

A

BILL FOR A LAW TO PROVIDE FOR THE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO THE SOCIETY, ESTABLISH THE STATE COMMISSION FOR PEOPLE WITH DISABILITIES AND VEST IN THE COMMISSION THE RESPONSIBILITIES FOR THEIR EDUCATION, HEALTHCARE, SOCIAL, ECONOMIC AND CIVIL RIGHTS, AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsor: Hon (Engr) Uduak-Obong Ekpo-Ufot

Co-Sponsors:

- 1. Hon Sunday Udofot Johnny**
- 2. Hon (Barr) Otobong Bob**
- 3. Hon Mfon Idung**
- 4. Hon Prince Ukpong Akpabio**
- 5. Hon Precious Selong**
- 6. Hon Ubong Attah**
- 7. Hon Dr. Nsidibe Akata**
- 8. Hon Emem Udom**
- 9. Hon Uwem Imoh-Ita**
- 10. Hon Eric Akpan**

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**A
BILL
FOR**

A Law To Provide For The Full Integration Of Persons With Disabilities Into The Society, Establish The State Commission For People With Disabilities And Vest In The Commission The Responsibilities For Their Education, Healthcare, Social, Economic And Civil Rights, And For Other Matters Connected Therewith

Commencement ()

Enactment **BE IT ENACTED** by the Akwa Ibom State House of Assembly as follows:

PART I

PROHIBITION OF DISCRIMINATION, AND AWARENESS PROGRAMMES

1. PROHIBITION OF DISCRIMINATION, INHUMAN TREATMENT, SOLICITING FOR ALMS AND PENALTY

(1) A person with disability shall not be discriminated against on the ground of their disability by any person or institution in any manner or circumstance.

(2) No person with disability shall be subjected to;

(a) torture, cruel, inhuman treatment; or

(b) medical or scientific experiment without his consent.

(3) A person shall not—

(a) employ, use or involve a person with disability in begging;

(d) parade persons with disabilities in public with intention of soliciting for alms; or

- (c) use condition of disability as a guise for the purpose of begging in public.
- (4) A person who contravenes the preceding subsections commits an offence and is liable on conviction to, if the person is—
- (a) a body corporate, a fine of Three Million Naira (N3,000,000.00); and
 - (b) an individual, a fine of Five Hundred Thousand Naira (N500,000.00) or a term of confinement for six (6) months or both.
- (5) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Law, the person against whom the crime or wrong is committed may maintain a civil action against the person committing the offence or causing the injury, without prejudice to any conviction or acquittal.

2. AWARENESS PROGRAMMES

The State Ministry of Information shall make provisions for promotion of awareness regarding the-

- (a) rights, respect and dignity of persons with disabilities; and
- (b) capabilities, achievements and contributions of persons with disabilities to the society.

PART II

ACCESSIBILITY OF PHYSICAL STRUCTURE

3. RIGHT OF ACCESS TO PUBLIC PREMISES

A person with disability has the right to access the physical environment and buildings on an equal basis with others.

4. ACCESSIBILITY AIDS IN PUBLIC BUILDING

A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps, tactile and braille markings and any other facility that shall make them accessible to and usable by persons with disabilities.

5. ACCESSIBILITY TO ROADS, SIDEWALKS AND SPECIAL FACILITIES

Roads, sidewalks, pedestrian crossings and all other special facilities as set out in the First Schedule made for public use shall be made accessible to and usable by persons with disabilities including those on wheelchairs and the Blind.

6. TRANSITORY PERIOD

From the date of the commencement of this Law, there shall be a transitory period of Six years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disabilities shall be modified to be accessible to and usable by persons with disabilities including those on wheelchairs.

7. BUILDING PLAN

(1) Before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that the plan conforms with the building code.

(2) A government or government agency, body or individual responsible for the approval of building plans shall not approve the plan of a public building if the plan does not make provision for accessibility facilities in line with the building code.

(3) An officer who approves or directs the approval of a building plan that contravenes the building code, commits an offence and is liable on conviction to a fine of at least One Million Naira (N1,000, 000.00) or a term of confinement of two (2) years or both.

