

## **RESPONSES TO THE 14<sup>TH</sup> SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING**

1. Nigeria has no specific definition of the human rights of older persons to physical and mental health in its local and national legislation. However, section 17 (3) (d) 1999 Constitution of the Federal Republic of Nigeria as amended provides that the State shall direct its policy towards ensuring that there are adequate medical and health facilities for all persons.

In addition, Section 16(2) (d) *states that it shall be the State Policy to provide suitable and adequate shelter, suitable and adequate food, a reasonable national minimum wage, older age care and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens.*

Considering the relevant existing national, regional, and international legal frameworks, the right to the physical and mental health of older persons should be defined as having access to quality and affordable physical and social care, mental health care and other social services at all times that enable older persons to live healthy and dignified lives.

2. As stated above, Chapter 2 of the 1999 Constitution of the Federal Republic of Nigeria as amended. Section 16(2) (d) *states that it shall be the State Policy to provide suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, older age care and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens.*

Nigeria has a National Senior Citizens Centre mandated to cater for the needs of older persons. In so doing, it has collaborated with the National Primary Health Care Development Agency to mainstream geriatric assessment in Health Care Centres across the country.

The Humanitarian and Poverty Alleviation Ministry empowered to provide social interventions for indigent Nigerians has put in place a mechanism for continuous registration of indigent older persons to benefit from social interventions provided by the government.

Also, the Nigerian government has taken extra steps to strengthen the promotion and protection of the rights of older persons through its policies and laws such as the National Policy on Ageing, the National Social Development Policy (1989), the National Health Strategic Plan (2018-2022), the National Senior Citizens Centre (Act 2017), and the National Human Rights Commission's Act 2010 as amended, etc.

The most recent is the signing into law of the *National Mental Health Act 2021* which took effect on the 5<sup>th</sup> of January 2023. The Act is a reform that focuses on the management of the mental health of all Nigerians including older persons. The Act ensures the promotion and protection of the rights of people with mental disorders in both community and institutional settings while providing access to care.

These policies and laws were set out to eliminate any form of obstacle that would hinder the enjoyment of rights of older persons that might affect the overall well-being in terms of discrimination based on old age, access to health care facilities, palliative support as well as access to legal services and other social services.

3. Nigeria has a National Health Act, 2014 which provides for the enjoyment of everyone including older persons to the highest attainable standard of physical health, while the National Mental Health Act 2021 provides for the full enjoyment right to mental health though not limited to older persons.  
Section 11 of the National Health Act, 2014 provides for the establishment of a Basic Health Care provision fund to provide basic subsidized health care for categories of persons considered as vulnerable, of which older persons were specifically mentioned.  
In addition to section 30 of the Health Act provides a mechanism for a person to lodge complaints about the manner in which he or she was treated at a health establishment and have the complaint investigated.  
The National Human Rights Commission can also receive and investigate complaints bordered on ill-treatment of older persons at hospitals and other health facilities.
4. States should formulate laws/policies that will eliminate all forms of physical and mental abuse and most importantly put in place mechanisms for comprehensive implementation. The passage of the Older Persons Rights and Privileges Bill into law will further guarantee the right of older persons as the provisions of that legislation contains provisions for the elimination of discrimination against older persons, access to justice and equal protection before the law, right to make decisions, protection against discrimination in employment, social protection, protection from abuse and harmful traditional practices, accessibility to infrastructure including buildings, public transport and are accorded seating priority and systematic collection and analysis of national data on older persons. Also, existing laws like the National Health Act and the National Mental Act should be reviewed to comprehensively address issues relating to the physical and mental health of older persons and ensure total compliance.
5. Most hospitals in Nigeria do not have Geriatric Units, therefore government should consider it special when developing normative content on the right to health of older persons on the need for both private and public hospitals to have Geriatric Units where issues of health of older persons will be adequately addressed. They should also consider training more geriatric doctors, gerontologists, physiotherapists, psychiatrics, nurses, and social workers to attend to the physical and mental health of older persons. The government should also consider special schemes that will enable them access to health care facilities at all times such as National Health Insurance for older persons due to their economic limitation. There should be advocacy and sensitization of older persons on their rights concerning access to health.
6. The human right to health of older persons is the responsibility of all persons both the state and non-state actors to achieve optimal results. More state actors should also be expected to exhibit the same standard as State actors because the health sector in Nigeria is open to both State and non-state actor participation.
7. Nigeria has good and promising practices that can promote the human right to health of older persons, the only challenge is poor implementation. Please refer to questions 2 and 3 above.

