

# Policy Brief On The Challenges Of Persons With Disabilities In Nigeria's Electoral Process



# Executive Summary

Persons with disabilities (PWDs) face multifaceted challenges in participating effectively in Nigeria's electoral processes. Despite legislative frameworks and international commitments promoting their rights, significant barriers persist, hindering their meaningful engagement in the democratic process. This policy brief outlines the key challenges faced by PWDs in Nigerian elections and provides recommendations to address these obstacles comprehensively. The measures recommended are enhancing accessibility, raising awareness, promoting representation, provision of training, and monitoring implementation, among others. By implementing inclusive policies and strategies, Nigeria can enhance the electoral participation of PWDs, ensuring their voices are heard and their rights are upheld.

# Introduction



Nigeria's democratic progress hinges upon the inclusivity of its electoral processes, ensuring the participation of all citizens, including those with disabilities. The right to vote is a cornerstone of civil and political liberties, holding a paramount position within the hierarchy of

political rights. This significance was underscored in the landmark case of *Westberry v Sanders*, where it was articulated that no other right in a democratic society is more valuable than the ability to participate in the selection of those who enact laws. Indeed,

the integrity of other rights, no matter how fundamental, is compromised if the right to vote is diminished. Integral to the essence of democracy, the right to vote is intricately linked with the principle of popular governance through electoral mechanisms. However, PWDs encounter numerous obstacles that impede their ability to engage fully in elections, thereby limiting their political representation and influence. Addressing these challenges is imperative for fostering a more equitable and democratic society. As articulated by Venkatarangaiya, and echoed by Epiphany Azinge, democracy hinges on the notion that governance should be subject to the collective will of all citizens, rather than a privileged few. To withhold suffrage from any segment of the populace, unless proven unfit or

incompetent, is antithetical to the democratic principle of equality among citizens and is inherently unjust. Despite the constitutional recognition of the right to vote, Epiphany contends that guidelines within the constitution delineate who possesses the capacity to exercise this right. Section 117(2) of the Constitution of the Federal Republic of Nigeria, 1999, stipulates that any Nigerian citizen who has reached the age of eighteen and resides within Nigeria at the time of voter registration for legislative elections is entitled to be registered as a voter. The electoral landscape of Nigeria is such that PWDs encounter difficulties from the point of voter registration all through the electoral process because of their vulnerability. These challenges are discussed in the next section.

# Legal Framework for Participation of PWDs in Nigeria's Electoral Process



The legal framework for the participation of Persons with Disabilities (PWDs) in Nigeria's electoral process encompasses a range of laws, policies, and regulations aimed at ensuring their full inclusion and equal participation in democratic activities. Key components of this framework include:

**Constitutional Provisions:** The Constitution of the Federal Republic of Nigeria, 1999 (as altered) guarantees the rights of PWDs to participate in political processes, particularly through its provisions on fundamental rights and equality. The Constitution prohibits

discrimination based on disability. Section 42(2) explicitly states that no citizen of Nigeria shall be subjected to any disability, liability, or restriction solely by reason of their disability. This provision ensures that PWDs have the same rights as other citizens, including the right to participate in the electoral process. Similarly, the Constitution provides the right to participate in Government as section 14(2)(c) of the emphasizes the promotion of the participation of all citizens in the governance of the country. This provision recognizes that PWDs have the right to participate in the electoral process and contribute to decision-making at all levels of government.

Sections 39 and 40 of the Constitution guarantee the rights to freedom of expression and association, respectively. These rights enable PWDs to express their political opinions, form associations or political parties, and participate in electoral activities without fear of discrimination or reprisal. Furthermore, the Constitution affirms the right of every

Nigerian citizen who is of voting age to vote and be voted for in elections. This includes PWDs, who have the same rights as other citizens to stand for elective offices and to cast their votes in elections without any form of discrimination or hindrance. Besides, section 22 of the Constitution guarantees the right of every citizen to access information, including information relating to electoral processes. This provision ensures that PWDs have access to voter education materials, electoral laws, and other relevant information necessary for their full participation in the electoral process. The Constitution further guarantees the right of every citizen to access justice and seek redress for violations of their rights. This provision ensures that PWDs have legal recourse in case of discrimination or denial of their rights in the electoral process.