8. COMPLAINT OF INACCESSIBILITY

(1) Subject to section 7, in the event of the existence of a state of inaccessibility or barrier to access of a person with disability to an environment that they has a right or duty to access, they may, without prejudice to their right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment, and the relevant authority in charge shall take immediate and necessary steps to remove the barrier and make the environment accessible to the person with disability.

(2) A relevant authority in charge that receives the notice in subsection (1) but fails to comply, commits an offence and is liable on conviction, if it is -

(a) a corporate body, Ten Thousand Naira (N10,000.00) damages payable to the affected person for each day of default; or

(b) an individual, Five Thousand Naira (N5,000.00) damages payable to the affected person each day of default or six months confinement or both.

PART III

PROVISION OF GOODS AND SERVICES AND ROAD TRANSPORTATION

9. GOODS, SERVICES AND FACILITIES

(1) A person, who whether for payment or not, provides goods or services, or makes facilities available, shall not discriminate against a person with disability by—

(a) refusing to provide those goods or services or make those facilities available to them;

(b) the terms or conditions on which the provider provides those goods or services or makes those facilities available to them; or

(c) the manner in which the provider provides those goods or services or makes those facilities available to them.

10. ACCESSIBILITY OF VEHICLES

(1) Government transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stop to persons with disabilities including those on wheelchairs.

(2) Every public vehicle shall have functional audible and visual display of their destination.

(3) Transport service providers shall have a department/desk with competent personnel including interpreters to cater to the needs of persons with disabilities.

11. PROVISION OF FACILITIES TO PERSONS WITH DISABILITIES

(1) Transport service providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities including those on wheelchairs.

(2) Lifts, ramps and all other accessibility equipment in or for vehicles, and at parks or bus stops shall be maintained in operational condition.

(3) There shall be regular and frequent maintenance of all accessibility aids and equipment, and defective ones shall be promptly repaired or replaced.

(4) Before a person with disability boards or alights from a vehicle, the driver shall ensure that the vehicle comes to a stop.

(5) When a person with disability intends to board a vehicle, all other intending passengers shall wait for him to board before them.

(6) Persons with albinism shall be allowed to use tinted vehicles and protective clothing to shield them from the effects of the ultraviolet rays of the sun to mitigate the occurrence of skin damage or skin diseases.

(7) The convenience and safety of a person with disability shall be the primary consideration in assigning seats in all forms of transportation, factors to consider in assigning seats are;

(a) ease of access;

(b) ease of entry and exit; and

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

12. RESERVED SPACES

(1) At public parking lots, suitable spaces shall be properly marked reserved and reserved for persons with disabilities.

(2) For a person with disability to be entitled to the use of the reserved space in subsection (1), their car shall have been properly identified with the necessary insignia.

(3) A person, organisation or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1), commits an offence and is liable on conviction to a fine of Ten Thousand Naira (N10, 000.00) for each day of default.

(4) A person without disability who parks a vehicle in the reserved space in subsection (1), commits an offence and is liable on conviction to a fine of Fifty Thousand Naira (N50,000.00)

(5) A person who intentionally obstructs the reserved space in subsection (1) commits an offence and is liable on conviction to a fine of Fifty Thousand Naira (N50,000.00)

(6) Subsection (4) does not apply if a person with disability is a passenger in the vehicle.

PART IV

SEAPORTS, RAILWAYS AND AIRPORT FACILITIES

13. SEAPORTS & RAILWAYS FACILITIES

(1) Seaport facilities and vessels shall be made accessible to persons with disabilities,

(2) Railway stations, trains and facilities in the trains shall be made accessible to persons with disabilities,

(3) The transitory provision contained in section 6 shall apply to the provisions of this section.

