Disability and Elections in Nigeria

A report on barriers to political participation for Persons with Disabilities
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# List of Acronyms

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<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>CRPD</td>
<td>Convention on the Rights of People with Disabilities</td>
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<td>CSOs</td>
<td>Civil Society Organisations</td>
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<td>DHS</td>
<td>Demographic and Health Surveys</td>
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<td>DPOs</td>
<td>Organisations of Persons with Disabilities</td>
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<td>ECCAS</td>
<td>Economic Community of Central African States</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>ICF</td>
<td>International Classification of Functioning Disabilities and Health</td>
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<td>INEC</td>
<td>Independent National Electoral Commission</td>
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<td>JONAPWD</td>
<td>Joint National Association of Persons with Disabilities</td>
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<td>NDHS</td>
<td>Nigeria Demographic and Health Survey</td>
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<td>PTCIJ</td>
<td>Premium Times Centre for Investigative Journalism</td>
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<td>PWDs</td>
<td>People with Disabilities</td>
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<td>SADC</td>
<td>Southern Africa Development Community</td>
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<td>UN</td>
<td>United Nations</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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1. Summary

This study sets out to review the state of disability mainstreaming in Nigeria within the context of elections and political participation. It asks two questions:

- What barriers are encountered by Person with Disabilities (PWDs) in exercising their civic rights in elections?
- What international best practices exist that can provide workable frameworks to guide Nigeria in mainstreaming disability?

The study finds that multiple structural and systemic barriers further marginalised PWD by specifically impeding their participation in electoral processes in Nigeria at two levels.

At the Institutional and Policy Level, the study finds that the poor implementation of existing laws and frameworks impedes the mainstreaming of disability into federal, state and local structures. At the Practice Level, the study finds that a combination of historical prejudice and the contemporary negligence results in the persistence of everyday barriers in the lives of PWDs. These include:

- Economic and Resource Restrictions
- Faulty Voter Registration and Poor Data Management
- Mobility Restrictions and Poor Physical Infrastructure
- Logistical Failures and Inadequate Planning

Borrowing lessons from the disability mainstreaming in electoral experiences in four upper and middle-income countries (India, South Africa, Ghana, and Kenya), the study offers nine policy recommendations targeting the Nigerian government and the Independent National Electoral Commission.

**For the Nigerian Government**

- Conduct Wide-Reaching Baseline Studies on Disability in Nigeria
- Specify a Defined, Time-Bound Mainstreaming Agenda
- Streamline Disability Mainstreaming Agenda among Relevant Actors
For the Independent National Electoral Commission (INEC)

- Expand Voter Register to Include Disability Status and Type
- Harness Technological Assistance to Expand PWD Participation
- Co-opt Private Sector and DPOs at State and Local Levels
- Establish External Accountability/Compliance Structure
- Ensure Compliance by Political Parties and Enforce Sanctions
- Collaborate with the Media to Expand Voter Education
2. Introduction

Eighteen years after the bill was first introduced at the National Assembly, President Muhammadu Buhari signed the Discrimination against Persons with Disabilities (Prohibition) Act into law in January 2019.¹ Among other things, the law criminalises discrimination against Persons with Disabilities (PWDs), establishes physical accessibility mandates for transportation systems and physical structures, and creates affirmative policies for PWDs within public establishments.² Although the new law provides for a five-year transitional period to enable the required infrastructural changes in public buildings, there is no evidence that the Nigerian government is taking the requisite steps to mainstream the promises of this new law into public systems and infrastructure. As with Nigeria’s ratification of a key international instrument, United Nations Convention on the Rights of People with Disabilities (CRPD) in 2007, a central point of advocacy remains focused on the implementation of these laws and frameworks to ensure equal access for the country’s PWD demographic.

Concurrent electoral policy making has also been slow on the uptake of these global and national mandates. Consequently, PWDs continue to face significant restrictions in political participation which are severely infringing on their civic rights. Although the Independent National Electoral Commission (INEC) in 2018, ahead of the national policy, created a disability mainstreaming policy, Framework on Access and Participation of Persons with Disabilities (PWDs) in the Electoral Process, INEC has not demonstrated substantial execution of this policy since it first launched its pilot programme in the 2019 general elections. Furthermore, the emergence of both national and electoral policies has been a direct outcome of PWD-led advocacy,³ evidence that the Nigerian government continues to fail to prioritise inclusive policies and laws, particularly for PWDs who seek to exercise their civic rights via political participation.