Through these constitutional provisions, Nigeria recognizes the rights of PWDs to participate fully and equally in the electoral process, ensuring their inclusion in the democratic governance of the

country. However, effective implementation of these provisions requires complementary legislation, policies, and programs to address the specific needs and challenges faced by PWDs in exercising their electoral rights. Section 42(2) prohibits discrimination on the grounds of disability, ensuring equal treatment before the law. Additionally, Section 14(2)(c) emphasizes the promotion of the welfare of all citizens, including PWDs.

**Electoral Laws and Regulations:** Nigeria's Electoral Act provides specific provisions to facilitate the participation of PWDs in elections. For instance, Section 56(2) mandates the Independent National Electoral Commission (INEC) to ensure that polling stations are accessible to all voters, including those with disabilities. Furthermore, the Act allows for reasonable accommodations to be made to assist voters with disabilities, such as providing Braille materials or allowing assistance from a trusted person.

**National Policy on Disability:** Nigeria's National Policy on Disability, adopted in 2012, outlines the government's commitment to promoting the rights and welfare of PWDs across various sectors, including politics and governance. The policy emphasizes the need for inclusive electoral processes and calls for the removal of barriers that hinder the participation of PWDs in political activities. The National Policy on Disability in Nigeria plays a significant role in promoting the participation of Persons with Disabilities (PWDs) in the country's electoral process. The policy outlines the government's commitment to ensuring the rights, welfare, and inclusion of PWDs across all sectors, including politics and governance.

The National Policy on Disability promotes the participation of PWDs in Nigeria's electoral process through provision for inclusive electoral process. The policy emphasizes the importance of creating an electoral process that is inclusive and accessible to all

citizens, including those with disabilities. It calls for the removal of barriers that hinder the participation of PWDs in political activities, such as physical and communication barriers at polling stations.

Furthermore, the National Policy mandates the provision of reasonable accommodations to facilitate the full participation of PWDs in electoral processes. This includes ensuring that polling stations are accessible to individuals with mobility impairments, providing assistive devices and materials in accessible formats (such as Braille or large print), and allowing for assistance from a trusted person if needed. In addition, the policy emphasizes the importance of voter education and sensitization campaigns targeted at PWDs and the public. These campaigns aim to raise awareness about the rights of PWDs to participate in elections, as well as to educate electoral officials and the public about disability rights and accommodations.

#### Training and capacity building

is another safeguard provided by the National Policy as it calls for the training and capacity building of electoral officials to effectively address the needs of PWDs during elections. This includes providing training on disability rights, inclusive election practices, and the use of assistive technologies to assist voters with disabilities. Similarly, the National Policy promotes disability-inclusive policies as it advocates for the development and implementation of disability-inclusive policies and programs within electoral bodies and political institutions. This includes promoting the representation of PWDs in electoral processes and ensuring that their voices are heard in decision-making processes. Also, it emphasizes the importance of monitoring and evaluating the implementation of disability-inclusive measures in electoral processes. This helps to ensure accountability and identify areas for improvement in promoting the participation of PWDs in Nigeria's electoral process.



The National Policy on Disability serves as a guiding framework for promoting the participation of PWDs in Nigeria's electoral process by advocating for inclusive practices, reasonable accommodations, voter education, and capacity building. By implementing the provisions of this policy, Nigeria can move closer to realizing the principles of equality, democracy, and social justice for all its citizens, including those with disabilities.

**National Disability Act:** In January 2019, Nigeria enacted the Discrimination Against Persons with Disabilities (Prohibition) Act, also known as the National Disability Act. This landmark legislation prohibits discrimination against PWDs in all aspects of life, including political participation. It mandates the provision of reasonable accommodations to ensure equal access to electoral processes for PWDs.



**INEC Guidelines and Policies:**

The Independent National Electoral Commission (INEC) has developed guidelines and policies to enhance the participation of PWDs in elections. These include measures to improve the accessibility of polling stations, provide voter education materials in accessible formats, and train electoral officials on disability rights and accommodations.

**International Conventions and Treaties:**

Nigeria is a signatory to various international conventions and treaties that promote the rights of PWDs, including the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). These international agreements provide a framework for ensuring the inclusion of PWDs in political

processes and guiding the development of domestic legislation and policies.

