

LAGOS STATE SPECIAL PEOPLES BILL 2010

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**A BILL
FOR
A LAW TO ESTABLISH THE OFFICE FOR DISABILITY AFFAIRS, TO
SAFEGUARD PEOPLE LIVING WITH DISABILITY AGAINST ALL FORMS
OF DISCRIMINATION AND EQUALISE THEIR OPPORTUNITIES IN ALL
ASPECT OF LIVING IN THE SOCIETY AND FOR CONNECTED PURPOSES.**

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

- Establishment of the Office for Disability affairs.
1. (1) There is established under this Law an Office known as office for Disability affairs (referred to in this Law as the “Office”)
- (2) The Office shall-
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of holding, purchasing, acquiring and disposing of movable or immovable property for the purpose of carrying out its functions under this Law.
- Composition of the Governing Board.
2. (1) There is established for the Office a Governing Board (referred to in this Law as the “Board”) which shall be responsible for the administration of the Office.
- (2) The Board shall comprise of a Chairman and a representative each of the following-
- (a) Ministry of Youth Sports and Social Development;
 - (b) Ministry of Education;
 - (c) Ministry of Justice;
 - (d) Association of persons living with disability;
 - (e) Organized private sector or charitable organization dealing with persons living with disability;
 - (f) the General Manager.
- (3) The Chairman and other members of the Board shall be appointed by the Governor on the recommendation of the Commissioner.

- Tenure of Office and Remuneration of Members.
3. (1) All members of the Board except the General Manager shall be appointed to serve as part-time members.
- (2) The Chairman and other members of the Board shall-
- (a) hold office for three years and may be re-appointed for another term;
- (b) be paid such remuneration and allowances as the Governor may determine from time to time.
- Proceedings and Quorum.
4. (1) The Board shall regulate its own proceedings but shall meet at least once every quarter.
- (2) The quorum at the meeting of the Board shall be four. Provided that all members of the Board shall be given at least seven days notice in writing.
- (3) The validity of proceedings of the Board shall not be affected by-
- (a) any vacancy in its membership;
- (b) any defect in the appointment of a member; or
- (c) reason of the fact that any person not entitled to take part in the proceedings did so.
- Secretary of the Board.
5. (1) There shall be a Secretary to the Board who shall be a civil servant of not less than grade level 14.
- (2) The Secretary shall –
- (a) arrange meetings of the Board, prepare the agenda and minutes of such meetings;
- (b) convey decisions of the Board to its members;
- (c) perform all other duties affecting the Board as may be assigned to him by the Chairman from time to time.
- Disclosure of interest.
6. Any member of the Board who has a personal interest in any contract or transaction entered into or proposed to be considered by the Board shall immediately declare his interest to the Board and shall not vote on any deliberation relating to the contract or transaction.

Appointment of
General Manager.

7. (1) There shall be an officer to be known as the General Manager, who shall be appointed by the Governor on the recommendation of the Commissioner.
- (2) He shall be-
 - (a) a qualified person with pre-requisite experience on issues of management and education of persons living with disabilities;
 - (b) the Chief executive and the Chief Accounting Officer;
 - (c) a member of the Board and shall have responsibility for implementation of the decisions of the Board.
 - (d) responsible for general administration and implementation of the policies of the office.
 - (e) be assisted in the discharge of his duties by such officers as he may require from time to time, provided that 20% of staff of the office shall be persons living with disability.

Structure
of the Office.

8. (1) There shall be in the Office the following Departments-
 - (a) Finance and Administration;
 - (b) Social Development and Integration;
 - (c) Legal Services;
 - (d) Monitoring, Evaluation and Orientation;
 - (e) Medical, Rehabilitation, Mobility Aids and Appliances;
 - (f) Information and Communication Technology;
 - (g) Accounts and Audit.
- (2) The Office may, with the approval of the Board, increase the number of departments as may be deemed necessary.

Functions of the
Office.