² The law mandates that 5% of employment opportunities be reserved for PWDs and imposes a fine of N100,000.00 on individuals and N1,000,000.00 on corporations found to violate the law.
Nigeria’s new law serves a significant demographic made up of about 29 million persons with disabilities. According to estimates by the World Bank, roughly half of this number is made up of older populations, 60 and above, who have acquired age-related difficulties in one or more functional domains, such as hearing, mobility, and cognition.\(^4\) This Premium Times Centre for Investigative Journalism (PTCIJ) report sets out to review the state of disability mainstreaming in Nigeria within the context of elections and political participation. It asks two questions:

- What barriers are encountered by PWDs in exercising their civic rights in elections?
- What international best practices exist that can provide workable frameworks to guide Nigeria in mainstreaming disability?

3. Methodology

The study adopted a mixed, qualitative methodology to conduct a review of the state of PWDs’ participation in electoral processes in Nigeria. Firstly, the study conducts Key Informant Interviews with members of the community and advocacy groups. The study also conducts a desk review of relevant research and reports on electoral and political participation for PWDs in Nigeria. It conducted in-depth reviews of existing literature covering the rights and lived experiences of PWDS in Nigeria. Furthermore, the study conducted a sweeping review of the disability components of relevant international, regional, and national instruments, policies, laws, and frameworks. Studies and relevant cases were selected based on their relevance to political access, particularly within the context of developing countries.

Due to the scarcity of data on disability in Nigeria, this report adopts recent data analyses conducted by the World Bank, based on the 2018 Nigeria Demographic and Health Survey.\(^5\) This is the most recent iteration of disability-related data on Nigeria.

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4. Overview: Disability Laws and Elections in Nigeria

Nigeria’s nascent democracy continues to face severe challenges. In the past five years, the civic space has continued to shrink, with the media and Civil Society Organisations (CSOs) facing repression, not quite distinct from military-era restrictions. In this contested space, it has become more relevant than ever to advocate the expansion of civic engagement, not merely for elite groups like the media and CSOs, but for marginalized populations like PWDs.

4.1. Disability in Nigeria

The years of advocacy by local CSOs culminated in Nigeria’s ratification of relevant international instruments like the United Nations CRPD in 2007, the CRPD Optional Protocol in 2010, as well as the establishment of the Discrimination against Persons with Disabilities (Prohibition) Act in 2019. Given the country’s typically poor implementation trajectory, the enactment of this law should not be taken to indicate the automatic implementation of the laudable contents of the Disability Act.

The state of support for PWDs in Nigeria is characterised by barriers at two levels, namely, institutional and practice levels.

Institutional level barriers refer to institutional and policy-level factors that limit the expansion of disability rights in Nigeria. In this context, the implementation of Nigeria’s new law presents a major hurdle that must be crossed. A relevant element of the Act, Part II (6), mandates a five-year transitional period to allow for the modification of physical structures to comply with the law’s physical accessibility requirements. Relatedly, Part I (2) domiciles the awareness promotion component of the contents of the law in the Federal Ministry of Information. Preliminary observations of this publicity component do not turn up any systematic roll out programme from the information ministry. Nor has the information ministry sought the partnership of the Nigerian media to execute this component of the disability law.

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Yet, given the five-year transitional mandate of the Act, a systematic operationalisation of the Act would require that the publicity component be well in progress almost two years into the transition period. Advocates insist that communication of the components of the new law is relevant to both the executioners and beneficiaries of the law. According to Ekaete Umoh, disability advocate and president of Joint National Association of Persons with Disabilities (JONAPWD) Nigeria:

“Awareness promotion should involve the unpacking of the content of the law. To see how it fits into current policies and institutions and how these parastatals can operationalise the law itself. It should also provide information for persons living with disabilities, on how they can uptake the existing opportunities that the law provides for them.”

Another policy level barrier revolves around the downward operationalisation of relevant laws and policies. State and local level implementation of disability provisions highlight existing gaps in policy programming and execution. The ad-hoc state-level domestication of relevant laws has consequences, not just for the current experiences of PWDs, but also for the possibilities of a disproportionate distribution of PWD welfare among states in the future. At present, only 10 states in Nigeria have domesticated the law.