Despite the existence of this legal framework, challenges remain in fully implementing and enforcing provisions that guarantee the participation of PWDs in Nigeria's electoral process. These challenges include inadequate infrastructure, limited awareness and sensitization, and gaps in the implementation of disability rights laws. Addressing these challenges requires sustained efforts from government institutions, civil society organizations, and other stakeholders to promote inclusive and accessible electoral processes for all citizens, including those with disabilities.

# State of Play on Participation of PWDs in the Electoral Process

As it stands now, PWDs participate more as voters in the electoral process. Data from the Independent National Electoral Commission (INEC) indicates that about **85,362 PWDs were registered to vote in the 2023 elections. The cumulative figure of the last Continuous Voter Register (CRV) from June 2021 to July 2022 shows that there are 21,150 persons with albinism: 13,387 with physical impairment, and 8,103 with blindness. Those with learning or cognitive disabilities are: 1,719, deafness; 6,159, physical impediment; 13,387, downs syndrome; 660, little stature; 2,288, spinal cord injury; with others at 27,636. A total of 93,469,008 Nigerians were duly registered for the elections, with 49,054, 162 being males and 44,414, 846 females. According to data**

**from SBM Intelligence, “PWDs make up about 15% of the population. With a current registered voter population of 93.46 million, SBM estimates that there are about 14 million PWDs in the current voters’ register, which can swing the votes.”** A major highlight of the SBM report is that INEC only delivered on a few of the promises made in the most recent electoral act. The 2022 Electoral Act which stands out from other provisions directs INEC to capture disability types in the voters’ register. This helps to provide valuable insights into the number of voters with disabilities, their specific disabilities, and their needs, thus enhancing the inclusivity of PWDs. It is quite commendable that INEC did this.

# Cross-Country Survey: Lessons from South Africa



A collaborative effort by the South African Electoral Commission (IEC) and the South African National Council for the Blind (SANCB), has resulted in the development of a voting aid, the Universal Ballot Template (UBT), to assist persons with disabilities and special needs to have an independent and secret vote during elections. The UBT is a voting aid made of hard, black

plastic into which a ballot paper is inserted. The template is not a Braille ballot paper.

The South African Universal Ballot Template (UBT) is a crucial component of the electoral process in South Africa, designed to ensure inclusivity, accessibility, and transparency in elections. Introduced in the early 2000s, the UBT revolutionized the

voting system by providing a standardized format for ballots that accommodates the diverse needs of all voters, including those with disabilities. At its core, the UBT consists of a single, uniform design for all ballots used in elections across the country. This design incorporates features such as large print, clear instructions, and symbols to aid voters who may have visual impairments or literacy challenges. Additionally, the UBT includes tactile elements such as raised surfaces or Braille to assist voters who are blind or have low vision.

One of the key principles underlying the UBT is its commitment to universal design, which means that the ballot is accessible to all voters regardless of their abilities or disabilities. By implementing universal design principles, the UBT helps to ensure that every citizen can exercise their right to vote independently and with dignity. Furthermore, the UBT promotes transparency in the electoral process by minimizing the potential for errors or confusion in ballot design. With a standardized template, voters

can easily navigate the ballot regardless of where they are voting or what type of election is taking place. This consistency fosters confidence in the integrity of the electoral system and helps to prevent issues such as ballot miscounting or disputes over voter intent. In addition to its accessibility and transparency benefits, the UBT also serves as a tool for promoting voter education and civic engagement. By familiarizing voters with a standardized ballot format, the UBT encourages active participation in the electoral process and empowers citizens to make informed choices about their representatives and policies.

Overall, the South African Universal Ballot Template represents a significant advancement in electoral democracy, providing a foundation for fair, inclusive, and transparent elections. By ensuring that all citizens can participate fully and independently in the electoral process, the UBT helps to uphold the principles of democracy and equality in South Africa.

# Challenges Faced by Persons with Disabilities in Nigerian Elections

## Physical Accessibility

Nigeria, like many other countries, is committed to ensuring inclusive and participatory democratic processes. However, despite efforts to promote equal rights and opportunities, persons with disabilities (PWDs) continue to face significant barriers to participating fully in electoral activities. One of the most pressing challenges is the lack of physical accessibility, which hampers PWDs' ability to exercise their right to vote and engage in the electoral process effectively. Physical accessibility challenges encompass a wide range of barriers that prevent PWDs from accessing polling stations, registering to vote, and participating in electoral campaigns. These barriers include inadequate infrastructure such as ramps, accessible pathways, and

transportation facilities, as well as inaccessible polling stations located in buildings without elevators or with stairs as the only means of access. Many polling stations lack adequate infrastructure to accommodate individuals with physical disabilities, such as ramps, handrails, and accessible voting booths, rendering the voting process inaccessible for wheelchair users and those with mobility impairments.

