts to promote sign language adoption and enhance accessibility.⁴⁶

Additionally, many websites in Nigeria do not comply with the Web Content Accessibility Guidelines (WCAG), , creating obstacles for persons with disabilities. The government has been urged to invest more in assistive technology to make these devices available and affordable, yet substantial efforts in subsidisation and tax incentives remain limited.⁴⁷

Proposed questions for the List of Issues:

- What steps is the government taking to recognize Nigerian Sign Language as an official language, and how is it addressing the shortage of sign language interpreters and the lack of adequate training and funding for learning sign language?
- What steps is the government taking to train and monitor web developers, content creators, or accessibility testers to ensure that the website or other e-platforms are as inclusive and accessible as possible for individuals with a wide range of disabilities.

Article 22- Respect for privacy

The National Mental Health Act of 2022 includes provisions for the privacy of persons with mental health conditions but is inconsistently applied and does not address broader privacy concerns in contexts like education, employment, or community interactions. Similarly, the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 lacks explicit privacy protections, leaving persons with disabilities, particularly those with psychosocial or intellectual disabilities, vulnerable to unauthorized disclosure of personal information and breaches of confidentiality. Effective privacy protection requires stronger engagement from both public and private sectors, yet significant barriers persist, especially in accessing police services and healthcare. Additionally, there is the issue of privacy regarding data protection streaming from subscriptions to programmes, services and others

Proposed questions for the List of Issues:

- What steps is the government taking to amend the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 and the National Mental Health Act of 2022 to explicitly address the privacy concerns of persons with disabilities, particularly in education, employment, and community interactions?
- What measures are being taken to enhance the capacity of public and private sector actors, particularly in police services and healthcare, to respect and protect the privacy of persons with disabilities in compliance with Article 22 of the CRPD?
- What measures are put in place on privacy and data protection for persons with disabilities when handling personal information across various sectors, including public, private, and civil society networks, especially when individuals subscribe to programs, services, or streaming platforms?

⁴⁵ Qualitative Magazine, 'Groups Set to Push for the Adoption of Sign Language as Second Official Language in Nigeria' (Qualitative Magazine, 2022)

⁴⁶ USAID, 'USAID Launches New Activity to Empower Deaf Nigerians through Sign Language-Based Education' (USAID, 2021).

⁴⁷ Inclusion Magazine, 'NCPWD Calls for More Investment and Subsidy on Assistive Technology' (Inclusion Magazine, 2023).

Article 23- Respect for home and the family

Nigeria's Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 lacks explicit protections for the right to home and family life, disproportionately affecting persons with intellectual and psychosocial disabilities, who face legal and societal barriers to marriage, divorce, adoption, and family life. The absence of government support for families of children with disabilities, coupled with limited access to inclusive education and community-based support, often leads to neglect or institutionalization, especially in rural areas. Additionally, inadequate provision of accessible sexual and reproductive health information restricts persons with disabilities from making informed decisions about their reproductive lives, perpetuating systemic inequalities.

Proposed questions for the List of Issues:

- How does the government plan to develop and implement structured support systems, including financial assistance and community-based services, to assist families of children with disabilities and prevent institutionalization, particularly in rural areas?
- What measures are being implemented to ensure that sexual and reproductive health information, including family planning and contraceptives, is consistently provided in accessible formats to enable persons with disabilities to make informed decisions about their reproductive lives?

Article 24- Education

Section 18 of the 1999 Nigerian Constitution promotes equal educational opportunities and free education but is non-justiciable without further legislation. The Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 guarantees education rights for persons with disabilities, including free secondary education and assistive devices, while other laws, such as the Universal Basic Education Act of 2004 and the Student Loan Act of 2023, support education broadly. However, weak implementation undermines these frameworks, falling short of achieving inclusive education in practice.⁴⁸