At the practice level, the lived experiences demonstrate everyday systemic barriers faced by PWDs. In general, PWDs face higher and multiple forms of discrimination, including access to employment and education. Further complicating the lived conditions of PWDs in Nigeria, disability interacts negatively with other social variables to produce far more dire consequences, particularly in health, education, and economic welfare. Disability also intersects with other factors like gender, religion and age, further complicating political participation and overall well-being. For example, women with disabilities face heightened risks of sexual exploitation.

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8 Telephone interview with Ekaete Umoh, April 28, 2021, Abuja.
10 The UN estimates that PWDs are more likely to live in poverty than people without disabilities, with an average percentage point difference of 11. For more, see: United Nations (2019). Disability and Development Report 2018: Realizing the Sustainable Development Goals by, for and with persons with disabilities. United Nations, p.34
compared to men with disabilities or women without disabilities. They also have fewer opportunities to access socio-economic activities like education and employment than men.\textsuperscript{12}

4.2. Disability Vs. Elections and Democracy

PWDs in Nigeria do not just face barriers to participating in education, health, and employment. They also face restrictions in political participation. This applies to persons seeking political office, whether elective or by appointment, as well as persons seeking to exercise their civic rights to vote. Far more significantly, disability discrimination inhibits political participation for a critical mass of Nigeria’s electorate. About 29 million PWDs continue to be denied their rights to vote in national and local elections owing to multiple institutional and practice level barriers.

This study identifies the following barriers to political participation by PWDs:

**Economic and Resource Restrictions**

In his 2019 study, Augustine Arimoro finds that to a large degree the political space is closed to PWDs. The study finds that in 2018 there were almost no PWDs appointed into federal and state executive positions. For elective offices, the study identifies key impediments to PWDs seeking electoral offices. In line with similar studies about other marginalised groups such as women for example, the financial requirements for participation at the primary elections phase presents an insurmountable obstacle to PWDs.\textsuperscript{13} Given the relative financial deprivation of PWDs, Arimoro (2019) argues that this marginalised group is particularly vulnerable and often lacks the economic resources to proceed beyond the party nomination phase due to the exorbitant cost of party nomination forms.\textsuperscript{14}

\begin{itemize}
\item \textsuperscript{12} Ibid.
\item \textsuperscript{14} Ruling All Progressives Congress (APC) placed the cost of nomination forms as follows: Presidency: N55.5 million; Governorship: N22.5 million; Senate: N8.5 million; Federal House of Representatives: N3.3 million; and State House of Assembly: N1 million. For more on the study, see: Arimoro, A. E. (2019). *Are they not Nigerians? The obligation of the state to end discriminatory practices against persons with disabilities*. *International Journal of Discrimination and the Law*, 19(2), p. 95.
\end{itemize}
Faulty Voter Registration and Poor Data Management

For political participation as the electorate, basic requirements for citizens begin with recognition as eligible voters, which originates from the voter register of the Independent National Electoral Commission (INEC). Although barriers can occur at multiple points in the election cycle, for PWDs, gatekeeping often begins at the voter registration stage. Institutional barriers to election participation emanate directly from negligence by the electoral body. Spill over barriers from the registration process inadvertently create further restrictions for PWDs during the voting process. INEC has not prioritised voter registration for PWDs and has largely not made accommodation for them at the voter registration level. Existing registers do not have disability identifiers, nor do they identify eligible voters by their type of disability.

Mobility Restrictions and Poor Physical Infrastructure

The tedious process of voter registration in Nigeria and the barrier this portends for PWDs reflects the larger difficulties experienced by this marginalised group. Firstly, PWDs experience mobility restrictions because of the non-compatibility of physical structures of public buildings and transportation systems to disability needs in Nigeria. Pop-up voter registration centres do not always bear the requirements of PWDs in mind, nor do officials make the required adjustment for PWDs. The 2018 disability mainstreaming policy by INEC, Framework on Access and Participation of Persons with Disabilities (PWDs) in the Electoral Process, provides strong guidelines to eradicate discrimination of PWDs in elections. According to Objective 2 of the Framework, INEC officials are mandated to “work with relevant stakeholders to facilitate the development of accessible electoral facilities and infrastructure.”\(^{15}\) Although the policy is relatively new, there is no evidence that accessibility provisions were prioritised during the voter registration processes in the run up to the 2019 General Elections. Furthermore, it is not clear that this policy is being appended to the continuous voters’ registration processes conducted by INEC.

