

**MEMORANDUM PRESENTED AT THE
NATIONAL PUBLIC HEARING ON THE
PROPOSED ALTERATION TO THE
PROVISIONS OF THE CONSTITUTION OF
THE FEDERAL REPUBLIC OF NIGERIA,
1999 ON 3RD & 4TH OF JUNE, 2021**

BY:

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(On behalf of the Persons With Disabilities in Nigeria)

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Introduction

The interest group of Persons with Disabilities participates in this epoch Public Hearing with eager anticipation and a deep sense of nationalism. Our most sincere expectation is that this Public Hearing will eventually yield an amendment to the Constitution that will reflect the overall interests of the good people of Nigeria. The community of Persons with Disabilities who constitute an estimated 15% of Nigeria's total population has always looked forward to such opportunities as this to press forward the critical issues affecting the population, and also proffer recommendations to be adopted in the constitutional amendment process. Our overarching recommendation is that the peculiarities of persons with disabilities be adequately provided for in the Constitution. Specifically, we recommend as follows:

THE PREAMBLE

“and inclusion” should be added to the second paragraph of the preamble so that it reads as follows:

*AND TO PROVIDE for a Constitution for the purpose of promoting the good government, welfare **and inclusion** of all persons in our country, on the principles of Freedom, Equality and Justice, and for the purpose of consolidating the Unity of our people.*

NEW SECTION 14(5)

subject to subsection (3) and (4) Government at the Federal State and Local Government Councils, shall ensure representation of persons with disability

SECTION 15(2)

Disability should be a prohibited ground of discrimination, so that Section 15(2) reads as follows:

*Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, **disability**, status, ethnic or linguistic association or ties shall be prohibited.*

SECTION 17

Inclusion should be part of the State Social Order, so that Section 17(1) should read as follows:

*The State social order is founded on ideals of Freedom, Equality, Justice **and Inclusion**.*

There should be a new subsection to Section 17 which shall read as follows:

- a. Government at all levels shall promote the learning and development of the general use of sign language, Braille, and other means of assistive communication.*
- b. Government at all levels shall actively promote social inclusion and economic integration of persons with disabilities.*

Section 17 (3) (e) to read:

The state shall direct its policy towards ensuring that:

*There is equal pay for equal work without discrimination on account of sex, **disability** or on any other ground whatsoever.*

SECTION 18

Section 18 (3) to reads:

Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide -

- (a) free, compulsory, **universal, appropriate and inclusive** primary education
- (b) **free, appropriate and inclusive university education**
- (d) free, appropriate **and inclusive** adult literacy programme

SECTION 42(1): PROHIBITION OF DISCRIMINATION

Disability status should be added to the prohibited grounds of discrimination, so that Section 42(1) read as follows:

A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion, **disability** status, or political opinion shall not, by reason only that he is such a person: -

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are not made subject; or

CHAPTER IV

There should be Section under this Chapter providing as follows:

Each of the rights provided under this chapter shall be construed to take into account the peculiarities of persons with disabilities. For instance, freedom of movement should include right to an environment and buildings accessible to persons with disabilities.

POLITICAL PARTICIPATION

a. Reservation of Parliamentary Slots

At least 15 percent of seat in the National Assembly, State Houses of Assembly and Local Government Council shall be reserved exclusively for qualified persons with disabilities. Such reserved positions shall, as much as possible, take into account shall, the different types of disabilities.

b. Political Parties

Political Parties shall ensure that they field persons with disabilities in all elections.

SECTION 55: LANGUAGE FOR BUSINESS OF NATIONAL ASSEMBLY

Section 55 should be amended to read as follows:

The business of the National Assembly shall be conducted in English, and in Hausa, Ibo, Yoruba, **sign language, Braille, and other means of assistive communication** when adequate arrangements have been made therefor.

SECTION 97: LANGUAGE FOR BUSINESS OF STATE HOUSE OF ASSEMBLY

Section 97 should be amended to read as follows:

The business of a House of Assembly shall be conducted in English, but the House may in addition to English conduct the business of the House in one or more other languages spoken in the State, **or sign language, Braille, and other means of assistive communication** as the House may by resolution approve.

Schedule IV (1) (L) Taking adequate measures to improve the living conditions of persons with disabilities

CONCURRENT LEGISLATIVE LIST

Disability should be in the concurrent legislative list (Part II) so that the different tiers of government can legislate thereon.

FUNCTION OF LOCAL GOVERNMENTS

The function of the Local Government as contained in the fourth schedule shall include issues of persons with disabilities.

Conclusion

This Memorandum has been prepared with the concerted inputs of stakeholders in the community of persons with disabilities who account for a significant fraction of Nigeria's total population. Over the years, the rights of these persons have been eroded largely because of the inadequate safeguards to forestall same in our Constitution. However, with the imminent amendment of the Constitution, we passionately appeal to the overseeing Committee to plug the existing Constitutional lacuna by favourably considering our salient recommendations and reflecting same in the eventual amendment. We thank you.