9. The functions of the Office shall include:
 - (1) Issuance of guideline for the education, social development and welfare of persons living with disability;

- (2) Collaboration with relevant ministries, parastatals or corporate bodies issuing codes and directives for designing and buildings so as to make them accessible to and usable by persons living with disability;
- (3) Receipt of complaints from persons living with disability on the violation of any of his or her rights;
- (4) Investigation, prosecution and sanctioning in appropriate cases the violation of any of the provisions of this Law subject to an individual's right to seek redress in court;
- (5) Registration and coordination of associations of persons living with disability;
- (6) Re-orientation and education of the public on the right attitude towards persons living with disability;
- (7) Collection and collation of datas on persons living with disability and ensuring proper Government planning for persons living with disability;
- (8) Issuance of directives and guidelines to the relevant authorities on special sports;
- (9) Issuance of directives and guidelines to special schools for persons living with disability.
- (10) Issuance of directives and guidelines on all manner of disabilities, preventive or curative exercises;
- (11) Actualizing the enjoyment of all rights in this Law by persons living with disability;
- (12) Issuance and revocation of certificates of Disability (temporary or permanent);
- (13) Establishment and promotion of schools, vocational and rehabilitation centres for the development of persons living with disability;

(14) Liaising with other Ministries, and all other Government agencies to ensure that the peculiar interests of persons living with disability are taken into consideration in every Government policies, programmes and activities;

(15) keeping and updating of register and database of persons living with disability;

(16) Liaising with other countries and international organizations to ensure gap bridging on best practices available.

(17) Designing and Issuance of Customized insignias to be used at parking lots;

(18) Advocacy and enlightenment campaign drive targeted at members of the public on ways to empathize with persons living with disability;

(19) Ensuring compliance with the provisions of this Law;

Power to Accept Gifts. 10. The Office may accept gifts of land, money or other properties on such terms and conditions, as may be specified by the person or organization making the gift, provided that such terms and conditions are not illegal or inconsistent with the provisions of this Law.

Power to Borrow. 11. (1) The Office may from time to time with the approval of the Board borrow such sums as it may require to execute its project.

Establishment of Disability Fund. 12. (1) There is established a fund known as Lagos State Persons Living with Disability Fund.

(2) The purpose of the fund shall be for the advancement of the cause of persons living with disability in the State.

(3) Individual, corporate bodies and Government may make contributions to the fund.

(4) The fund shall be administered by the office.

- Provisions of trained personnel. 13. Every company whose business entails attending to the general public shall within 5 (five) years transitory period have in their employment personnel who are properly trained, adequately knowledgeable and sufficiently competent to attend to its customers or clients who are persons living with disability.
- Public functions. 14. (1) The organizers of any public function shall provide competent attendants who shall attend to persons living with disability in attendance at the function.
- (2) Any individual knowingly involved in the contravention of this Section shall be liable to a fine of N50,000.00 (Fifty Thousand Naira) or 6 months imprisonment or both;
- Bank Account and Audit. 15. (1) The Office shall, in relation to proceeds payable to it from the designated account, operate an account with a bank or banks in the State and the signatories to the account shall be the General Manager and such other persons as may be duly appointed by the Board.
- (2) The Office shall keep proper account of all its transactions in such form as it may direct, being in a form that shall conform to the best and standard commercial practice.
- (3) The form of accounts shall be such as to secure the provision of separate information in respect of each of the main activities and any department of the Office.
- (4) The accounts shall be produced and audited within six months after the end of each financial year by external auditors appointed by the Office from a list of auditors approved by Auditor-General of the State.
- Report on Audited Account. 16. (1) The Office shall, within six months after the end of each financial year, furnish the Governor with –
- (a) a copy of the audited account of the Office;
- (b) a copy of the annual general report and full report of the external auditor; and
- (c) a detailed report of the state of affairs of the Office for that financial year
- (2) The Office shall cause the audited account and the annual report of the Office to be published in the State Government

Official Gazette after complying with subsection (1) of this Section and such shall be made available on reasonable demand.

Collation of Statistical and Research Data.

17. (1) The process of collecting and maintaining information shall-
- (a) comply with legally established safeguards, including legislation on data protection to ensure confidentiality and respect for the privacy of persons living with disability;
 - (b) comply with internationally accepted norms to protect human right and fundamental freedoms and ethical principles in the collection and use of statistics.
- (2) The information collected in accordance with this Section shall be disseminated as appropriate, and for the implementation of this Law.

