**QUESTIONNAIRE ON GOOD PRACTICES TO ENSURE EFFECTIVE ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES**

Please provide information on any existing good practices in legislation, policies and /or institutional measures taken in your country to ensure effective access to justice for persons with disabilities on an equal basis with others, as require by Article 13 of the Convention of the Rights of Persons with Disabilities.

**Answer:** This is provided for in Chapter II of the Constitution, all citizens of Nigeria enjoy equal recognition before the law including Persons with disabilities and there is no law at the Federal or State level that discriminates against persons with disabilities. Also the Discrimination Against Persons with Disabilities Prohibition Act, 2018 (Prohibition Act) section 1 provides that “a person with disability shall not be discriminated against on the grounds of his disability by any person or institution in any manner or circumstances whatsoever”.

2. Please provide information on any existing good practices in your country, including strategies and guidelines, to facilitate the direct or indirect participation of persons with disabilities in judicial and other legal proceedings including in the areas of:

1. Recognition of the right to legal standing
2. Accessibility and Access to information
3. Procedural gender- and age –appropriate accommodations
4. Provision of legal aid

**Answer:**

a. Recognition of the right to legal standing

Locus Standi is a central concept in the administration of justice and it delineates not only the jurisdiction of the courts to entertain matters brought before them but also restricts access to courts to persons with genuine grievances. The principle of legal standing in Nigerian courts, however, interpret the principle of locus standi in the sense that Legal standing is accorded the person who shows cause of action or sufficient interest irrespective of status including those living with disabilities.

b. Accessibility and Access to information

Sections 4-8 of the Disabilities Prohibition Act have elaborate provisions that ensures persons with disabilities have access to public buildings on an equal basis with others. Roads side-walks, pedestrian crossing and all other special facilities as set out in the first schedule made for public use, shall be made accessible to and useable by persons with disabilities including those on wheel chairs and the visually impaired. The Act provides for a five years transition period for which all public buildings must be modified for accessibility and use for persons with disabilities. Section 7 of the Act provides a 1,000,000 or two years imprisonment penalty for any officer who approves a building plan that contravenes the building code.

Section 39(1) and (2) of the Constitution provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without influence. Every person is also entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions. The Federal and State Governments have Braille Presses/Libraries in strategic centres to serve as educational resource centres for the blind and visually impaired.

Section 1 of the Freedom of Information Act 2011 provides for the right of any person including those with disabilities to have access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution not withstanding anything contained in any other Act, law or regulation. Also applicants under this Act need not show or demonstrate any specific interest in the information being applied for, in order to have access to it and any person entitled to the right of information under this Act have the right to institute a proceeding in court compelling the institution or agency to comply.

c. Procedural gender- and age –appropriate accommodations

Efforts are ongoing by the Federal Government to provide procedural and age appropriate accommodations to facilitate the effective roles of persons with disabilities as direct and indirect participants as well as witnesses in legal proceedings, including at investigation and other preliminary stages. The Prohibition Act section 29 provides that where accommodation is being given by any organization, Government, employers etc, persons with disabilities shall be given first consideration.

d. Provision of legal aid

The Legal Aid Act of 2011 provides for the establishment of a legal aid and access to justice fund. Through the fund, financial assistance is made available to the Legal Aid Council on behalf of indigent citizens for the prosecution of claims in accordance with the Constitution. The Act empowers the Legal Aid Council with responsibility for the operation of a scheme for the grant of legal aid and access to justice in certain matters or proceedings to persons with inadequate resources.

The qualification of having access to Legal aid as provided by Section 9 of the Legal Aid Act 2011 ‘Legal aid shall only be granted to a person whose income does not exceed N5,000 per annum’. Legal aid is available to any citizen irrespective of status including those living with disabilities as long as their income does not exceed N5,000 per annum.

3. Please provide information on any existing good practices in jurisprudence in your country related to the effective access to justice for persons with disabilities.

**Answer:** Section 36 of the Constitution guarantees access to justice for all citizens irrespective of status including those living with disabilities. Section 36(1) states that in the determination of any civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality. All the constitutional safeguards to ensure fair hearing in section 36 are equally applicable to persons with disabilities. Section 42(2) also states that no citizen of Nigeria shall be subjected to any deprivation merely by reason of the circumstances of his birth.

4. Please provide information on any existing good practices in your country to promote access to effective remedies and reparations in cases where the rights of persons with disabilities have been breached.

**Answer:** Section 2 of the Prohibition Act provides that a person who contravenes the right of persons with disabilities commits an offence and is liable on conviction to:

A cooperate body fine of 1,000,000 naira, individual fine of 600,000 or six months imprisonment or both.

Section 3 of the Prohibition Act provides that, notwithstanding the prosecution, conviction or otherwise of any person for any offence under this bill, the person against whom any such crime or wrong is committed may maintain a civil action against any such person committing the offence or causing the injury, without prejudice to any conviction or acquittal.

5. Please provide information on any innovative initiatives that have been taken in your country to promote and ensure effective access to justice for persons with disabilities.

**Answer:** The Federal Ministry of Women Affairs and Social Development is the lead Ministry and the focal point in Nigeria on matters pertaining to persons with disability, it works closely with other key departments such as the Federal Ministry of Budget and National Planning and Federal Ministry of Justice. In this regard, the Federal Government will continue to partner with State Governments, Civil Societies, and other critical stakeholders to bring matters relating to the welfare of persons with disabilities to the front burner of national development programmes and the National Commission for the Persons with Disabilities when inaugurated will play an important role(s) in monitoring and implementing effective access to justice for persons with disabilities.