Despite legislative efforts, inclusive education in Nigeria faces significant challenges. Policies like the National Policy on Inclusive Education (NPIE) aim to address marginalized learners' needs but lack an implementation framework, funding, and effective monitoring, especially for girls with disabilities and rural populations.⁴⁹ Public schools remain largely inaccessible, with limited infrastructure, transportation, and accommodations, while insecurity in regions like Northeast Nigeria worsens barriers to education.⁵⁰ Curricula and teaching practices are not adapted for learners with disabilities, and inadequate teacher training compounds exclusion.⁵¹ Approximately 7 million out-of-school children in Nigeria have disabilities,

⁴⁸ Universal Basic Education Commission, 'Universal Basic Education Act of 2004' (UBEC, 2004) <https://www.ubec.gov.ng>; Premium Times, 'Student Loan Act of 2023: Implications for Nigerian Students' (Premium Times, 2023) <https://www.premiumtimesng.com/news/headlines/507789-student-loan-act-2023-implications-for-nigerian-students.html>).

⁴⁹ Federal Ministry of Education Nigeria, 'National Policy on Inclusive Education' (FME, 2016) <https://education.gov.ng/policies/>

⁵⁰ Inclusive Education Network, 'Challenges of Inclusive Education in Nigeria' (IEN, 2022) <https://www.inclusiveeducationng.org/challenges>.

⁵¹ UNICEF Nigeria, 'Education and Disability in Nigeria' (UNICEF, 2022) <https://www.unicef.org/nigeria/reports/education-and-disability>).

with only 34% of girls and 56% of boys attending school. Societal stigma, bullying, and lack of accommodations contribute to high dropout rates.⁵² The Student Loan Act of 2023 supports tertiary education but excludes basic and private education.⁵³ With inadequate budgeting, technical capacity, and stakeholder partnerships, inclusive education remains underdeveloped and reliant on expensive private institutions.⁵⁴

List of issues:

- What steps are being taken to adapt school curricula to meet the individual needs of learners with disabilities and to provide comprehensive training for teachers on inclusive education practices, ensuring that educators are prepared to support students with disabilities effectively?
- How does the government plan to ensure that public schools are accessible to children with disabilities, including providing accessible classrooms, toilets, and transportation systems, particularly in rural areas and regions affected by insecurity and terrorism?

Article 25- Health

Section 14(1)(b) of the Nigerian Constitution emphasizes safeguarding the health and well-being of all citizens. However, its implementation for persons with disabilities remains inadequate. The National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities, adopted in 2018, aims to address challenges faced by women and girls with disabilities. However, its implementation remains limited, with only Anambra State adopting it.⁵⁵ The Gender and Equal Opportunities Bill seeks to eliminate all forms of discrimination against women and ensure equal opportunities for every person. However, it does not specifically safeguard against coercive procedures or mandate accessible health services for women with disabilities.⁵⁶

In addition to legislative shortcomings, persons with disabilities, often face inadequate funding and lack access to free healthcare services in reality.⁵⁷ Accessibility remains a challenge, particularly for women and girls with disabilities, due to barriers in healthcare facilities and biases among professionals.⁵⁸ Many

⁵² Human Rights Watch, 'Nigeria: 7 Million Out-of-School Children' (Human Rights Watch, 2023) <https://www.hrw.org/news/2023/06/27/nigeria-7-million-out-school-children>.

⁵³ Premium Times, 'Student Loan Act of 2023: Implications for Nigerian Students' (Premium Times, 2023) <https://www.premiumtimesng.com/news/headlines/507789-student-loan-act-2023-implications-for-nigerian-students.html>

⁵⁴ Inclusive Education Network, 'Challenges of Inclusive Education in Nigeria' (IEN, 2022) <https://www.inclusiveeducationng.org/challenges>.

⁵⁵ NESG, 'National Policy on Sexual and Reproductive Health and Rights of Persons with Disabilities' (NESG, 2018) https://nesgroup.org/download_policy_drafts/National%20Policy%20on%20Sexual%20and%20Reproductive%20Health%20and%20Rights%20of%20Persons%20with%20Disabilities%20with%20emphasis%20on%20Women%20and%20Girls%20%282018%29_1661868834.pdf.