Provision of Facilities in Public Transport.

18. (1) Every Public Transport Service shall operate in a way that would guaranty usage and allow for accessibility of persons living with disability.
- (2) All transport service providers shall make available and mark appropriately 1 (one) out of every 10 (ten) seats in a public bus for the use of persons living with disability.
- (3) Wheelchairs, crutches, guide canes(for the blind), braces and any other mobility aids and appliances or assistive devices used by passenger living with disability shall not be subjected to charges, provided they are not carried in commercial quantities and for commercial purpose.

Assignment of Special Seats in Vehicles, vessels, trains and aircrafts.

19. (1) The convenience and safety of a person living with disability shall be the primary consideration in assigning seats in vehicles, vessels, trains or aircrafts.
- (2) In line with subsection (1) above, and subject to the preference of the person living with disability, the following factors shall be considered in assigning seat to a person living with disability:
- (a) ease of access;
 - (b) ease of exit and;

- (c) non-disturbance by the movement of other passengers.

Reservations at
Parking lots.

20. (1) At parking lots, one out of twenty parking lots shall be properly marked and reserved for persons living with disability.
- (2) For a person living with disability to be entitled to the use of the reserved spaces as provided for in this section his or her car should have been properly identified with the necessary insignia.
- (3) Any person, organization or corporate body in control of a public parking lot who fails to make provision for the reserved space in this section shall be liable to a fine of N100,000.00 (One Hundred Thousand Naira) and for each day of default.
- (4) Any person who is without any form of disability and who does not carry person living with disability and parks a vehicle in the space reserved for person living with disability shall be liable to a fine of N5,000.00 (Five Thousand Naira).
- (5) Any person who unlawfully obstructs the use of the space reserved for person living with disability shall be liable to a fine of N5,000.00 (Five Thousand Naira).

Prohibition from
Discrimination
and Harmful
Treatment.

21. (1) No person living with disability shall be discriminated against on the ground of his or her disability by any person or institution in any manner or circumstances whatsoever.
- (2) No person living with disability shall be subjected to prejudices or harmful practices, including those based on sex, work, age or tradition in any area of life.
- (3) Persons living with disability shall have rights to sue any individual, corporate body or Government and its Agencies for damages in the event of the violation of their fundamental rights.
- (4) Government shall be required to provide free legal aids without condition to persons living with disability through the Office of the Public Defender (OPD) when required.

- Prohibition from cruelty and inhuman Treatment. 22. (1) No person living with disability shall be subjected to:
- (a) medical or scientific experiment without his or her consent; or
 - (b) torture, cruelty or inhuman degrading treatment;
- (2) No person shall employ, use or involve a person living with disability for alms begging.
- (3) Any person in contravention of this section shall on conviction be liable to a fine of N100,000.00 (One Hundred Thousand Naira) or a maximum 3 (three) months imprisonment or both.
- Provision of Adequate Standard of Living and Social protection. 23. (1) All levels of Government shall take appropriate steps to ensure that persons living with disability have good standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.
- (2) (a) All levels of Government shall give special consideration to persons living with disability in welfare, social development, poverty reduction and other programs.
 - (b) Government shall provide social security for persons living with disability that are 60 years and above.
- (3) Where accommodation is being provided by schools, Employers, Organizations, Government and in any other circumstances whatsoever, persons living with disability shall be given consideration of 5% reservation.
- Provision of Facilities of Public Building. 24. (1) A person living with disability shall have the right and necessary facilities to access public building and public places.
- (2) No public building shall be constructed without the necessary accessibility aids such as lift (where necessary), ramps and others that shall make them accessible and usable to persons living with disability.
- (3) A Landlord or Landlady shall allow a person living with disability lawfully occupying the property as a tenant to make such access related modifications to the building as would allow him or her access his or her apartment provided he or she shall remove such modifications before vacating the premises.

(4) The Government shall ensure that roads, side-works, pedestrian crossing and all other facilities made for public use shall be made accessible to and usable by persons living with disability including those on wheelchairs.

