

# A BILL

## FOR

AN ACT TO ENSURE FULL INTEGRATION OF PERSONS WITH DISABILITIES INTO SOCIETY AND ESTABLISH A NATIONAL COMMISSION FOR PERSONS WITH DISABILITY AND VEST IT WITH THE RESPONSIBILITY FOR THEIR EDUCATION, HEALTHCARE AND THE PROTECTION OF THEIR SOCIAL, ECONOMIC, CIVIL RIGHTS AND FOR OTHER RELATED MATTERS

*Sponsored by Sen. Dino Melaye*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1           1.-(1) Persons with disability living in Nigeria are often faced with  
2 many difficulties as they are mostly neglected, discriminated against and  
3 sometimes considered less important by the society. Many times, they are  
4 bullied, cheated, refused service even when they apparently can do better  
5 than the able bodied counterpart.

6           (2) Occasionally, they are deprived of their fundamental rights, Empowerment  
7 like right to vote and. be voted for, right to education, healthcare and  
8 protection of their social, economic and civil rights. Many under estimate  
9 their contributions in nation building as they are often looked down by  
10 relatives and outsiders.

11           (3) This bill is important because society today treats the disabled  
12 with disdain an in places like public buildings, lecture rooms, public service  
13 facilities, banks, libraries, hospital, offices and other places their existence  
14 and impairment is never taken into consideration.

15           (4) Even when they manage their accounts in the banks, they are Care and  
16 faced with untold difficulties accessing them. On the highway commercial Protection  
17 motorist refuse picking persons with disability due to extra care required and  
18 in some cases the able bodied passengers will vehemently protest against

1 taking such passengers. That also goes for some hospitals and schools that still  
2 lack ramps to aid the physically challenged persons on wheelchair to access  
3 them. A development that has made areas in some tertiary institutions off limit  
4 to such persons.

5 (5) And that is why it is important to support a National commission  
6 that will assist them in overcoming the above asserted problems they confront  
7 in the society.

8 2.-(a) These rejected-but important segment of the population can  
9 still contribute immensely to the development of any society, if given the  
10 opportunity to express themselves;

11 (b) And because the Nigeria society has remained hostile and  
12 unfriendly to this segment of the population through constant denial of  
13 opportunity, it becomes imperative as a matter of protection under the human  
14 rights charter to establish a National commission to negate this problem;

Employment

15 (c) Worst still among the problems confronting people with disability  
16 is the areas of employment. Getting employment is worst for the disabled as  
17 they are frequently denied the opportunity to compete. And it will be the  
18 responsibility of the National commission to secure employment for them. A  
19 recent survey has shown that disabled people possess the requisite skill as most  
20 employers are less willing to give them a chance or availing them of level  
21 playing field.

22 (d) And because of this daily trauma which are fast becoming the  
23 accepted norm, their hopes and aspirations are waning and their belief both in  
24 themselves and the society at large is becoming forlorn. In spite of their  
25 traumatic experience only very few with sheer grit, perseverance, persistent  
26 and willingness to overcome their personal tragedies are taking the challenge  
27 and rising above the motley crowd of their other neglected peers. And because  
28 of these disadvantages in society, they result to begging, but if the National  
29 commission is established, it will then be the responsibility of the commission  
30 to rehabilitate them to more productive elements in society.

## 1 ESTABLISHMENT OF THE COMMISSION

2 3.-(1) There is hereby established a Commission to be known as the Establishment of  
3 mental Health Commission of Nigeria (in this Act referred to as "the the Commission  
4 Commission").

5 (2) The Commission:

6 (a) Shall be a body corporate with perpetual succession and a  
7 common seal;

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

9 (c) May for the purpose of its fractions acquire, hold or dispose of  
10 property whether movable or immovable.

11 (3) The shareholders of the Commission shall be:

12 (a) The Federal Republic of Nigeria;

13 (b) Other body corporate.

## 14 THE BOARD OF DIRECTORS

15 4. There is hereby established for the Commission a Board of Board of Directors  
16 Directors (in this Act referred to as "the Board")

17 5.-(1) The Board shall consist of the following:

18 (a) a chairman;

19 (b) a representative from each of the 36 states and FCT;

20 (c) the Federal Ministry of Housing and Urban Development;

21 (d) the Federal Ministry of Finance;

22 (e) the Nigerian Medical Association;

23 (f) the Federal Ministry of Health;

24 (g) the National Agency for Food and Drugs Administration and  
25 Control;

26 (h) the National Emergency Management Agency (NEMA);

27 (i) the Nigerian Labour Congress (NLC);

28 (j) the Nigeria Institute of Public Relations;

29 (k) Other Body Corporate;

30 (l) In any two other persons that the President may elect.