⁵⁶ Punch, 'Senate Passes Gender and Equal Opportunities Bill for Second Reading' (Punch, 2023) <https://punchng.com/senate-passes-gender-and-equality-bill-for-second-reading/>

⁵⁷ Springer, 'Barriers to Inclusive Healthcare for Persons with Disabilities in Nigeria' (Springer, 2023) https://link.springer.com/chapter/10.1007/978-981-99-2411-0_4.

⁵⁸ <https://www.pulse.ng/articles/news/local/women-with-disabilities-face-multiple-discrimination-ngo-2024072616343609159>

healthcare facilities lack ramps, elevators, or accessible toilets, making it difficult for persons with physical disabilities to access services. Additionally, the deaf community, particularly in rural areas, faces significant barriers due to the lack of sign language interpreters, limiting access to essential services such as maternal healthcare, mental health services, and emergency care.⁵⁹

Proposed questions for the List of Issues:

- How does the government plan to address physical and communication barriers in healthcare facilities, such as the lack of ramps, elevators, accessible toilets, and sign language interpreters, to ensure that persons with disabilities, particularly women and girls, have equal access to healthcare services
- What steps are being taken to provide disability-sensitive training for healthcare professionals to eliminate biases and ensure respectful, inclusive, and accessible healthcare for persons with disabilities?

Article 26- Habilitation and rehabilitation

In Nigeria, the lack of a standalone habilitative and rehabilitative law or policy aligned with international human rights standards undermines efforts to ensure comprehensive and rights-based services for persons with disabilities. Disparities in service availability between urban and rural areas, insufficient political will, and non-inclusive infrastructure exacerbate these issues. The shortage of trained professionals, particularly sign language interpreters, further hinders progress. The government's efforts are inadequate, with poor coordination among agencies and stakeholders, insufficient monitoring, and subpar realization of Article 26's objectives. Stereotypical practices, such as unnecessary institutionalization and forced detention, violate human rights, particularly for those with mental health conditions. Legal and budgetary inadequacies leave individuals struggling for care and reintegration, with a lack of disability cluster-specific guidelines failing to address the unique needs of each group.

Proposed questions for the List of Issues:

- What steps is the government taking to develop a standalone habilitative and rehabilitative law or policy aligned with international human rights standards to ensure comprehensive and rights-based services for persons with disabilities?

Article 27- Work and Employment

Sections 28 and 29 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 mandate equal employment opportunities and penalties for violations, but weak implementation, lack of data, limited public awareness, and societal stigma undermine enforcement. The 5% workforce requirement applies only to public organizations, and while the Federal Ministry of Labour and Employment's Inspectorate Department oversees labour standards, it lacks a specific mandate to monitor recruitment processes for persons with disabilities. Decentralized governance further results in inconsistent application of disability measures, highlighting critical gaps in ensuring equitable employment practices. Funding limitations and the lack of a mandate for reasonable accommodations hinder workplace inclusivity. About

⁵⁹ Nigeria Health Watch, 'Expanding Access to Sexual and Reproductive Health Services and Rights to Vulnerable Populations' (Nigeria Health Watch, 2023) <https://articles.nigeriahealthwatch.com/expanding-access-to-sexual-and-reproductive-health-services-and-rights-to-vulnerable-populations/>.

63% of Nigerian adults with disabilities , particularly youths with disabilities are unemployed, with many confined to the informal sector, lacking social protections. The gap is even more significant among youth, with about 63% of young people with disabilities not participating in education, employment, or training (NEET), compared to just 21% of their non-disabled counterparts.⁶⁰

Proposed questions for the List of Issues:

- What steps are being taken to reinforce the implementation of the Discrimination Against What targeted strategies are being implemented to reduce the disproportionately high unemployment rates among persons with disabilities, particularly youth, and to support their participation in education, employment, and training (NEET)?
- What steps taken as national policies to assess the level of safeguarding, accessibility, inclusion, and support for persons with disabilities in the Nigerian workplace?