(5) From the date of the commencement of this Law, there shall be a transitory period of 5 (five) years within which all public buildings, roads, pedestrian crossings and all other structures shall be modified to be accessible to and usable by persons living with disability.

(6) (a) The relevant authority shall ensure that the plan for all public buildings conforms with the building code provided by the office before approval is granted

(b) The relevant authority or individual responsible for the approval of building plan shall not approve plan of a public building if the plan does not make provisions for accessibility facilities in line with building code provided by disability office.

(7) (a) A person living with disability shall (subject to his or her right to seek redress in court) have a right to notify the Office of the state of inaccessibility or barrier to accessibility of public place in his environment.

(b) upon receipt of such compliant or notification as stated in paragraph (a) above, the Office shall take immediate and necessary steps to ensure the removal of the barrier and make the environment or public place accessible to the person living with disability;

Situation of 25.
Risk and
Humanitarian
Emergencies.

(1) In all situations of risk, including situations of violence, emergencies and the occurrence of natural disasters:

(a) Government shall take all necessary steps to ensure the safety and protection of persons living with disability taking cognizance of their peculiar vulnerability.

(2) Persons living with disability shall be given first consideration as much as possible in queues,.

(3) Government and other private Institutions concerned shall install emergency devices such as fire alarm and vibration triggered systems in all buildings and facilities;

Rights of Children
with Disability.

26. (1) Parents and guardians of children living with disability shall ensure that such children, within and outside the home, are free from all forms of neglect, exploitation, violence or abuse, including their gender-based aspects.
- (2) Government shall take appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring appropriate forms of gender and age sensitive assistance and support for persons living with disability, their families and caregivers, including the provision of information and education on how to avoid, recognize and report instances of neglect, exploitation, violence and abuse.
- (3) In order to prevent the occurrence of all forms of exploitation, violence and abuse, all facilities and programmes designed to serve persons living with disability shall be effectively monitored by the Office.
- (4) Parents or Guardians of children living with disability shall ensure that such children get educated to at least Secondary School level.
- (5) Children living with disability shall be entitled to equal rights, treatments, recreations, maintenance and training with other children in the family.
- (6) No child shall be concealed, abandoned, neglected or segregated on the basis of his or her disability.
- (7) Children living with disability shall be registered immediately after birth and shall have right to:
- (a) name;
 - (b) be known and be cared for by, their parents;
 - (c) free and continual medical treatment in any public health institution; and
 - (d) nationality.
- (8) Government shall undertake to provide early and comprehensive information, services and support to children living with disability and their families.

- (9) (a) Subject to subsection (6) above no child shall be separated from his or her parents on the basis of a disability of either of both parents.
- (b) For the purpose of medical treatment, rehabilitation, training or general improvement, a child living with disability may be temporarily separated from his or her parents.
- (10) The Office shall provide and sponsor alternative care for a child living with disability where the immediate family is unable to provide the needed care.
- (11) In all matters concerning children living with disability, the best interests of the child shall be the primary consideration.

Right to Health.

- 27. (1) Government shall guarantee that persons living with disability have unfettered access to adequate health care without discrimination on the basis of disability.
- (2) Persons living with disability shall be entitled to free medical and health services in all public health institutions.
- (3) Where a doctor suspects disability in the course of medical examination, he shall issue and submit to the Office a Temporary Certificate of Disability which shall last for not longer than 180 days in favour of such persons.
- (4) If the state of disability persist after 180 days, a doctor may issue the person with Permanent Disability Certificate which shall last as long as the state of disability persists.
- (5) Any person issued with a Permanent Disability Certificate shall be entitled to all rights and privileges under this Law.
- (6) The certificate of disability may be withdrawn in warranted cases and situations.
- (7) The temporary Certificate of Disability and Permanent Certificate of Disability shall be as specified by the office.
- (8) Any hospital where a person living with communicational disability is being attended to shall ensure provision for special communication equipments

Right to
Education.

