

SOCIAL INCLUSION

Submission by:

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SUBSTANSIVE INPUT

**THE CHAIR OF THE UNITED NATIONS GENERAL ASSEMBLY
OPEN-ENDED WORKING GROUP FOR THE PURPOSE OF
STRENGTHENING THE PROTECTION OF THE HUMAN
RIGHTS OF OLDER PERSONS**

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1. The Scope

Ageing has become a global phenomenon and a policy issue that is receiving attention by governments globally. In Africa, countries are experiencing demographic and epidemiological changes which pose a unique policy changes and information need. It is undisputable that Nigeria is the most populous black nation in Africa and there is a very high potential of rapid growth rate of the older population in the years ahead.

As Economic security requires having stable income or other resources to support a standard of living, this has a very great gap in Nigeria, especially for the older persons, Steady growth in the population of the aged implies change in the age structure of the society which may have serious implications for the economy.

Although the multidimensionality of social exclusion makes it difficult to have a generally accepted agreement on what constitutes social exclusion. However, a crucial element in the measurement of social exclusion in the elderly is the level of independence they enjoy (Knaele, 2012). Knaele identified seven (7) domains of social exclusion experienced by older adults with respect to their participation in socio-economic, cultural, community, and civic life of the society.

The federal government has admitted that despite the numbers of Nigerians with age 60 years and above standing at 14.8 million, there is increasing gaps in the provision of health and social needs of older persons, both at the national and subnational levels.

Human rights impose duty on the states to treat their subjects appropriately and fairly. The States are also required to protect their subjects from unjust interference with their rights by other people. One of the ways these can be achieved is through the use of criminal law.

2. The Guiding Questions

2.1. Legal Provisions, Policy Frameworks and/or measures that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic and other status.

Section 42 of the Constitution specifically provides for the right to freedom from discrimination. The section provides that a citizen of Nigeria shall not be subjected to any disabilities or restriction, expressly or in application of any law or any executive or administrative action of the government just because he is such a person or be subjected to disabilities or restriction due to their place of origin, sex, religion or political opinions. The Nigerian legal jurisprudence scarcely provides against age discrimination in employment matters as there is no specific legislation on age discrimination in the workplace. The Labour

Act, which is the main extant legislative authority with respect to labour matters in Nigeria, only provides against the employment of a child or young person; though with some exceptions. The Act does not make provision against age discrimination or ageism with respect to recruitment, retirement or promotion of employees.

According to Fredvang and Biggs: “The perception of old age as a social problem rests upon the assumption that older persons are in some way separate from those who are not yet old—that the aged and the non-aged are two different categories of human beings. Older persons are seen as segregated from society, producing a gap that must be bridged, while at the same time recognizing the particular needs and contribution of this group.” This vulnerable group is often marginalized and certain things are considered prejudicial to their interests. In order to avert this abased position this group is placed, there are certain rights that need to be made explicitly applicable to this group.

In Nigeria, many elderly lives have been cut short by their poverty status and lack of institutional care in Nigeria. In Nigeria, social supports are not being fully provided for the elderly by family members due to change in family composition, living at long distance, financial problems and job relocation among others. Inability of the family members to provide adequate care for the elderly, coupled with unavailability of comprehensive social support from the government in Nigeria exposes elderly to experience more of health challenges and inadequate wellbeing. A major contextual question that arises from the premise here is that; how do the adults perceive the elderly and their unmet social needs? The other question is; what are the various forms of social supports given to the elderly, and what factors influence the social supports to the elderly?