14. AIRLINE ASSISTIVE SERVICE

- (1) All airlines operating in Nigeria shall—
 - (a) ensure the accessibility of their aircraft to persons with disabilities;
 - (b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need them to and from the aircraft;
 - (c) ensure that persons with disabilities are assisted to get on and off board in safety and reasonable comfort; and
 - (d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft.
- (2) All airports shall make available for the conveyance of persons with disabilities who need presentable and functional assistive and protective devices to and from the aircraft.
- (3) Any general information shall be translated into accessible format appropriate to a person with disability who is present
- (4) All airline operators in the State shall have a department/desk with competent personnel including interpreters to cater to the needs of persons with disabilities.

15. SPECIAL SAFETY BRIEFING OF PERSONS WITH DISABILITIES

Any general information shall be translated into the accessible format appropriate to the person with disability present.

PART V

LIBERTY, RIGHT TO EDUCATION, HEALTH AND FIRST CONSIDERATION IN QUEUES, ACCOMODATION AND IN EMERGENCIES

16. RIGHT TO FREE EDUCATION

- (1) A person with disability shall have unfettered right to education without discrimination or segregation in any form.
- (2) A person with disability is entitled to free education to secondary school level in all public educational institutions in the State.
- (3) The Commission shall provide educational assistive devices to persons with disabilities, particularly those in tertiary institutions.
- (4) Government shall support the education of persons with disabilities in tertiary institutions with the provision of bursary, scholarship awards and other assistance.

17. INCLUSIVE EDUCATION

(1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive of and accessible to persons with disabilities, accordingly every school shall —

(a) have trained personnel to cater to the educational development of persons with disabilities;

(b) have special facilities for the effective education of persons with disabilities;

(c) have free or highly subsidised programs for the continued training of personnel catering to persons with disabilities especially computer based programs;

(d) be constructed or built in a manner that is easily accessible to persons with disabilities;

(e) carry out enlightenment campaigns to enlighten pupils/students against discriminating against persons with disabilities;

(f) allow students with albinism condition sit closer to the board for accessibility and wear protective clothing like trousers, long sleeves, long skirts and gowns to protect their skin from the ultra-violet rays of the sun.

(2) Braille, sign language, computer skills, augmentative and alternative communication skills, peer support, mentoring and other skills for communicating with persons with disabilities shall form part of the curricula of primary, secondary and tertiary institutions.

18. APPROPRIATE MODE OF EDUCATION FOR PERSONS WITH DISABILITIES

Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate language, mode and means of communication for the individual, and in environments which maximise academic and social development.

19. FREE HEALTHCARE

(1) Government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination on the basis of disability.

(2) A person with mental disability shall be entitled to free medical and health service in all public institutions.

20. CERTIFICATE OF DISABILITY

- (1) A person with mental disability shall obtain a Permanent Certificate of Disability from the Commission.
- (2) If a doctor suspects disability in the course of treatment of a person who before was not a person with disability, the doctor may with the approval of the Commission, issue a Temporary Certificate of Disability which shall last for not longer than 180 days.
- (3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor, shall issue the person a Permanent Certificate of Disability which shall last for as long as the state of the disability persists.
- (4) A person issued with a Permanent Certificate of Disability is entitled to all rights and privileges under this Law.
- (5) The Commission may in addition to the Certificate of Disability issue an identification card to persons with disabilities who have been registered by the Commission in the prescribed form as the Commission may determine.

21. UNLAWFUL PROCUREMENT OF CERTIFICATE OF DISABILITY

A person who unlawfully issues or obtains a Certificate of Disability, commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (N500,000.00) or confinement for a term of one year or both.

22. PROVISION OF SPECIAL COMMUNICATION AT HOSPITALS

- (1) A public hospital where a person with communicational disabilities is medically attended to shall make provision for special communication.
- (2) All Government health facilities in the State shall have trained health personnel on disability that can assist persons with disabilities in communication during medical examination.

23. SITUATION OF RISK AND HUMANITARIAN EMERGENCIES

In all situations of risk, violence, emergencies and the occurrences of natural disasters, the Government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability.

24. SERVICE AT QUEUES

- (1) In queues, persons with disabilities shall be given first consideration and, as much as possible, be attended to outside the queue.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine of Fifty Thousand Naira (N50, 000.00) or a term of six months confinement or both.

