**THE CRIMINALITY OF DISABILITY DISCRIMINATION: EVALUATING THE PREPAREDNESS OF LAW ENFORCEMENT AGENCIES AND RELEVANT STAKEHOLDERS**

**UNDERSTANDING DISABILITY DISCRIMINATION**

1. The need for an egalitarian society where everyone regardless of your social standing or physical appearance, has access to basic needs without being subjected to any form of discrimination is one that cannot be overemphasized. In our world today, nature has made it such that not all human beings are born with the human futures completely intact. This disability maybe by way of blindness, deafness, dumbness and even loss of an essential body part in an accident. This reality, has therefore necessitated the need for us to have a legal system that guarantees freedom from discrimination for these individuals who have special needs and deserve to be treated with some level of dignity and given unfettered access to opportunities just like their counterparts who may not be disabled. Imagine for a moment the struggles faced by individuals with disabilities—challenges that go beyond their physical or mental impairments. Discrimination based on disability perpetuates inequality, hampers social progress, and denies our fellow citizens their fundamental rights. It is our duty to ensure that no one is left behind, and that includes safeguarding the rights of persons with disabilities
2. The term disability has been defined by the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018[[1]](#footnote-1) to mean “long term physical, mental, intellectual or sensory impairment which in the interaction with various barriers may hinder full and effective participation in society on equal basis with others”.
3. Also, the Merriam Webster dictionary defined disability to mean a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions.[[2]](#footnote-2)
4. Wikipedia also defines disability as the experience of any condition that makes it more difficult for a person to do certain activities or have equitable access within a given society. Disabilities may be cognitive, developmental, intellectual, mental, physical, sensory, or a combination of multiple factors. Disabilities can be present from birth or can be acquired during a person's lifetime.[[3]](#footnote-3)
5. The above definitions embodies the fact that disability comes with inability to engage in certain tasks by virtue of mental, physical and intellectual disabilities. Discrimination has been defined the unjust or prejudicial treatment of different categories of people, especially on the grounds of ethnicity, age, sex, or disability
6. Discrimination is defined by the Act[[4]](#footnote-4) to mean “differential treatment and its verbs and infinite form, discriminate, to discriminate have the corresponding signification”.
7. The subject of our discussion in this article examines the criminality of discrimination against persons with disability and how prepared law enforcement agencies and relevant stakeholders are in ensuring that the fight against this menace succeeds.

**LEGAL FRAMEWORK FOR DISABILITY RIGHTS IN NIGERIA**

1. In Nigeria, the legal framework for protecting the rights of persons with disabilities includes both national and international legislation. At the national level, the 1999 Constitution of the Federal Republic of Nigeria guarantees the rights and dignity of all individuals, including persons with disabilities. The Nigerian Constitution as part of the fundamental rights guaranteed to citizens abhors any form of discrimination on the basis of gender, sex, status and age. The section[[5]](#footnote-5) reads thus:

*42(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-*

1. *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, religious or political opinions are not made subject; or*
2. *be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions.*

*(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth*.

The Discrimination Against Persons with Disabilities (Prohibition) Act was enacted in 2018[[6]](#footnote-6) and it makes elaborate provision on the criminal liability of anyone who discriminates against a person living with disability. This landmark legislation prohibits discrimination against persons with disabilities and ensures their full participation in society by addressing issues such as accessibility, education, employment, and healthcare. Section 1 of the Act expands the rights of persons not to be discriminated against by prohibiting discrimination against persons with a disability on the grounds of their disability by any person or institution in any manner or circumstance.

1. The right to freedom from discrimination for persons living with disabilities is one that can be substantially guaranteed where there are adequate laws and actions put in place to ensure that persons who violate this right can be subjected to criminal litigation in order to punish them for such acts.
2. Internationally, Nigeria is a signatory to various conventions and treaties that promote disability rights. The most notable is the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which Nigeria ratified in 2007. The UNCRPD provides a comprehensive framework for protecting the rights and promoting the inclusion of persons with disabilities.[[7]](#footnote-7)
3. As a party to the UNCRPD, Nigeria has assumed certain obligations to promote and protect the rights of persons with disabilities. These obligations include ensuring equal recognition before the law, accessibility to physical and digital environments, access to education, employment opportunities, healthcare, and social protection. Nigeria is also obligated to combat discrimination and promote societal understanding and acceptance of persons with disabilities.
4. While Nigeria has made significant strides in establishing a legal framework for disability rights, there is still room for improvement. The Discrimination Against Persons with Disabilities (Prohibition) Act represents a positive step forward, but challenges remain in its implementation and enforcement. Some key areas that require evaluation and enhancement include accessibility provisions, reasonable accommodations, inclusive education, employment opportunities, and access to justice for persons with disabilities.
5. The current legal framework for disability rights in Nigeria faces certain gaps and limitations. These may include inadequate resources and capacity for implementation, lack of awareness and understanding of disability rights among key stakeholders, insufficient mechanisms for monitoring and enforcing compliance, and limited accessibility measures in public and private sectors. Furthermore, there may be inconsistencies and gaps in legislation at the state and local levels, hindering the effective protection of disability rights nationwide. It is imperative to address these gaps and limitations to ensure the comprehensive protection and promotion of disability rights in Nigeria. By strengthening the legal framework, enhancing implementation mechanisms, raising awareness, and promoting collaboration between relevant stakeholders, Nigeria can further advance the rights and inclusion of persons with disabilities and strive towards a more equitable and accessible society for all.[[8]](#footnote-8)