Nigeria has made strides in enacting legislation and policies aimed at promoting the rights of PWDs and enhancing their participation in electoral processes. The Discrimination against Persons with Disabilities (Prohibition) Act, 2018, mandates the provision of reasonable accommodations and accessibility measures to ensure PWDs can exercise their rights on an equal basis with

others. Additionally, the Independent National Electoral Commission (INEC) has introduced guidelines for inclusive electoral practices, including provisions for accessible polling stations and voter education programs targeting PWDs. Despite the existence of legal frameworks and policy initiatives, challenges persist in the effective implementation of physical accessibility measures. Limited awareness and understanding of the needs of PWDs among electoral officials, inadequate funding for accessibility upgrades, and logistical constraints in remote or underserved areas exacerbate the barriers faced by PWDs during elections. Furthermore, the lack of enforcement mechanisms and accountability measures undermines efforts to address physical accessibility challenges comprehensively.

The inability of PWDs to access polling stations and engage in electoral activities due to physical barriers not only violates their fundamental rights but also undermines the principles of democracy and inclusivity. The exclusion of PWDs from the

electoral process diminishes their voices and perspectives, perpetuating marginalization and reinforcing inequalities in political representation.

### **Communication Barriers**

PWDs often face challenges in accessing information related to the electoral process due to limited provision of materials in accessible formats, such as braille, large print, or sign language interpretation, excluding individuals with visual or hearing impairments from fully participating. Communication barriers pose significant challenges to PWDs in participating effectively in Nigeria's elections. These barriers can manifest in various forms and impact different aspects of the electoral process. Here are some key communication barriers faced by PWDs in Nigeria's elections:

***a.Limited Access to Information:*** *PWDs often encounter difficulties in accessing information related to electoral processes such as voter registration procedures, polling station locations, candidates' profiles, and voting procedures. This lack of access to*

information hampers their ability to make informed decisions and participate effectively in the electoral process.

**b. Inaccessible Communication Channels:**

Many communication channels used by electoral authorities, political parties, and civil society organizations may not be accessible to PWDs. For example, information disseminated through traditional media channels like television, radio, and newspapers may not be accessible to individuals with visual or hearing impairments. Similarly, online platforms and websites may not be designed to accommodate individuals with disabilities, thereby excluding them from accessing crucial electoral information.

**c. Physical Barriers at Polling Stations:**

Physical barriers such as lack of ramps, inaccessible polling booths, and inadequate signage at polling stations can prevent PWDs from accessing polling stations and casting their votes independently. These barriers not only limit

their participation but also undermine their right to privacy and dignity during the voting process.

**d. Lack of Assistive Technologies:**

The absence of assistive technologies such as braille voting materials, sign language interpreters, and tactile ballot guides further exacerbates communication barriers for PWDs. Without these essential tools, individuals with disabilities may struggle to understand the voting process and exercise their right to vote independently.

Addressing these communication barriers requires concerted efforts from electoral authorities, government institutions, civil society organizations, and the broader community. This may include implementing policies and regulations to ensure accessibility and inclusivity in electoral processes, providing training and sensitization programs for electoral staff and volunteers on disability rights and inclusive practices, investing in assistive technologies and accessible communication channels, and promoting awareness campaigns to challenge stereotypes and



promote the active participation of PWDs in Nigeria's elections.