1           **6.** The Chairmen and other members shall be appointed by the  
2 President on the recommendation of the shareholding institution:

3           (i) The provision of the schedule to this Act shall have effect with  
4 respect to the proceeding of the Board and the other matter mentioned therein.

5           **7.** The Chairmen and other members of the Board, other than the  
6 Executive Directors shall hold office:

7           (a) For a term of 4 years in the first instance and may be re-appointed  
8 for one further term of 4 years and no more; and

9           (b) On such other terms and conditions as may be specified in their  
10 letters of appointment.

Provision of  
Section 7 of  
this Act

11           **8.**-(1) Notwithstanding the provisions of Section 7 of this Act, a  
12 person shall cease to hold office as a member of the Board if:

13           (a) Be becomes bankrupt or make a compromise with his creditors;

14           (b) He is convicted for a felony or any offence involving dishonesty or  
15 fraud;

16           (c) He becomes of unsound mind or is incapable of carrying out his  
17 duties;

18           (d) He is guilty of a serious misconduct in relation to his duties.

19           (2) If a member of the Board ceases to hold office for any reason  
20 whatsoever before the expiration of the term for which he is appointed, another  
21 person representing the same interest as that member shall be appointed to the  
22 Board for the un-expired term.

Removal of  
Board Member

23           (3) If it appears to the Board that a member of the Board is incapable  
24 of holding office on the grounds of misconduct or inability to perform the  
25 functions of his office, the Board shall, make a recommendation, through the  
26 minister, to the President for removal of the member.

27           (4) Notwithstanding Sections (1) and (3) of this section, a member of  
28 the Board may be removed by the President if he is satisfied that it is not in the  
29 interest of the Commission or of the public that the member continues in office.

30           (5) If the President opposes the resignation under paragraph (8)

1 Subsection (2) or the removal under Subsection (3) of this Section, the  
2 minister shall declare in writing, the office of such member vacant.

3 **9.** Subject to applicable law, the chairmen and members of the  
4 Board shall be paid such remuneration and expenses as may be approved by  
5 the Board, from time to time.

6 **PART II - FUNCTIONS AND POWER OF THE COMMISSION**

7 **10.** The Commission shall:

Functions and  
Power of the  
Commission

8 (a) Formulate policies consist with International Human Rights  
9 obligation towards persons with mental disorder;

10 (b) Operate as a Commission to save the needs of the persons with  
11 mental health to empower, protect and care;

12 (c) Provide facilities for rehabilitation at such rate on such terms  
13 and conditions as may be determined from time to time by the Board in  
14 accordance with applicable law;

15 (d) Taking and receiving tenured loans from the public and every  
16 other person or body;

17 (e) Monitor the activities of the mental health persons in  
18 accordance with the provisions of the law to empower, protect and care with  
19 regard to the administration and utilization of the funds;

20 (f) Collect and administer the fund established under this Act  
21 subject to the general supervision of the Board;

22 (g) Develop and initiate specific programmes that would ensure  
23 effective improvement of persons with mental health;

24 (h) Provide a database that would ensure maintaining of the  
25 development of persons with mental health to empower, protect and care;

26 (i) Act as a mental health information centre by creating enabling  
27 environment for empowerment, protecting and caring for persons with  
28 mental health;

29 (j) Develop guidelines to promote public standard for dealing with  
30 people with mental health;

1 (k) Do anything and enter into any transaction which in the opinion of  
2 the Board is necessary to ensure the proper performance of its functions under  
3 this Act.

4 PART III - STAFF OF THE COMMISSION

Staff of the  
Commission

5 11.-(1) There shall be appointed for the Commission a Director  
6 General who shall:

7 (a) Be the Chief Executive Officer of the Commission;

8 (b) Be responsible for the day to day administration of the  
9 Commission.

10 (2) There shall be appointed for the Commission, a maximum of four  
11 Executive Directors to be appointed by the President on the recommendation  
12 of shareholding institutions through the minister.

13 (3) The Executive Directors appointed under Section 2 of this section  
14 shall perform such duties as may be assigned to them, from time to time, by the  
15 Board.

16 (4) (a) The Director General shall hold office for a term of 5 years in  
17 the first instance and may be re-appointed for a further term of 5 years and no  
18 more; and

19 (b) The Executive Directors shall each hold office for a term of 4 years  
20 in the first instance and may be re-appointed for a further term of 4 years and no  
21 more;

22 (c) On such terms and conditions as may be stated in their letters of  
23 appointment.

Appointment of  
Director-General

24 (5) In appointing the Director General and Executive Directors of the  
25 Mental Health Commission, the President shall take into consideration their  
26 academic/professional qualifications that reflect the role and responsibilities  
27 assigned to the Commission.

28 (6) (1) The Board shall appoint such number of officers and other  
29 persons as employees of the Commission as may appear expedient and  
30 necessary to the Board for the proper and efficient conduct of the business and

1 functions of the Commission.