28. (1) Every person living with disability shall have an unfettered right to education without discrimination or segregation in any form.
- (2) Persons living with disability shall be entitled to free tuition at all levels in all public educational institutions, provided that the affected person is so qualified and identified by the office.
- (3) All schools whether pre-primary, primary, secondary or tertiary, shall be run to be accessible to persons with disability.
- (4) In accordance with subsection 3, every school shall have-
- (a) at least a trained personnel to cater for the educational development of persons living with disability.
 - (b) a program for continued training of personnel catering for persons living with disability;
 - (c) special facilities for the effective education of persons living with disability;
 - (d) programs for cooperation and collaboration with relevant authorities, institutions or associations to ensure early education of persons living with disability.
- (2) The office shall design a programme of activities that would promote interaction between children living with disability in special schools and children in ordinary school.
- (3) Government shall include a representative of persons living with disability on the advisory board of Ministry of Education.
- (7) The curriculum of every primary, secondary and tertiary school shall include:
- (a) learning of Braille;
 - (b) sign language;
 - (c) augmentative and alternative communication skills;
 - (d) peer support and;

(e) mentoring.

(8) Government shall ensure that the education of persons living with disability, particularly children who are blind, deaf or with multiple disabilities, is delivered in the most appropriate languages, modes and means of communication for the individual, and in environments which maximizes academic and social development.

(9) Government shall establish special Model Schools for persons living with disability in the State.

Right to work 29.
and Employment.

(1) Persons living with disability shall have the right to work, on equal basis with others and this includes the right to opportunity to gain a living by working freely in a chosen or accepted labour market and work environment.

(2) No employer or his agent or purported agent shall discriminate against a person living with disability in any manner whatsoever but not limited to:

- (a) job application procedure;
- (b) the terms and conditions of employment;
- (c) denying the employee access or limiting the employee's access to opportunity for promotion, advancement, transfer or training, or to any other benefit associated with employment;
- (d) on-the job training;
- (e) accommodation, where applicable;
- (f) employee compensation;
- (g) dismissal mainly on the ground of disability or;
- (h) subjecting the employee to any other detriment.

(3) No person or corporate body shall subject a person living with disability to slavery/servitude, forced or compulsory labour or undue disadvantages in any form except by an order of Court.

(4) Any person in breach of subsection (3) shall on conviction be liable to a fine of N100,000.00 (One Hundred Thousand Naira)

or a maximum imprisonment of 3 (three) months or both, while any corporate organization in breach shall be liable on conviction to a fine of N500,000.00 (Five Hundred Thousand Naira) as damages to the affected person with disability; and

(5) All employers of labour employing up to 100 persons shall reserve at least 1% of such workforce for qualified persons living with disability.

(6) (a) Government shall take steps to ensure the self reliance of persons living with disability and accordingly give adequate assistance to persons living with disability who desire to be employed.

(b) Government may setup vocational Training Institution to facilitate acquisition of special skills by persons living with disability.

(7) No employee shall be relieved of his employment on the ground of disability sustained during his employment.

(8) An employer of labour whose employee sustained a disability shall:

(a) retain and re-train the employee for effectiveness within the organization;

(b) pay him off with a sum that is not less than the aggregate value of his 48 months salary, if his disability is of such degree that permanently renders him unable to discharge his function or any other function that may be assigned to him; or

(c) pay him off with a sum that is not less than the aggregate value of his 60months salary, if his disability is sustained in the course of the employment and is of such degree as to permanently renders him unable to discharge his function or any other function that may be assigned to him.

Right to
Freedom.

30. (1) Persons living with disability shall have freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas through any means of communication of their choice.

(2) Government, Corporate organization and persons shall:

(a) provide information intended for the general public to persons living with disability in accessible formats and technologies appropriate to the different kinds of disabilities timeously and at no additional cost;

(b) accept and facilitate the use of sign languages, Braille, augmentative and alternative communication in all interactions.

(3) No person living with disability regardless of place of residence or living arrangement shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.

Right to drive

31. A person living with disability shall have right to drive any vehicle provided that:

(a) his or her disability is not proved to reasonably impede his or her ability to drive, provided; or

(b) the vehicle has been modified as to enable him or her drive safely.

