

## 14<sup>TH</sup> SESSION OF THE UN OPEN-ENDED WORKING GROUP ON AGEING, CALL FOR INPUTS.

### Guiding questions for the focus area on “accessibility, infrastructure and habitat ( transport, housing and access)”

#### National legal and policy framework

Nigeria has a National Senior Citizens Centre Act, 2017. Though the Act was passed in 2017, it became operational in 2021 with the establishment of the implementing Agency, the National Senior Citizens Centre. The Centre has as its main functions, articulated in Part II, Section 6 “Section 6 (a) of the Act, which addresses the functions of the Centre, states that the National Centre “shall Identify the needs, trainings, and opportunities of senior citizens in the country and be responsible for the provision of recreational, sports, educational, health and social programs and **facilities designed for the full enjoyment and benefit of the senior citizens in the country** as well as provide guidance and counselling for senior citizens”.

Nigeria also has a National Policy on Ageing, 2021 though not legally binding, the National Policy on Ageing is the first national policy developed as a blue print to address the sector wide needs of older persons. It covers fifteen (15) intersecting spectrum of issues and opportunities for older women and men in urban and rural settings; older persons living with disabilities, information & advocacy, poverty, healthy ageing & life-course, food & nutrition , **housing & living environment**, family, social protection, employment, income security & financial inclusion, gender & ageing, cultural, social integration and participation, older migrants, **age friendly environment, transportation**, access to justice, lifelong learning opportunities, internally displaced older persons, poor older persons and seek to provide policy directions for engagement of older persons to continue to make lifelong contributions to their families, communities and the society. The policy also recognises legislation, such as the Violence Against Persons Prohibition Act (VAPP) 2015 that could provide protection for older persons against violence. The Policy not only identifies the cross-cutting issues relating to ageing, it also enumerates the objectives that the country intends to achieve and the intervention strategy to be deployed to achieve the laid down objectives.

1. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?

Majority of the roads in both urban and rural areas are not age friendly. They are not tarred and are not outlined to have designated areas for pedestrians and do not have ramps. As opposed to most developed countries, Nigerian roads are not smart roads and are not structured to accommodate the needs of older persons, who may have one disability or the other or some form of impairment.

In addition, apart from the rail services, road and air transportation are private sector driven and profit oriented this may pose a challenge for older persons' financial accessibility, as government may be unable to impose rebate on private owned transport services.

## **2. Data and research**

The National Bureau of Statistics (NBS) conducted a Nigeria Living Standards Survey (NLSS) 2019 and captured indicators such as accessibility, infrastructure and habitat (public transport, housing) but there were no indicators specifically relating to the accessibility of older persons.

However, the National Senior Citizens Centre has identified a multi-indicator survey for older persons as one of the strategies it would adopt to cater for the needs of older persons. In so doing, it has pencilled down as Goal 11 in its strategic roadmap the facilitation of the production of a comprehensive and disaggregated data, through an ageing multi-indicator survey in collaboration with the National Bureau of Statistics and National Population Commission.

## **3. Equality and non-discrimination**

The Constitution of the Federal Republic of Nigeria, 1999(as amended) is the groundnorm and where all laws and policies derive their source.

Section 42(1) "A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject;
- (b) or be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of

other communities, ethnic groups, places of origin, sex, religions or political opinions.

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

(3) Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or member of the Nigeria Police Forces or to an office in the service of a body, corporate established directly by any law in force in Nigeria.

Though Section 42 does not specify age as one of the grounds under which one should not be discriminated against, Section 16(2)(d) provides that State shall direct its policy towards ensuring “that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, **old age care** and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens”.

#### **4. Remedies and Redress**

The National Human Rights Commission of Nigeria has a very broad mandate, among it, is the mandate in Section 6 “deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution of the Federal Republic of Nigeria, the United Nations Charter and Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, The International Convention and the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples’ Rights and other international and regional instruments on human rights to which Nigeria is a party.”

In addition, subsection (j) mandates the Commission to “receive and investigate complaints concerning violations of human rights and make appropriate determination as may be deemed necessary in each circumstances”

The National Human Rights Commission has a structured and well established mechanism for older persons to submit complaints and seek redress for denial of rights to accessibility, infrastructure and habitat (transport, housing and access). It has a department for vulnerable groups which receives and treats complaints from older persons and other vulnerable populations.

Nigeria also has courts of different jurisdiction across all its thirty six (36) states including the Federal Capital Territory. These courts are empowered to hear cases in civil matters, criminal matters and human rights violations from all citizens including older persons.

## **Guiding questions for the focus area on participation in public life and in decision- making processes.**

### **1. National and local legal and policy framework**

The Constitution of the Federal Government of Nigeria guarantees the right of everyone from discrimination, though it does not specify age as a ground. The National Human Rights Commission Act, mandates the National Human Rights Commission to promote, protect and enforce the rights of everyone as specified in all the national, regional and international laws to which Nigeria is a party.