25. ACCOMMODATION

If accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organisations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first consideration.

26. CHILDREN WITH DISABILITIES

(1) In all matters concerning children with disabilities, the best interest of the child shall be the primary consideration.

(2) Government, parents and guardians shall ensure that children with disabilities are not subjected to neglect, exploitation, sexual abuse, or violence.

(3) Government shall take appropriate measures to prevent all forms of exploitations, violence and abuse by ensuring appropriate forms of gender and age sensitive assistance and support are given to children with disabilities, their families and caregivers, including the provision of information and education on how to avoid, recognise and report instances of neglect, exploitation, violence and abuse.

(4) Parents and guardians of children with disabilities shall ensure that such children are educated to at least secondary school level and for children with cognitive disabilities, to at least a reasonable self-care level.

(5) The education of children with disabilities shall be free from basic to secondary level.

(6) No child shall be concealed, abandoned, neglected or segregated on the basis of their disabilities.

(7) A child with disability shall be-

(a) registered with a name;

(b) registered any time after birth when diagnosis is known;

(c) issued a certificate of disability or identity card;

(d) cared for by their parents or caregiver; and

(e) entitled to free and continual medical treatment in any public health facility.

(8) The Commission shall provide early and comprehensive information services and support to children with disabilities.

(9) No child shall be separated from the parents on the basis of disability; provided that subject to the consent of the parent or guardians, a child with disability may be separated from the parents or guardians for the purpose of medical treatment, rehabilitation, training and general development.

(10) The Commission and the Ministry responsible for social welfare shall provide and sponsor alternative care for a child with disability where the immediate family is unable to provide the needed care.

(11) Any person who violates the provisions of this section, commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira(N500,000.00) or confinement for a term of one year or both.

PART VI

OPPORTUNITY FOR EMPLOYMENT AND PARTICIPATION IN POLITICS AND PUBLIC LIFE

27. EQUAL RIGHT TO WORK

(1) A person with disability has the right to work on an equal basis with others and this includes the right to opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open.

(2) No employer or their agent or purported agent shall discriminate against a Person with disability in any manner whatsoever with regards to-

- (a) job application procedure;
- (b) terms and conditions of employment;
- (c) denying the employee access or limiting the employee's opportunity for promotion, advancement, transfer or training or 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) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine of not less than Two Hundred and Fifty Thousand Naira (N250,000.00) payable to the affected person with disability.

(4) Where a company contravenes subsection (1) —

(a) the company commits an offence and is liable to a fine of not less than Five Hundred Thousand Naira (N500,000.00) payable to the affected person with disability; and

(b) any principal officer of the company involved in the violation is liable to a fine of One Hundred Thousand (N100,000.00) damages payable to the affected person with disability.

28. OPPORTUNITY FOR EMPLOYMENT

All employers of labour in public organisations shall, as much as possible, have persons with disabilities constituting at least 5% of their employment.

29. ASSISTANCE TO PERSONS WITH DISABILITY FOR EMPLOYMENT

(1) Government shall implement measures that will ensure the self-reliance of Persons with disabilities and accordingly give adequate assistance to Persons with disability who desire to be employed and have requisite qualifications for the employment sought.

(2) Government in furtherance of its responsibility under sub-section (1) of this section, shall set up vocational training institutions to facilitate acquisition of inclusive, vocational and technical skills by Persons with disabilities.

30. DISABILITY SUSTAINED DURING EMPLOYMENT

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

(2) Where an employee sustains a disability during the course of employment, the employer shall retain and re-train the employee for effectiveness within the organisation.

(3) Notwithstanding the provisions of sub-sections (1) and (2) of this section, where the disability is such as to result in the permanent incapacitation of the employee, the employer shall only relieve them of their employment on payment of adequate compensation and other benefits as provided for in the Employees Compensation Act, 2010 or any other legislation providing for same.

31. PARTICIPATION IN POLITICS

1) Persons with disabilities shall be encouraged to fully participate in politics and public life.