Logistical Failures and Inadequate Planning

Another significant barrier in the voters’ registration process is the poor data capturing process, which directly impacts preparation for actual elections. Because the existing data collection protocol by INEC does not disaggregate the data by

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disability, this ultimately frustrates planning for the actual conduct of the elections. A major consequence of this failure during the data capturing phase is that the elections body has no data on the number of eligible voters with disability. In addition, INEC has no data on the types of disability and, therefore, cannot make logistical adjustments to accommodate those needs during the actual voting process.

“During the last elections, there were no provisions for wheelchairs, no formal provisions for blind or deaf people in my polling unit. There were also no designated polling units for people with disabilities,” said a PWD who voted in Enugu state.16

Advocates argue that INEC’s Framework, if implemented according to plan, should serve to ease physical mobility and make assistive devices and materials such as documents in Braille and magnifying glasses available in all polling units. At the moment, it is not clear if all regular and ad-hoc staff of INEC have received requisite training for disability mainstreaming. Data on the implementation of INEC’s Framework is also sketchy, given the low number of elections since 2019. However, a 2019 observational study of seven states in the 2019 elections found that some primary and ad-hoc INEC staff had not received disability training before deployment.17

16 Telephone interview with a PWD in Enugu. April 28, 2021.
5. International and Regional Disability Frameworks

5.1. International Instruments

Across Africa, about 85 percent (46 countries) of the countries have ratified the United Nations CRPD, adopted in 2007 to establish a disability mainstreaming agenda at the global level. However, only 33 percent (18 countries) have domestic legislation or policies that address election participation for PWDs. This enunciates the relative inconsequentiality of merely subscribing to international instruments, since ratification is only the first step towards domesticating or implementing the provisions of these international protocols. Nevertheless, the frameworks provide legal tools to standardise best practices and to provide guides for countries in the efforts to expand the political space for PWDs and to reduce disability discrimination.

Among other things, the CRPD seeks to reaffirm the dignity of PWDs and promote equitable access to the fundamental freedoms and human rights of all persons with disability. The convention urges state parties to adopt relevant legislation and administrative processes to ensure the application of these ideals. The UN’s Sustainable Development Goals (SDGs), coupled with Agenda 2030, emphasise inclusivity goals as an integral part of socio-economic development. Additionally, the World Bank’s Human Capital Agenda, which highlights the intersectionality of socio-economic factors and defines human productivity by weaving together health, education, skills and other indicators of wellbeing, provides a good framework to capture the relevance of civic rights accessibility to PWDs.

An important element of global level disability standardisation is the framework for classifying disability types. The International Classification of Functioning Disability

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19 Ibid.
and Health (ICF) is the World Health Organisation’s (WHO) standard to measure disability and emphasises the various contexts in which disability occurs at the individual level.22

5.2. Regional Instruments (EU, ECOWAS, SADC, ECCAS) [0.5p]

At the regional level, multiple instruments exist to guide regional implementation of international protocols. The European Union ratified the CRPD in 2010. Regional frameworks in line with this are contained in Title II of the Treaty on the functioning of the European Union as well as the EU Charter of Fundamental Rights. Despite these provisions, the European Economic and Social Committee insists that some EU citizens still faced obstructions in their bid to participate in the European Parliament Elections in 2019, highlighting the difficulty in implementing disability protocols at practice level.23

On the African continent, most regional and sub-regional organisations have been slower on the uptake than their global counterparts. The African Union (AU) only adopted the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa in 2018. Only nine African countries have ratified this protocol and Nigeria is not signatory.24 Nonetheless, the AU protocol has emerged following years of institutional action regarding disability inclusion, the first being the OAU’s 1999 declaration of the African Decade of Persons with Disabilities (1999 – 2009). This was followed by a 12-point continental action plan to be executed by member states during the decade.25 A draft of the AU’s 2018 Protocol, a culmination of these prior efforts, was first adopted in 2016. It aligns with the CRPD and, like its global equivalent, requires the domestication and implementation of the protocols at the national level.