2 (2) The terms and conditions of service including remuneration,  
3 allowances and other benefits of the employees shall be as may be  
4 determined from time to time.

5 (7) There shall; be appointed for the Board of the Mental Health  
6 Commission as secretary who shall:

7 (a) Be appointed by the Board;

8 (b) Be responsible to the Board;

9 (c) Keep the records and conduct the correspondence of the Board;

10 and

11 (d) Perform such other duties as the Board or Director General may  
12 direct from time to time.

13 PART IV - CAPITAL OF THE COMMISSION

14 12.-(1) The capital of the commission shall consist of Equity and  
15 loan capital.

Capital of the  
Commission

16 (2) The authorized share capital of the Commission shall be  
17 N550,000,000 (Five Hundred and Fifty Million Naira) and shall be  
18 subscribed for in the ratio of:

19 (a) 40% by the Federal Republic of Nigeria;

20 (b) 30% by the Central Bank;

21 (c) 30% by other Body Corporate.

22 (3) (i) The Board of the Mental Health Commission may with the  
23 prior approval of the President increase the authorized share capital of the  
24 Commission as it may deem fit;

25 (ii) The Board may with the prior approval of the President subject  
26 to confirmation of the Senate, authorize the restructure of the capital  
27 shareholding of the Commission as it may deem fit;

28 (iii) The loan capital of the commission shall be provided by the  
29 Federal Government or any other shareholder in such amount- and on such  
30 terms as may be mutually agreed by the shareholders mentioned in

1 Subsection (2) of this section.

2 PART V- FINANCIAL PROVISIONS

Financial  
Provisions

3 **13.**-(1) The Commission shall establish and maintain a fund from  
4 which shall be defrayed all expenditure incurred by the Commission.

5 (2) The fund established under this Subsection (1) of this section shall  
6 consist of:

7 (a) Such sums as may from time to time be provided by the Federal  
8 Government for the purpose of this section by way of grant or loan or  
9 otherwise;

10 (b) Such sums as may be paid by the Commission in the course of its  
11 operations;

12 (c) All interest received in respect of moneys invested by the  
13 Commission.

14 (d) All moneys raised for the purpose of the Commission by ways of  
15 gifts, loans, grants, aid, testamentary disposition, donations from international  
16 bodies or otherwise.

17 **14.**-(1) The Commission may from time to time, apply the proceeds of  
18 the fund established under. Subsection (2) of Section (9) of this Act:

19 (a) To the cost of Administration of the Commission;

20 (b) To the payment or reimbursement of the allowances and expenses  
21 of the chairman and members of the Board or any of its committees;

22 (c) To the payment of the salaries, fees or other remuneration,  
23 allowances, pensions and gratuities payable to the officers and other  
24 employees of the Commission:

25 (i) for the maintenance of any property of the Commission;

26 (ii) payment of all expenses incurred on behalf of the Commission;

27 and

28 (iii) in connection with the performance of all or any of the functions  
29 of the Commission and the Board.



1                   **15.** Without prejudice to the provision of Subsection (1) of Section  
2                   10 of this Act, the Commission shall maintain a separate account into which  
3                   shall be paid all contributions of foreign donors from which disbursement  
4                   shall be made by it.

Provision of  
Subsection 1 of  
Section 10 of  
this Act

5                   **16.**-(1) The commission may accept gifts of land, money or other  
6                   property (whether within or outside Nigeria) upon such terms and  
7                   conditions (if any) as may be specified by the person or organization making  
8                   the gift charity.

9                   (2) The Commission shall not accept any gift if the condition  
10                  attached to it by the person or organizations offering the gifts are  
11                  inconsistent with the objectives or functions of the Commission or the  
12                  policies of the Federal Government.

13                  **17.** In this Act, unless the context otherwise requires:

Interpretation

14                  "Board" means the Board of Directors of the Mental Health Commission  
15                  under Section 2 of this Act;

16                  "Chairman" means the chairman of the Board;

17                  "Director General" means the employee of the Commission appointed as  
18                  such under this Act;

19                  "Minister" means the minister charged with responsibility for matters  
20                  relating to mental health;

21                  "Corporate Body" means multinational organizations, Local or  
22                  International.

23                  **18.** This may be cited as Disability Integration Bill, 2015.

Citation

## EXPLANATION MEMORANDUM

This bill seeks to:

(a) Repeal the outdated and colonial country's Mental Health and disability laws to conform with mental health Obligation under the International Human Rights treaties (in which Nigeria is a member);

(b) Re-enact and make comprehensive provisions for the re-establishment of mental health laws to empower, protect and care for people with mental health disorder;

(c) And to ensure full integration of persons with disability into society vested with the responsibly for their Education, Healthcare and protection.