## **Stigmatization and Discrimination**

PWDs in Nigeria often face social stigmatization and discrimination, which can deter them from actively engaging in the electoral process. Negative attitudes and perceptions towards PWDs can create communication barriers by limiting their access to electoral information and discouraging their participation in public discourse and decision-making processes. Deep-rooted societal attitudes contribute to the stigmatization and marginalization of PWDs, discouraging their participation in elections and perpetuating discriminatory practices within electoral processes. The stigmatization and marginalization of PWDs in Nigeria's 2023 general elections represent a deeply concerning issue that reflects broader societal challenges regarding inclusivity and accessibility. During the 2023 general elections, several instances of discrimination and exclusion against PWDs were reported, highlighting the systemic barriers they face in exercising their

fundamental right to participate in the democratic process. Some of the key areas where stigmatization and marginalization occurred include:

***Lack of Awareness and Education:*** Many PWDs are unaware of their rights as voters or encounter difficulties in understanding electoral procedures, exacerbating their disenfranchisement and undermining their confidence in participating in elections.

***Financial Constraints:*** Economic barriers limit the ability of PWDs to engage in the electoral process effectively, as they may lack resources to access transportation to polling stations or obtain necessary documentation for voter registration.

***Political Exclusion:*** PWDs are often underrepresented in political leadership positions and decision-making processes, resulting in a lack of policies and initiatives that address their specific needs and concerns within the electoral context.

# Recommendations

**Against the backdrop of the foregoing, the following recommendations are proffered towards improving inclusivity in Nigeria's electoral process.**

- 1 Enhancing Accessibility:** Implement measures to ensure that all polling stations and electoral facilities are physically accessible to PWDs, including the installation of ramps, handrails, and accessible voting equipment.
- 2 Provision of Accessible Information and Communication:** The Independent National Electoral Commission should provide electoral information and materials in diverse formats, such as braille, audio recordings, and sign language interpretation, to ensure that PWDs can access essential information related to the electoral process.
- 3 Enforcement of Anti-Discrimination Measures:** Enforce strict penalties for acts of discrimination or stigmatization against PWDs within electoral processes, and conduct awareness campaigns to challenge societal attitudes and promote inclusivity. On this note, the Commission and political parties should be vigilant to ensure that both intra-party politics and inter-party contests are devoid of discrimination in all forms.
- 4 Education and Training:** Develop educational programs and training initiatives to empower PWDs with knowledge of their rights as voters and equip them with the skills necessary to participate effectively in elections.
- 5 Financial Support:** Allocate resources to provide financial assistance to PWDs for transportation to polling stations, obtain necessary identification documents, and overcome economic barriers to electoral participation.

- 6 Political Representation: Promote the inclusion of PWDs in political leadership positions and decision-making bodies, ensuring that their perspectives are represented in the formulation of electoral policies and strategies.
- 7 Further amendment of the Electoral Act to prioritise fast-tracking and processing of voter cards for PWDs and other vulnerable groups.
- 8 The Commission should adopt the South African UBT model in designing ballot papers to cater for special needs of PWDs.