22 For more on the IFC, see: World Health Organization (2001). International Classification of Functioning, Disability and Health (ICF).
24 Latest data from the African Union shows the following countries as signatories: Angola, Burkina Faso, Cameroon, Central African Republic (CAR), Gabon, Mali, Rwanda, South Africa and Togo.
In sub-Saharan Africa, regional organisations like the Economic Community of West African States (ECOWAS) have yet to adopt a disability protocol. ECOWAS’ Regional Action Plan on Disability is currently under review and is expected to be revealed soon.\footnote{Olugbode, M. (2021, March 21). ECOWAS to Formulate Regional Action Plan on Disability. This-day.} Unlike the ECOWAS, however, the East African Community (EAC) responded relatively rapidly to the CRPD and the AU Protocol. In 2012, the EAC Policy on Persons with Disabilities was adopted by member states, following a series of consultations and meetings to analyse existing disability components of relevant laws in the region. The EAC disability policy adopts a human rights approach, which emphasises inclusivity as a civic right,\footnote{East African Community (2012). EAC Policy on Persons with Disabilities.} as opposed to earlier approaches to disability, which followed a medical or humanitarian framework.\footnote{For more on the changing frameworks on disability framing, see: UN Toolkit on disability for AF-RICA. Available at: https://www.un.org/esa/socdev-documents/disability/Toolkit/Intro-UN-CRPD.pdf.} In central Africa, this report finds no evidence of a formal disability discrimination protocol by the Economic Community of Central African States (ECCAS). In southern Africa, much like the case in Nigeria, advocacy for the establishment of a regional policy on disability rights is being championed by CSOs. In 2017 the Southern Africa Federation of the Disabled (SAFOD) organised a roundtable to discuss the processes for advocating for the adoption of the Southern African Development Community (SADC) Draft Disability Protocol. At present, this protocol has not been adopted.

In the cases that follow, this study observes a general agreement with the inclusivity principles of UNCRPD and other related protocols. This is taken as implied in each country’s assent or ratification of the protocol as well as the existence of local legislation or policies to ensure disability inclusion. However, across the board, the domestication or implementation of the global protocol remains problematic. Among regional economic communities (RECs), only ECOWAS and EAC have special legislation targeting disability discrimination. These regional outcomes filter downward to create gaps in the implementation of the CRPD to some degree. Although some individual states, notwithstanding the regional compliance status, have enacted national legislation on disability issues, the lack of regional mandates have served to weaken national disability mainstreaming.

In addition to institutional barriers caused by inadequate legislation, on the practice level, many states still lack the capacity to accomplish national laws and policies. In practical terms, many developing countries, as observed in the cases that follow, are unable to satisfy national mandates owing to capacity deficiencies. For example, in Mozambique efforts to locate mobile voter registration centres within 10 kilometres of PWDs proved impossible to accomplish, and some voters still had to travel up to 40 kilometres.  

This study reviews disability mainstreaming in electoral contexts in four upper and middle-income countries — India, South Africa, Ghana, and Kenya— using four main parameters:

A. Existence of national disability discrimination legislation or policies
B. Degree of Party-Level barriers
C. Electoral Body Preparedness
D. Polling Units Accessibility Tools and Policies

6.1. India

In the largest democracy in the world, disability rights have long taken a central issue in political participation advocacy. India ratified the CRPD in 2007. But the country already had a national legislation on disabilities, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act), which was enacted in compliance with the 2012 Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region, a regional policy by the Economic and Social Commission for Asia and the Pacific Region. India’s 2016 Rights of Persons with Disabilities Act amended the 1995 legislation to align with the CRPD.30

At the electoral level, the Electoral Commission of India (ECI) has designed laudable policies to mainstream disability into electoral processes. In 2018, the “Assured Minimum Facilities” framework was created to guide administrative execution of the PWD Act, a series of administrative processes to ease PWD participation in elections.31 Other substantive reforms by the ECI to facilitate accessibility for PWDs include innovative approaches to ease voter ID registration and voting.32 In 2020, the ECI introduced the PWD App, an android based mobile application that provides disability accessibility services for PWDs.33

It is not clear how much of these reforms and policies are being implemented on the ground, or how far reaching these provisions are. In recent local elections, an advocacy group highlighted public accessibility problems that persist despite the ECI’s substantive PWD policies.34 Another weakness in India’s political participation policies for PWDs is the lack of provision for cognitive disabilities,35 a problem that persists across the African continent.