(2) Government shall actively promote an environment in which person with disabilities can effectively and fully participate in—

(a) the conduct of public affairs without discrimination;

(b) non-governmental organisations and associations concerned with the public and political life of the State; and

(c) activities and administration of political parties.

PART VII

ESTABLISHMENT OF THE STATE COMMISSION FOR PERSONS WITH DISABILITIES

32. ESTABLISHMENT OF THE STATE COMMISSION FOR PERSONS WITH DISABILITIES

(1) There is established the State Commission for Persons with Disabilities (in this Law referred to as “the Commission”) to be placed under the Governor

(2) The Commission—

(a) is a body corporate with—

(i) perpetual succession,

(ii) a common seal; and

(b) may sue and be sued in its corporate name; and

(c) may acquire, hold and dispose of property, movable or immovable.

(3) The head office of the Commission shall be in Uyo the Capital of the State, with offices in all the Local Government Areas of the State.

33. ESTABLISHMENT OF MEMBERSHIP OF THE GOVERNING COUNCIL

(1) There is established a Governing Council for the Commission

(in this Law referred to as the “the Council”) which shall conduct the affairs of the Commission.

(2) The Council shall consist of—

(a) a part time Chairperson;

(b) one person with disability from each senatorial district;

(c) a representative each, who shall serve as ex officio from the Ministry responsible for —

- (i) Education,
- (ii) Health,
- (iii) Youth and Sports,
- (iv) Women Affairs and Social Welfare,
- (v) Housing,
- (vi) Transport,
- (vii) Environment,
- (viii) Labour and Productivity,
- (ix) Justice,
- (x) Finance,
- (xi) Works and Fire Service,
- (xii) Agriculture,
- (xiii) Information,
- (xiv) Economic Development
- (xv) Local Government and Chieftaincy Affairs

(d) a representative from a civil society organisation.

(3) The Chairman of the Council and one representative each from the 3 senatorial districts, shall be appointed by the Governor subject to the confirmation of the House of Assembly

34. PROCEEDINGS OF THE COUNCIL

The supplementary provisions set out in the Second Schedule to this Law shall have effect with respect to the proceedings of the Council and the other matters contained in the Schedule.

35. TENURE OF OFFICE

The Chairman and members of the Council shall each hold office—

- (a) for a term of three years and may be re-appointed for a further term of three years and no more; and
- (b) on such terms and conditions as may be specified in their letters of appointment.

36. CESSATION OF OFFICE

(1) A person ceases to hold office as a member of the Council if they —

- (a) become bankrupt, or compounds with their creditors;
- (b) are convicted of a felony or any offence involving dishonesty or fraud;
- (c) are disqualified from professional practice;
- (d) are guilty of a serious misconduct in relation to their duties; or
- (e) resign their appointment by a letter addressed to the Governor.

(2) If a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which they are appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.

(3) A member of the Council shall be removed by the Governor on the recommendation of the Council if the Governor is satisfied that it is not in the interest of the Commission or the public that the member continues in that office.

37. ALLOWANCES OF MEMBERS

Members of the Council shall be paid allowances and expenses as the Governor may direct.

38. POWERS OF THE COUNCIL

The Council shall have power to—

- (a) manage and superintend over the affairs of the Commission;
- (b) make rules and regulations for the effective running of the Commission;
- (c) employ the staff of the Commission on such remunerations or allowances as payable to persons in similar organisations in the state;

- (d) enter into contract as may be necessary or expedient for the discharge of its duties and ensure efficient performance of the functions of the Commission; and
- (e) receive, disburse and account for funds of the Commission.