Right to Communal Life.

32. (1) Any Person living with disability shall have the right to:

(a) Live in the community, with choices equal to others, and shall have;

(b) Full enjoyment of their rights and full inclusion and participation in the community.

(2) Any person living with disability shall not be isolated or segregated from the community or compelled to live in a particular area except on medical ground or in accordance with the provisions of the Constitution of the Federal Republic of Nigeria,

Right to Participation in cultural life, Recreation, Leisure and sport.

33. (1) The right of persons living with disability to take part on an equal basis with others in cultural life is guaranteed and accordingly Government shall take all appropriate measures to ensure that persons living with disability:

(a) enjoy access to cultural materials in accessible formats;

(b) enjoy access to television programmes, films, theatres and other cultural activities, in accessible formats;

(c) enjoy access to places for cultural performances or services, such as theatres, museum, cinemas, libraries and tourism services, and, as much as possible, enjoy access to monuments and sites of national cultural importance.

(2) Government shall take appropriate measures to enable persons living with disability to have the opportunity to develop and utilize their creative, artistic and intellectual potentials, not only for their own benefits, but also for the enrichment of the society.

(3) Government shall take all appropriate steps, in accordance with international law, to ensure that intellectual property laws and practices do not constitute an unreasonable or discriminatory barrier to access by persons living with disability to cultural materials.

(4) Persons living with disability shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identities, including sign languages and deaf culture.

(5) Government shall take appropriate measures to enable persons living with disability to participate on an equal basis with others in recreational, leisure and sporting activities, with a view to-

(a) encourage and promote the participation to the fullest extent possible, of person living with disability in all sporting activities at all levels;

(b) ensure that persons living with disability have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities;

(c) encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

(d) ensure that persons living with disability have access to sporting, recreational and tourism venues; and

(e) ensure that children living with disability have equal access with other children to participate in play, recreation, leisure and sporting activities, including those activities in the school system.

Power to make Regulations. 34. The Office may, subject to the approval of the House of Assembly make regulations, guidelines, directives or manual for the purpose of giving effect to the provisions of this Law.

Interpretation 35. In this Law, except where expressly provided otherwise:

“Accessibility aid” include any fixture and device that aids accessibility;

“Assistive Device” means any device that assists, increase or improves the functional capabilities of person with disabilities;

“Augmentative and Alternative Communication” means the art of studying and (when necessary compensating) temporary or permanent activity limitation and participation restriction of an individual with severe disorder of speech-language production and/or comprehension, including spoken and written modes of communication.

“Close caption” means service for persons with hearing disabilities that translates television programme dialogue into written words.

“Communication Disability” means the kind of disability that affect the natural means of communication of a person; includes but not limited to deafness and blindness;

“Commissioner” means Commissioner for Youth Sport and Social Development;

“Disability” means a state of substantial impairment of the physical, visual, vocal, auditory, sensory or mental capabilities of a person at birth or by injury, sickness or its effect or congenital deficiency;

“Environmental” includes building, roads, side-walks, pedestrians crossings, open spaces, etc.

“Financial Institution” Includes banks, micro-finance banks, primary mortgage institutions and financial houses;

“Government” means the Lagos State Government;

“Governor” means the Governor of Lagos State;

“Landlord/Landlady” includes a private house owner, his lawful agent and heir in title;

“Multiple Disability” means more than one disability occurring in a persons life.

“Public Building” means a building owned or used by government or government Office, or a building available for the use of members of the public;

“Relay Service” means telephone service that allows persons with hearing and speech disabilities to make telephone calls;

“Relevant Authority” means the person, natural or artificial, or body including ministry whose duty is to take an action that is in issue;

“Special Communication” means special means (including sign language augmentative and alternative communication) of communicating with persons living with speech or hearing disability.

“State” means Lagos State of Nigeria;

“Telecommunication relay services” means telephone transmission services that provide the ability for an individual with speech or hearing disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have speech or hearing disability using voice communication service by wire or radio;

“Vessel” means any water-borne means of transportation.

Citation. 36.

This Law may be cited Lagos State Special People’s Law 2010.