32 For more, see the ECI’s “FAQs for Persons with Disabilities.” Available at: https://eci.gov.in/pwd/pwd-articles/faqs-for-voters-with-disabilities/faqs-for-voters-with-disabilities-r6/.
34 Times of India (2021, March 14). Bengal assembly polls 2021: Voters with disabilities demand better accessibility from parties. Times of India.
Despite the lack of disability legislation by the SADC, South Africa has multiple provisions within a variation of laws and policies that make references to disability discrimination. Most of these provisions draw from the health, education and labour sectors. Two key white papers highlight South Africa’s disability mainstreaming agenda: Integrated National Disability Strategy and the White Paper on the Rights of Persons with Disabilities (2016). Both documents highlight disability rights, largely within the frames of health and social welfare, and seek to integrate normative policy frames across government agencies. Furthermore, a national disability policy, Policy on Disability, was not created as a national legislation, but is domiciled in the Department of Social Development (DSD). Consequently, although South Africa is signatory to the global disability protocol, the country lacks a cohesive disability legislation which aligns wholly with the UNCRPD.

South Africa’s most current official documentation on disability, White Paper on the Rights of Persons with Disabilities (WPRPD), provides a robust outline of

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recommended legislation to erase disability discrimination, with target timelines that
align with the UNCRPD and the country’s national development plan, Vision 2030.\textsuperscript{37}
A significant aspect of this strategy focuses on addressing political participation for
PWDs, Strategic Pillar 6: Strengthening the Representative Voice of Persons with Disabilities.\textsuperscript{38}

South Africa’s history of disability advocacy intertwines with the liberation movements
that culminated in the transition to democracy in 1994. Consequently, despite the
lack of designated legislation, disability provisions are significantly widespread in
public systems, particularly with reference to economic opportunities and labour
laws. However, challenges with implementation remain. Regarding elections, as with
other countries, the voter registration process poses a major challenge for PWDs
in South Africa. According to the electoral body Independent Electoral Commission
(IEC), reaching PWDs is difficult, thus putting limitations on home services like
registration, voter education and special voting.\textsuperscript{39} Furthermore, South Africa lacks
legislation to address party-level participation for PWDs.\textsuperscript{40}

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<td>United Nations Convention on the Rights of People with Disabilities (2007)</td>
<td>No legal requirement or affirmative policies for political party provisions for PWDs</td>
<td>The Universal Ballot Template (UBT) is a voting aid designed for PWDs</td>
<td>Home voter registration option</td>
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<tr>
<td>White Paper on the Rights of Persons with Disabilities (2016)</td>
<td>Early/alternate voting option for PWDs.</td>
<td>Special home voting services</td>
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<td></td>
<td>Awareness campaign for home services for PWDs.</td>
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<td>PWD networking system to link members of the community</td>
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Table 2. South Africa: Disability Mainstreaming in Electoral Processes

\textsuperscript{38} Ibid.
\textsuperscript{39} IOL (2019, February 13) Reaching disabled a challenge for IEC. Independent Online.
6.3. Ghana

Ghana established the Persons with Disability Act (2006, Act 715) one year ahead of the establishment of the UNCRPD. The legislation touches on disability issues related to health, education and employment but makes no reference to political participation for PWDs. As with older disability legislation, Ghana’s Act frames disability as a medical or humanitarian issue, which weakens its ability to address the social or human rights contexts of disability as well as the implications thereof. According to Joseph Ocran in his review of disability rights in Ghana, the requisite legislative instrument to enforce Ghana’s Disability Act is yet to be passed into law, leaving some aspects of the law unoperationalisable. 41 One way the Act has remained unimplemented is in the physical accessibility. The access to public places and facilities provisions of the Act have remained largely unimplemented 15 years on. 42

Notwithstanding the poor legislation, a study of the 2020 elections shows positive outcomes in disability inclusion policies by the Electoral Commission of Ghana (EC). About 90 percent of the polling units observed made provisions for PWDs, including priority queueing and physical accessibility. 43 However, signages and other services for the visually impaired and deaf persons were unavailable for most of the polling units. 44 This is similar to findings in other countries like Nigeria. Yet, the EC has made laudable efforts such as the incorporation of PWDs and disability organisations into the electoral management process, including as election observers.