39. FUNCTIONS OF THE COMMISSION

The Commission shall—

- (a) formulate and implement policies and guidelines as appropriate for the education and social development of persons with disabilities;
- (b) prepare schemes designed to promote social welfare of persons with disabilities and the estimate of cost of implementing such schemes;
- (c) promote and uplift the general social well-being of persons with disabilities by encouraging the public to change their attitude toward persons with disabilities;
- (d) make available not less than 5% of the work force to qualified persons with disabilities;
- (e) in collaboration with the Ministry responsible for the dissemination of information in the State, create awareness with respect to the rights, respect, dignity, capabilities, achievements and contributions of persons with disabilities to the society;
- (f) collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disabilities are identified, and enumerated for planning and treatment;
- (g) ensure that all facilities in each community all over the State shall be built or modified, where and when feasible, to accommodate the special needs of persons with disabilities;
- (h) ensure the monitoring, evaluation and realisation of government policy objectives on persons with disabilities;
- (i) facilitate the procurement of scholarship awards for persons with disabilities up to university level;
- (j) establish and promote inclusive schools, vocational and rehabilitation centers for the development of persons with disabilities;
- (k) liaise with the public and private sectors and other bodies to ensure that the peculiar interests of persons with disabilities are taken into consideration in every government policy, program and activity;

- (l) issue insignia of identification to persons with disabilities;
- (m) in collaboration with other relevant government agencies and professional bodies in the building industry, enforce compliance of public buildings codes and impose necessary sanctions and make appropriate orders
- (n) receive complaints of persons with disabilities on the violation of their rights;
- (o) support an individual's right to seek redress in court, investigation, prosecution or sanctioning, in appropriate cases, the violation of the provision of this Law;
- (p) ensure research, development and education on disability issues;
- (q) collaborate with the media to make information available in accessible format for persons with disabilities;
- (r) procure assistive devices for all disability types;
- (s) register, monitor and coordinate the activities of the associations of persons with disabilities and non-governmental organisations based in the State that has its primary objective, the promotion and protection of the interest of persons with disabilities;
- (t) create and maintain a register and database for persons with disabilities in the State; and
- (u) perform other functions which are necessary for the effective implementation of the provisions of this Law.

40. POWERS OF THE COMMISSION

- (1) The Commission shall have power to do any lawful thing, which will facilitate carrying out of its functions and in particular may—
 - (a) enter into contract for the education and welfare of persons with disabilities;
 - (b) purchase or acquire any assets, business or property considered necessary for the proper conduct of its functions;
 - (c) sell, let, lease or dispose of any of its assets;
 - (d) undertake or sponsor research where necessary for the performance of its functions; and
 - (e) train managerial, technical or other category of staff for the purpose of running the affairs of the Commission.
- (2) The power conferred on the Commission may be exercised by it or through any of its employees or agent authorised in that behalf by the Commission.

(3) The Commission shall not be subject to a direction, control or suspension by any other authority or person in the performance of its functions under this Law except the Governor.

PART VIII

APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

41. APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY OF THE COMMISSION

- (1) There shall be an Executive Secretary for the Commission who shall—
- (a) have such qualification and experience as appropriate for a person required to perform the functions of that office;
 - (b) be a person with disability; and
 - (c) be responsible to the Council for the execution of the policies and administration of the daily affairs of the Commission.

42. STAFF OF THE COMMISSION

- (1) The Council shall appoint for the Commission such number of employees as may, in the opinion of the Council, be expedient and necessary for the proper and efficient performance of the functions of the Commission.
- (2) The Council may appoint for the Commission, either directly or by secondment from any Public Service of the State, such number of employees as may, in the opinion of the Council, be required to assist the Commission in the performance of any of its functions under this Law.
- (3) The person seconded under this section, may elect to be transferred to the service of the Commission, and any previous service the person may have rendered in the Public Service shall count as service to the Commission for the purpose of any pension subsequently payable by the Commission.
- (4) Notwithstanding the provisions of sub-sections (1) and (2) of this section, in the employment and appointment of staff of the Commission, persons with requisite knowledge, qualifications and skills in matters relating to Persons with disabilities shall be given primary consideration.

43. THE STRUCTURE OF THE COMMISSION

There shall be established, in the head office of the Commission, such departments, as may be deemed necessary for the effective and efficient functioning of the Commission.

44. PENSION AND GRATUITY

(1) Service in the Commission shall be approved service for the purpose of the Pensions Law and consequently employees of the Commission shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent positions in the State civil service.