**Specifically, addressing stigmatization and marginalization of PWDs, require the following practical measures:**

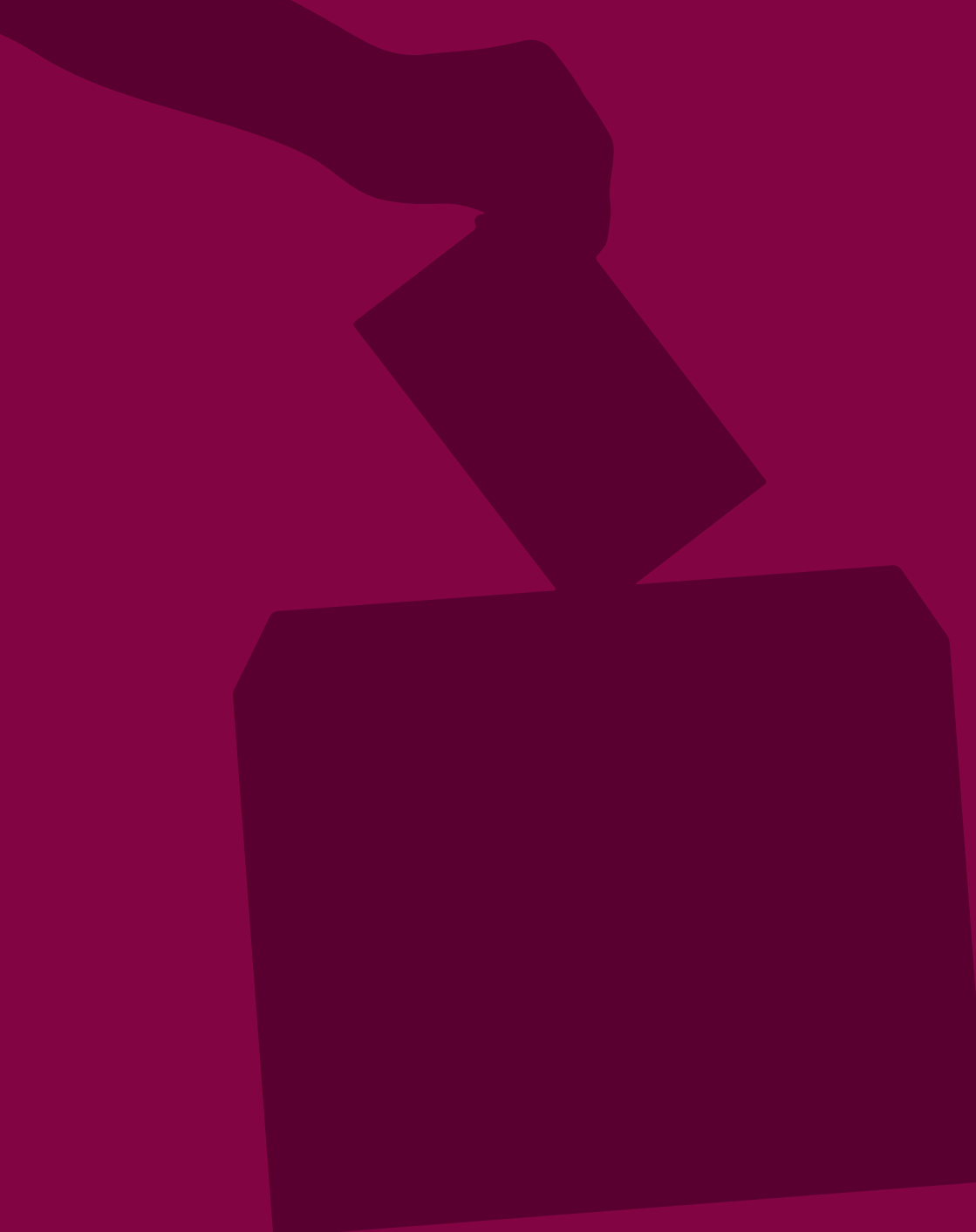
- 1 Implementing comprehensive accessibility standards for polling stations, including ramps, tactile ballots, and sign language interpreters.
- 2 Conducting sensitization campaigns to raise awareness about disability rights and the importance of inclusivity in electoral processes.
- 3 Enforcing legal protections against discrimination and ensuring accountability for instances of mistreatment or exclusion of PWDs.
- 4 Enhancing representation of PWDs in electoral bodies and political parties, including through affirmative action measures.
- 5 Collaborating with disability rights organizations and advocacy groups to develop and implement policies that address the specific needs of PWDs in electoral processes.

# Conclusion

Addressing the challenges faced by PWDs in Nigerian elections requires a concerted effort from government institutions, civil society organizations, and the broader community to promote inclusivity, accessibility, and equality within the electoral process. By implementing the recommended policies and strategies outlined in this brief, Nigeria can advance towards a more democratic society where the voices and rights of all citizens, including those with disabilities, are respected and upheld in the electoral arena.

Political apathy manifests as complete disengagement from political activities, a phenomenon notably prevalent among Persons Living with Disabilities (PLWD) in Nigeria. This disengagement stems largely from the pervasive stigma and discrimination encountered by PLWD within electoral processes. Particularly concerning is the plight of individuals with disabilities such as leprosy, who, due to societal prejudices, find themselves marginalized and ostracized, relegated to the fringes of society as beggars on the streets, devoid of meaningful employment opportunities.

The electoral landscape further compounds the challenges faced by PLWD, as traditional voting methods often fail to accommodate their needs. Historically, the requirement of fingerprint authentication posed a significant barrier for individuals with physical disabilities, rendering them unable to participate fully in the electoral process. However, the introduction of the Bimodal Voter Accreditation System (BVAS) by the Independent National Electoral Commission (INEC) during the 2023 elections marked a significant milestone in addressing these concerns. By incorporating facial recognition alongside fingerprint scanning, the BVAS offered a lifeline to individuals such as deformed leprosy patients, enabling their participation in electoral activities.



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