44 Ibid.
6.4. Kenya

Kenya is one of few African states that enacted disability discrimination legislation prior to the creation of the UNCRPD. The 2003 Persons with Disabilities Act caters to Kenya’s over 6.8m PWDs and covers a wide range of subjects, including civic rights in Part IV. In particular, the Act mandates polling accessibility for PWDs and eases the process of political association for disability groups. Furthermore, Kenya’s new 2010 Constitution further expands disability rights with affirmative policies and specific policies increasing assistive services for PWDs in public transportation, physical structures, and other administrative processes.45

In practice, Kenya’s electoral body, Independent Electoral and Boundaries Commission (IEBC), has multiple policies to guide disability mainstreaming in electoral processes. For example, multiple subsidiary legislations under the Elections Act specify policies to guide disability mainstreaming in technology regulations, voter education, and Party Primaries and Party Lists straddling the various stages of the election cycle.46 These policies have a direct impact on participation outcomes at party level. Recent studies show a 94 percent inclusion rate of PWDs in the

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46 For more, see Electoral Laws and Regulations, available on IEBC website at: https://www.iebc.or.ke/resources/?Electoral_Laws_and_Regulations.
executive leadership of Kenya’s registered political parties. Nonetheless, these outcomes are not as far reaching in political parties as required by law, particularly regarding political office participation for PWDs, whether elective or appointment. Parliamentary and county representation of PWDs stands at 1.9 percent, which is below the 5 percent recommendation. The study further concludes that often, positions for PWDs within parties are tokenistic.

The IEBC also faces limitations like other sub-Saharan African countries despite early legislation on disability issues. Challenges with data collection as well as the equal distribution of assistive materials during the voter registration and polling are rife. Furthermore, the implementation of physical mobility aids, including ramps and first floor requirements for registration and voting are often ignored by the elections body. These outcomes highlight the pervasive inconsistency between global protocol ratification and actual implementation of disability mainstreaming across the continent.

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**Table 4  Kenya: Disability Mainstreaming in Electoral Processes**

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<td></td>
<td>Discounted nomination fees</td>
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47 The study finds that in 67 of 71 parties, at least one PWD belonged to the top decision-making body of the parties. For more, see: Westminster Foundation for Democracy (2020). The State of Political Inclusion of Persons with Disability (PWDs) within Political parties in Kenya. Westminster Foundation for Democracy.

48 Ibid.

49 Ibid.

50 Ibid.
7. Policy Recommendations

How do you guarantee disability inclusion in our electoral process? Given the experiences of other countries, what best practices can be gleaned and what errors should be avoided in Nigeria to improve disability inclusion and improve political participation for PWDs? PTCIJ offers the following recommendations to the relevant actors.

Recommendations for the Nigerian Government

7.1. Recommendation 1: Conduct Wide-Reaching Baseline Studies on Disability in Nigeria

A review of the state of disability in Nigeria shows the apparent lack of reliable data to show the occurrence of disability and the types of disability in the country. By implication, disability interventions cannot be conducted in a way that aligns with actual needs. This has implications for critical aspects of accessibility adjustments for transportation systems and public buildings, as stipulated by the Discrimination against Persons with Disabilities (Prohibition) Act. It further has implications for the conduct of elections and the participation of PWDs in political processes. The Nigerian government should, therefore, conduct a community-focused review to ascertain the state of disability in Nigeria.

7.2. Recommendation 2: Specify a Defined, Time-Bound Mainstreaming Agenda

The Nigerian government must expedite the creation of the National Commission for Persons with Disability (NCPD), as stipulated in the Disability Prohibition Act. Via the NCPD, Nigeria must create and execute a well-defined, time-bound mainstreaming implementation agenda to ensure compliance at national and local levels. This agenda should include monitoring and evaluation components as well as review components to track progress and ensure compliance.
7.3. Recommendation 3: Streamline Disability Mainstreaming Agenda among Relevant Actors

The Nigerian government should streamline the rollout and mainstreaming agenda among all relevant actors. This should create a synergy among relevant institutions to ensure smooth and complementary implementation of the Discrimination Prohibition Act. Relevant players include:

- National Commission for Persons with Disabilities
- Federal Ministry of Information
- National Orientation Agency
- Federal Ministry of Works
- Independent National Electoral Commission.

Recommendations for the Independent National Electoral Commission (INEC)

7.4. Recommendation 4: Expand Voter Register to Include Disability Status and Type

INEC must urgently expand the parameters in the current voters’ register and ensure that all continuous voter registration exercises collect data that ensures disaggregation by disability status and type. Disability status and type must be standardised to ensure fair compliance across the country. This should be conducted using international specifications like the International Classification of Functioning Disability and Health (IFC), the WHO framework for calibrating population and individual health and disability.