- a) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;

Nigeria has a National Policy on Ageing, 2021 which was approved by the National Executive Council. The vision of the policy is to have a society where older persons are guaranteed security, independence, participation, comprehensive care, self-fulfilment and dignity. The goal of the policy is to uphold the rights and dignity of older persons by providing an age-friendly environment to maximize their potentials for self-fulfilment. And it has eight (8) strategic objectives, which are: (a) To cause a fundamental positive change in perception, attitude and paradigm about ageing, old age and an inclusive society; (b) To guarantee an improved quality of life for older persons in Nigeria and strengthen the traditional support systems for older persons; (c) To provide framework for the establishment of regulatory mechanism for ageing issues; (d) To guarantee adequate and sustainable income security and ensure healthy Ageing; (e) To ensure that the fundamental human rights of older persons are upheld and protected; (f) To develop a functional data management systems for effective research, planning, monitoring and evaluation for ageing programming; (g) To establish a responsive system to address older persons issues in terms of accessibility, availability, equity and quality health and social services for healthy ageing; (h) To strengthen partnership and collaboration among sectors for effective delivery of programme for older persons.

- b) right to freedom of expression, including freedom to seek, receive and impart information;

Section 39. (1) of the Constitution of the Federal Republic of Nigeria states that “ Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference”.

(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:

Nigeria has a Freedom of Information Act, 2011. Section 1 of the Act guarantees the right of everyone to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution however described, or established.

- c) right of peaceful assembly;

Section 40 of the Constitution of the Federal Republic of Nigeria provides that “Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”

- d) right to freedom of association;

Section 40 of the Constitution of the Federal Republic of Nigeria provides that “Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”

- e) right to take part in the government of one’s country, directly or through freely chosen representatives;

Section 40 of the Constitution of the Federal Republic of Nigeria provides that “Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”

- f) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision- making processes;

Section 40 of the Constitution of the Federal Republic of Nigeria provides that “Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests”

- g) Access to prompt remedies and redress when older persons’ above mentioned rights are violated.

The National Human Rights Commission of Nigeria has a very broad mandate, among it is the mandate to “deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution of the Federal Republic of Nigeria, the United Nations Charter and Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of all forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, The International Convention and the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples’ Rights and other international and regional instruments on human rights to which Nigeria is a party.” This is provided for by the National Human Rights Commission Act, 1995(as amended)

In addition, subsection (j) mandates the NHRC to “receive and investigate complaints concerning violations of human rights and make appropriate determination as may be deemed necessary in each circumstances”

The National Human Rights Commission has a structured and well established mechanism for older persons to submit complaints and seek redress in the above mentioned rights. It has established a department for vulnerable groups including older persons.

The government has also created courts to hear and adjudicate on cases relating to civil matters, criminal matters and human rights violations.

1. What steps have been taken to ensure participation in public life and in decision- making processes without discrimination?

Though there are no specific legal or policy framework to ensure older persons participation in public life, the Constitution guarantees the right of every Nigerian to participate in public life and in decision- making processes without discrimination. The Constitution and other human rights laws in Nigeria, do not put a peg on the maximum age to which one can participate in public life and in decision- making processes. Also, the National Senior Citizens Centre organises regular senior citizens' forums where older persons are able to express themselves and contribute to national discuss.

**2. Data and research**

The National Bureau of Statistics (NBS) conducted a Nigeria Living Standards Survey (NLSS) 2019 and captured indicators such as accessibility, infrastructure and habitat (public transport, housing) but there were no indicators specifically relating to the accessibility of older persons.

The National Senior Citizens Centre has identified a multi-indicator survey for older persons as one of the strategies it would adopt to cater for the needs of older persons. In so doing, it has pencilled down as Goal 11 in its strategic roadmap the facilitation of the production of a comprehensive and disaggregated data, through an ageing multi-indicator survey in collaboration with the National Bureau of Statistics and National Population Commission. It has also established ageing desk and created ageing officers across over thirty eight (38) relevant government ministries, departments and agencies to ensure ageing mainstreaming into programmes and policies.

**3. Equality and non-discrimination**

Older persons generally experience considerable challenges due to a number of social, economic, health, psychological and financial constraints. More worrisome is the plight of vulnerable groups within this sub-population which include women especially widows, poor rural dwellers, those with disability, the chronically ill and the mentally ill. Other challenges identified include the lack of policies and skilled human resources to respond to the current social priorities and complex needs of an increasingly ageing population. Also noted, are the lack of access to basic amenities of life, neglect by children and other family members, stigmatization and stereotypes. Older persons are faced with income insufficiency in retirement, ageism, and social isolation. Studies and

ageing stakeholders in Nigeria made recommendations for the modification of federal and state legislations and regulations, health and social policies and programmes that may promote physical, emotional, social, and health and wellbeing through active ageing.

#### **4. Accountability**

The National Human Rights Commission is a quasi-judicial organisation of government established to promote, protect and enforce the human rights of everyone resident in Nigeria, including older persons. It has officers in all the thirty six (36) states of the Federation and also the Federal Capital Territory. Older persons can lodge complaints when their rights are violated irrespective of where they reside. The National Human Rights Commission adopts a less stressful, technical and legalistic means of addressing complaints. Complaints from older persons may require mediation, referral, investigation and in some cases setting up an investigative panel, where there appears to be a series of complaints of a particular nature, indicative of a systemic violation.

The Courts are also available to older persons to address their grievances.