(2) Nothing in this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

45. FUNDS OF THE COMMISSION

(1) The Commission shall establish and maintain a fund into which shall be paid and credited—

(a) all subventions and budgetary allocations from the State Government; and

(b) such money as may be granted to the Commission by anybody or institution within or outside Akwa Ibom.

(2) The Commission shall defray all expenditures incurred by it including—

(a) cost of administration;

(b) payment of salaries, fees, or other remuneration, allowances, pensions and gratuities payable to members and employees of the Commission; and

(c) anything done in connection with any of its functions.

(3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.

46. POWER TO ACCEPT GIFTS

(1) The Commission may accept gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift, provided such terms and conditions are not inconsistent with any prevailing law.

(2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Law.

47. POWER TO BORROW MONEY

The Commission may borrow such money as it may require to execute or complete some special projects of the Commission.

48. ANNUAL ESTIMATE AND EXPENDITURE

(1) The Commission shall—

(a) cause to be kept accounts and records of transaction and affairs of expenditure, of the Commission; and

(b) ensure that all payments out of its Fund are correctly made and properly authorised.

(2) The Commission shall ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.

49. AUDIT

(1) The Auditor-General for the State shall—

(a) inspect and audit the account and records of financial transactions of the Commission;

(b) inspect records relating to assets of the Commission; and

(c) draw the attention of the Secretary to the Government of the State to any irregularities disclosed by the inspection and audit.

(2) The Auditor-General for the State may dispense with all or any part of detailed inspection and audit of any account or record referred to in subsection (1).

(3) The auditor or an officer authorised by him is entitled at all reasonable time to a full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.

50. ANNUAL REPORT

The Commission shall submit—

(a) an annual report of its activities to the office of the Secretary to the Government of the State not later than 30th June of each financial year; and

(b) a copy of its audited accounts and a copy of the annual report to the House of Assembly.

51. POWER TO ACQUIRE LAND

The Commission may, subject to the Land Use Act, acquire any land for the purpose of performing its functions.

PART IX

MISCELLANEOUS PROVISIONS

52. SERVICE OF DOCUMENTS

A notice, summons or other documents required or authorised to be served upon the Commission under the provisions of this Law, any other Law or enactment may be served by delivering it to the Executive Secretary or by: sending it by registered post and addressing it to the Executive Secretary at the head office of the Commission.

53. PAYMENT OF JUDGEMENT DEBT

Any such money which may be the judgment of any Court awarded against the Commission shall be paid from the Fund of the Commission.

54. INDEMNITY OF OFFICERS

A member of the Council, the Executive Secretary, any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgment is given in their favour or an acquittal is granted, if any such proceeding is brought against them in their capacity as a member of the Council, the Executive Secretary, officer or the employee of the Commission.

55. WAIVERS OF PROOF OF SPECIAL DAMAGES

(1) To be entitled to the damages specifically provided in this Law, it shall be sufficient for a plaintiff or claimant, as the case may be, in a court proceeding to prove the violation of the relevant section of this Law without specific proof of damages.

(2) Nothing in this Law shall prevent a Court from accessing and awarding general and special damages in addition to the normal damages provided for in this Law.

56. REGULATIONS

The Council may make regulations for the purpose of carrying out or giving full effect to the provisions of this Law.

PART X

INTERPRETATION

57. INTERPRETATION

In this Law, unless the context otherwise requires -

“**accessibility aid**” includes any fixture and. device that aids accessibility;

“**accommodation**” in the context of housing, includes residential or business accommodation;

“**assistive device**” means any device that assists, increases or improves the functional capabilities of persons with disabilities;

“**commission**” means State Commission for People with Disabilities established under this Law;

“**commission agent**” means the person who does work for the Commission as its agent and who is remunerated, whether in whole or in part by the Commission;

“**disability**” includes long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others;

“**discrimination**” means differential treatment and its verbs and infinite form, discriminate, to discriminate have the corresponding signification ;

“**document**” includes any book register or other record of information, however compiled, record or stored;

“**educational institution**” means a school college, university or other institution at which education or training is provided ;