Article 28- Adequate standard of living and social protection

The Constitution does not provide for the right to social protection, and provision of social protection has been a matter of programmes rather than conceived as a right. The **Discrimination Against Persons with Disabilities (Prohibition) Act of 2018** and the **Revised National Social Protection Policy (NSPP) of 2021** include provisions aimed at promoting the right to an adequate standard of living and social protection for persons with disabilities in Nigeria. However, the implementation of these programs remains inconsistent, and significant gaps persist. Many persons with disabilities struggle to benefit from programs such as the **National Social Investment Program (NSIP)**, the **National Health Insurance Scheme (NHIS)**, and various **National Humanitarian Programs** due to inadequate implementation, lack of targeted outreach, and systemic barriers. In addition to poor implementation, issues such as food security, housing, and access to water, sanitation, and hygiene which are critical for persons with disabilities are not adequately addressed in existing programs.

Proposed questions for the List of Issues:

- How does the government plan to address the systemic barriers and improve targeted outreach to ensure that persons with disabilities benefit equitably from social protection programs and policy such as the National Social Investment Program (NSIP), National Health Insurance Scheme (NHIS), and other humanitarian programs?

Article 29- Participation in political and public life

In Nigeria, the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 and the Electoral Act of 2022 fail to adequately protect the political participation rights of persons with disabilities (PWDs). Discriminatory constitutional provisions, such as Sections 35(1)(e), 66(1) and (2), 107, 137, and 182, bar individuals deemed to lack legal capacity from contesting elections or voting. Political parties rarely reserve nominations for PWDs, while high campaign costs, regional disparities, stigmatization, and inaccessible

⁶⁰ <https://inclusivenews.com.ng/63-youth-with-disabilities-in-nigeria-are-excluded-in-education-employment-report/>

polling units further hinder their participation. Inadequate law implementation, insufficient funding, and lack of data on youth participation exacerbate these challenges, as seen during the 2023 general elections.

Proposed questions for the List of Issues:

- What steps is the government taking to amend or repeal discriminatory provisions in the Constitution and the Electoral Act, such as Sections 35(1)(e), 66(1) and (2), 107, 137, and 182 of the Constitution and Section 12 of the Electoral Act, which bar persons with psychosocial or intellectual disabilities from contesting elections or participating in public life?
- What measures are being implemented to encourage political parties to reserve nominations for persons with disabilities, reduce campaign costs, and promote their inclusion in political and public life, including through targeted funding and awareness programs?
- What measures are put in place to legalise quota systems for persons with disabilities elective and appointive positions?

Article 30 – Participation in cultural life, recreation, leisure and sport

The Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 does not explicitly address participation in cultural life, recreation, and sports, leaving a gap in the legal framework. Additionally, there is a lack of comprehensive data on the preferences, needs, and levels of participation of persons with disabilities in these areas, which hinders effective planning and targeted interventions.

In the area of sports, while there have been instances of sponsorship for persons with disabilities to compete in international events, challenges remain. Complaints about inadequate funding and the failure of many sporting facilities to meet accessibility standards highlight systemic issues that limit equitable participation. Addressing these gaps requires a coordinated effort to ensure inclusive policies, increased funding, and adherence to accessibility requirements in all cultural and sporting endeavors.

Proposed questions for the List of Issues:

- How does the government plan to address the lack of comprehensive data on the preferences, needs, and levels of participation of persons with disabilities in cultural, recreational, and sporting activities to facilitate effective planning and targeted interventions?
- How does the government plan to address the lack of comprehensive data on the preferences, needs, and levels of participation of persons with disabilities in cultural, recreational, and sporting activities to facilitate effective planning and targeted interventions?

Article 31 - Statistics and data collection

In Nigeria, significant disparities exist in educational attainment, employment ratios, and access to resources between persons with and without disabilities. This deficiency excludes persons with disabilities from decision-making processes, making them invisible in data and policies.