**THE ROLE OF LAW ENFORCEMENT AGENCIES IN COMBATING DISABILITY DISCRIMINATION:**

1. Law enforcement agencies bear the crucial responsibility of combating disability discrimination and safeguarding the rights of individuals with disabilities. Their key responsibilities include ensuring equal protection and safety by responding promptly and effectively to reports of discrimination, harassment, and abuse. Additionally, they are tasked with investigating disability-related crimes, such as hate crimes or acts of violence motivated by disability discrimination, gathering evidence, interviewing witnesses, and pursuing prosecutions to ensure justice is served. Law enforcement agencies also play a pivotal role in promoting accessibility and inclusivity by ensuring their facilities, communication methods, and services are accommodating and inclusive for persons with disabilities. This entails providing accessible communication channels, delivering training programs on disability awareness to officers, and ensuring physical accessibility in police stations and vehicles.
2. To evaluate the preparedness of Nigerian law enforcement agencies in addressing disability discrimination, several factors should be considered. Indicators of preparedness may include the existence of policies or guidelines within law enforcement agencies that address disability rights and prohibit discrimination. Furthermore, the provision of regular training programs that enhance officers' understanding of disability issues, promote empathy, and equip them with the necessary knowledge and skills to handle disability-related cases sensitively is vital. Collaboration with disability organizations and advocacy groups to foster partnerships and enhance disability awareness within law enforcement agencies is another crucial aspect to consider.
3. In Nigeria, several key stakeholders are involved in the protection and promotion of disability rights. These stakeholders include:

**a. Disabled People's Organizations (DPOs)**: DPOs are organizations led by persons with disabilities themselves. They play a vital role in advocating for the rights of persons with disabilities, raising awareness, providing support services, and promoting inclusive policies and practices.

**b. Non-Governmental Organizations (NGOs):** NGOs focused on disability rights and inclusion contribute to the protection and promotion of disability rights through various initiatives. They may provide advocacy, capacity-building, and support programs for persons with disabilities, as well as engage in research and policy advocacy.

**c. Government Agencies**: Government agencies at the national, state, and local levels have a responsibility to protect and promote disability rights. These may include ministries or departments responsible for social welfare, education, health, justice, and human rights. They develop policies, provide services, and enforce laws related to disability rights.

**d. Law Enforcement Agencies:** Law enforcement agencies, such as the police, have a crucial role in protecting persons with disabilities from discrimination, abuse, and violence. They are responsible for enforcing laws related to disability rights, investigating disability-related crimes, and ensuring the safety and security of individuals with disabilities.

**e. Disability Rights Activists and Advocates:** Individuals and groups who actively work to promote disability rights, raise awareness, and advocate for policy changes and societal inclusion play a significant role in advancing the cause of disability rights.

1. Enforcing disability rights within the domain of law enforcement agencies can encounter challenges or barriers that impact their effectiveness. Some of these challenges include a lack of awareness and understanding of disability rights and issues among law enforcement officers, which hinders their ability to effectively address disability discrimination. Insufficient training programs and resources dedicated to disability-related matters can impede officers' capacity to identify, investigate, and respond to disability discrimination cases. Attitudinal barriers, such as negative attitudes or stereotypes towards persons with disabilities held by some law enforcement officers, may result in bias or insensitivity when handling disability-related incidents. Additionally, reporting and documentation gaps, including underreporting of disability discrimination incidents or challenges in accurately documenting such cases, can hinder the enforcement efforts of law enforcement agencies.

1. Section 57 [↑](#footnote-ref-1)
2. https://www.merriam-webster.com/dictionary/disability [↑](#footnote-ref-2)
3. https://en.m.wikipedia.org/wiki/Disability [↑](#footnote-ref-3)
4. Section 57, Discrimination Against People with Disability (Prohibition) Act, 2018 [↑](#footnote-ref-4)
5. Section 42 of the 1999 Constitution of the Federal Republic of Nigeria [↑](#footnote-ref-5)
6. On January 23, Nigeria’s President Muhammadu Buhari signed into law the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, following 9 years of relentless advocacy by disability rights groups and activists. According to the World Health Organization’s 2011 World Disability Report, about 15 percent of Nigeria’s population, or at least 25 million people, have a disability. Many of them face a number of human rights abuses including stigma, discrimination, violence, and lack of access to healthcare, housing, and education. Nigeria ratified the United Nations Convention on the Rights of People with Disabilities (CRPD) in 2007 and its Optional Protocol in 2010. Since then, civil society groups and people with disabilities have called on the government to put it into practice. In 2011 and 2015, the National Assembly passed the Discrimination Against Persons with Disabilities (Prohibition) Bill 2009, but former President Goodluck Jonathan declined to sign it into law. The bill for the new law was passed by the House of Representatives and the Senate joint committee in November 2016, but was not sent to Buhari for his signature until December 2018. See <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law> [↑](#footnote-ref-6)
7. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) - The official website of the United Nations provides access to the full text of the convention, along with additional resources and information: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> [↑](#footnote-ref-7)
8. National Human Rights Commission (NHRC) Nigeria - The NHRC is a governmental institution responsible for promoting and protecting human rights in Nigeria. Their website may contain relevant reports, publications, and resources related to disability rights: <http://www.nigeriarights.gov.ng/> [↑](#footnote-ref-8)