“**employee**” includes applicant or prospective employee, commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor;

“**employer**” includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor ;

“**employer of labour**” means employer as interpreted by the Employee's

Compensation Act No. 13, 2010;

“**person**” includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organisations, association, government departments, ministries, parastatals ;

“**person with disabilities**” means—

(a) a person who has received Temporary or Permanent Certificate of Disability to have a condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that they cannot perform their everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; and

(b) a person with long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others ;

“**premises**” includes a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not) and a part of premises;

“**Governor**” means the Executive Governor of Akwa Ibom State

“**public building**” means a building owned or used by government or government agency or a building available for the use of members of the public;

“**special communication**” means special means (including sign language augmentative and alternative communication) of communicating with person with speech or hearing disability;

“**special facilities**” means any provision whether movable or immovable that enhances easy access and enjoyment in public buildings by persons with disabilities significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

“**state**” means each part of the State, and includes the State Capital;

“**student**” in relation to an education institution, includes a candidate or applicant for admission into that educational institution;

58. CITATION AND COMMENCEMENT

This Law may be cited as the Akwa Ibom State Persons with Disabilities Law and shall come into force on the day of

FIRST SCHEDULE

Section 5

SPECIAL FACILITIES:

1. Wheelchairs, clear floors or ground space on wheelchairs, wheel chair passage and turning space.
2. Crutches, guide canes etc.
3. Hearing Aid.
4. Curb ramps.
5. Ramps.
6. Handrails, grab bars.
7. Stair-lifts.
8. Elevators or Lifts.
9. Windows.
10. Entrance doors.
11. Drinking fountains and water coolers.
12. Toilet facilities.
13. Door protective and re-opening devices , maneuvering entrances at doors.
14. Parking spaces and passenger loading zones.
15. Accessible routes including walkways, halls, windows, aisles and spaces.
16. Alarm—
 - (a) audible alarms;
 - (b) visual alarms; and (c) auxiliary alarms

SECOND SCHEDULE

Section 33

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

1.—(1) Subject to this Law, the Council may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Council shall be the Chairperson or the person presiding at the meeting and five other members of the Council, one of whom shall be an ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.

2.—(1) The Council shall meet whenever it is summoned by the Chairperson and if the Chairperson is required to do so by notice given by at least eight other members, the Chairperson shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given.

(2) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt them to the Council for such period as it deems fit, but a person who is in attendance by virtue of this paragraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

3.—(1) The Council may set up one or more committees to perform, on behalf of the Council, such functions as the Council may determine.

(2) A Committee set up under paragraph (1) shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee in accordance with the terms of their appointment.

(3) A decision of a Committee of the Council is of no effect until it is confirmed by the Council.

4.—(1) The affixing of the seal of the Commission shall be authenticated by the signatures of the Chairperson, Executive Secretary or any other member of the Council generally or specifically authorised by the Council to act for that purpose.

(2) A contract or instrument, which if made or executed by any person not being a body corporate would not be required to be under seal, may be executed on behalf of the Commission by the Executive Secretary or any person generally authorised by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

5, The validity of any proceeding of the Council or Committee shall not be adversely affected by a—

(a) vacancy in the membership of the Council or Committee ;

(b) defect in the appointment of a member of the Council or Committee

or

(c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

COMPLIANCE ORDER

Notice has been taken of the fact that your is not inclusive of Disabilities Issues.

In particular

This contravenes section 38 of Discrimination against Persons with Disabilities (Prohibition) Law, you are hereby ordered to immediately comply with the Law.

Take note that if, after three months from receipt of this order, you still remain in default, your operational license shall be withdrawn.

Signed

FORM 2

Section 20 (1)

CERTIFICATE OF PERMANENT DISABILITY

This is to certify that of
..... was examine by me on
this day of and found to be permanently
incapacitated

Signed

CERTIFICATE OF TEMPORARY DISABILITY

Section 20 (2)

This is to certify that of
..... was examine by me on
this day of and found to be temporarily
incapacitated.

Signed