The National Social Register (NSR) is a critical tool for targeting welfare programs and identifying vulnerable populations. However, significant challenges persist in its implementation. Only 4.8% of the 5.7 million Nigerians listed on the NSR are persons with disabilities, which reflects an inclusion error—indicating that many eligible persons with disabilities are either not identified or excluded from the register. This discrepancy highlights gaps in data collection methodologies, outreach efforts, and the integration of disability-specific indicators, which fail to capture the full scope of individuals, particularly persons with disabilities requiring support.

Proposed questions for the List of Issues:

- What steps is the government taking to improve data collection methodologies and integrate disability-specific indicators into tools like the National Social Register to ensure the accurate identification and inclusion of all persons with disabilities in welfare programs?
- How does the government plan to address gaps in outreach efforts to ensure that persons with disabilities, particularly those in rural or marginalized communities, are accurately represented in national data collection systems?
- How well does the government design data analysis framework using the Washington Group of Questions

Article 32 - International cooperation

The National Commission for Persons with Disabilities (NCPWD), established under the 2018 Discrimination Against Persons with Disabilities (Prohibition) Act, is tasked with promoting the inclusion of persons with disabilities in society, developing programs that address their needs and rights, and involving organizations of persons with disabilities (OPDs) in international cooperation initiatives. However, there has been limited implementation of Article 32 of the Convention on the Rights of Persons with Disabilities (CRPD). A major issue is the exclusion of persons with disabilities and OPDs from the design and execution of these initiatives, with the NCPWD often acting unilaterally. This exclusion undermines participatory decision-making and reduces the inclusivity and effectiveness of such initiatives.⁶¹ A lack of capacity-building programs and state support hinders OPDs from effectively participating in international cooperation, resulting in poor disability inclusion and further marginalization of persons with disabilities in development initiatives. Reliance on private funding restricts their advocacy and operations, highlighting the urgent need for inclusive approaches and stronger collaboration to ensure no one is left behind.⁶²

Proposed questions for the List of Issues:

⁶¹ CBM Global, ‘Meaningful Engagement for Organisations of Persons with Disabilities in Nigeria’ (CBM Global) <https://cbm-global.org/blog/meaningful-engagement-for-organisations-of-persons-with-disabilities-in-nigeria>.

⁶² Social Protection, ‘How Organisations of Persons with Disabilities in Nigeria Can Support Inclusion of the Most Vulnerable’ (Social Protection) <https://socialprotection.org/discover/blog/how-organizations-persons-disabilities-nigeria-can-support-inclusion-most-vulnerable>).

- What steps is the government taking to ensure the active participation of persons with disabilities and their representative organizations (OPDs) in the design, implementation, and evaluation of international cooperation initiatives, in alignment with Article 32 of the CRPD?
- How does the government plan to develop targeted capacity-building programs and provide the necessary tools and resources to enable OPDs to engage effectively in international cooperation and global development programs?

Article 33 national implementation and monitoring

Implementing Article 33 in Nigeria faces significant challenges, including limited political will among state governments to domesticate and enforce the Discrimination Against Persons with Disabilities (Prohibition) Act, with most states lacking a legal framework to protect disability rights. Civil society, particularly organizations of persons with disabilities (OPDs), is insufficiently involved in monitoring and implementation processes due to systemic exclusion, inadequate funding, and limited capacity-building efforts. Additionally, the absence of independent monitoring frameworks aligned with the Paris Principles hinders objective assessment of CRPD implementation, as existing human rights institutions often face political influence and resource constraints. Strengthening independent mechanisms is crucial to ensuring compliance with international standards.

Proposed questions for the List of Issues:

- How is the government ensuring the active participation of organizations of persons with disabilities (OPDs) in the monitoring and implementation of the CRPD, and what steps are being taken to provide adequate funding and capacity-building initiatives to strengthen their contributions?
- What progress has been made in establishing or strengthening independent monitoring frameworks that align with article 33 of the CRPD to objectively assess the implementation of the CRPD, and how is the government addressing resource and political constraints faced by existing human rights institutions?