7.5. Recommendation 5: Harness Technological Assistance to Expand PWD Participation

INEC should draw lessons from countries like India to harness the power of technology to ease political participation for PWDs throughout the entire electoral cycle. This is especially relevant for the voters’ registration process and Elections Day voting. Given the expansive use of mobile technology in Nigeria, solutions such as special mobile applications for PWDs can ease political participation and expand the civic space for this marginalized group. Other pertinent technological solutions...
include upgrading the INEC website to include PWD accessibility and providing online forms for their use for PWDs.

7.6. Recommendation 6: Co-opt Private Sector and DPOs at State and Local Levels

INEC’s laudable disability framework may flounder during execution at state and local government levels. To support its agenda, INEC can co-opt private sector partners and Disabled Persons Organisations (DPOs) to support their work at state and local government levels. Collaboration with organisations like JONAPWD are already in place, particularly at the strategic level. But smaller DPOs, which function at community levels, should be incorporated into the execution process of INEC policies. Furthermore, INEC can support its programmes at community levels via cooperation with Private Sector actors. The case of Uber and the Kenyan IEBC for free Election Day transportation for PWDs is an example.

7.7. Recommendation 7: Establish External Accountability/Compliance Structure

INEC can create a transparency and accountability structure as a monitoring and evaluation measure to check the implementation of its mainstreaming agenda, especially at local and state levels. Working with relevant DPOs who can share confidential feedback on their lived experiences, especially in a post-election setting, can provide INEC with important feedback and create a compliance structure to check implementation. INEC can also create an external evaluation system with relevant CSOs and international partners with this same agenda. This will ensure a long-term, unbiased process to ensure the mainstreaming of INEC’s disability framework.

7.8. Recommendation 8: Ensure Compliance by Political Parties and Enforce Sanctions

INEC should enforce all regulations as stipulated by relevant legislation and policies to ensure disability compliance by political parties. INEC should also enforce disability inclusion in all party manifestos and policies. INEC should enforce all existing affirmative policies stipulated for political parties. This can ease PWD entry and political participation at the party level. A notable example of existing affirmative policies for political parties is Kenya.
7.9. Recommendation 9:
Collaborate with the Media to Expand Voters’ Education

The media can serve as a strategic partner to ease INEC’s disability mainstreaming agenda. Such a relationship must move beyond regular press conferencing but create strategic programmes that co-opt media houses based on their regional reach, to propagate messaging and raise community interest and participation throughout the electoral cycle. Such strategic partnership is pertinent for both the Nigerian government and INEC.
8. Conclusion

This study has reviewed the legislative and policy provisions for Persons with Disabilities in Nigeria. Specifically, it reviewed issues related to political participation for PWDs and interrogated the barriers faced by PWDs throughout the elections cycle. It asked two main questions:

- What barriers are encountered by PWDs in exercising their civic rights in elections?
- What international best practices exist that can provide workable frameworks to guide Nigeria in mainstreaming disability?

The study finds that barriers exist at two main levels for PWDs in Nigeria. Whereas Nigeria is signatory to relevant international disability protocols like the United Nations Convention on the Rights of People with Disabilities and has further enacted domestic legislation on disability, Discrimination against Persons with Disabilities (Prohibition) Act, the implementation of these provisions is far from satisfactory. Furthermore, Nigeria is not on track to accomplish initial timelines set in the Disabilities Prohibition Act. This speaks to institutional and policy level barriers.

The study further finds that at the practice level, within the context of elections, PWDs face multiple barriers to political participation. These are summarised as follows:

- Economic and Resource Restrictions
- Faulty Voter Registration and Poor Data Management
- Mobility Restrictions and Poor Physical Infrastructure
- Logistical Failures and Inadequate Planning

Borrowing lessons from the disability mainstreaming in electoral experiences in four upper and middle-income countries, the study offers nine policy recommendations targeting the Nigerian government and the Independent National Electoral Commission. The study reviewed mainstreaming legislation and practice in India, South Africa, Ghana and Kenya. Drawing from these experiences, Nigeria can make significant progress at the institutional and practice levels to ease political participation and expand the civic space for persons living with disabilities.
8. Bibliography


Democracy in Africa.


