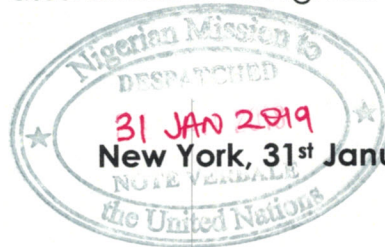




Note.....34/2019

The Permanent Mission of the Federal Republic of Nigeria to the United Nations presents its compliments to the Secretariat of the Open-Ended Working Group on Ageing and has the honour to forward, herewith, Nigeria's response to call for inputs by the Chair of the Open-Ended Working Group on Ageing.

The Permanent Mission of the Federal Republic of Nigeria to the United Nations avails itself of this opportunity to renew to the Secretariat of the Open-Ended Working Group on Ageing the assurances of its highest consideration.



New York, 31<sup>st</sup> January, 2019

**The Secretariat of the Open-Ended Working Group on Ageing,  
United Nations Headquarters,  
New York.**

## **GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:**

### **Social Protection and Social Security (including social protection floors)**

#### **National Legal Framework**

##### **1. Question:**

What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?.

##### **Answer:**

###### **Constitutional:**

Social protection, including non-contributory and contributory old-age benefits are fundamental Human Rights of all Nigerians as enshrined in the Nigerian Constitution. Chapter II the 1999 Constitution of the Federal Republic of Nigeria (CFRN) on Fundamental Objectives and Directive Principles of State Policy Provide that "it shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of the Constitution. Section 16 (2) (d) states that "... the aged are protected against any exploitation, whatsoever and against moral and material neglect."

###### **Legislative:**

The legislative provision recognizing the right to social security and social protections are:

The Pension Reform Act 2014, (PRA) which establishes the Contributory Pension Scheme, National Senior Citizens Centre Act 2018- empowered to provide health and social programmes amongst other issues, designed for the Senior Citizens. Under the Non-Contributory Scheme-A Bill for an Act to Establish the National Social Security and Welfare Board(HBS 324)Pending legislation.

**Executive foundation for social protection:** National Social Protection Policy 2017

#### **Availability**

##### **National and sub-national levels:**

- National Social Protection 2017 Policy Measure 12: Contributory pensions available to all citizens 60 years and above.
- National Social Protection 2017 Policy Measure 14: Provides non-contributory pension among citizens above 60 years of age.

##### **2. Question:**

What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age persons, to ensure an adequate, standard of living in older age?

##### **Answer:**

- i. Data collection and disaggregation.
- ii. Review of the National Pension Act 2017 to include the private sector.



- iii. Provision of the Micro-pension plan to encourage the informal sector to contribute to a pension scheme.
- iv. Sub-national non-contributory pension Schemes to cover vulnerable older persons.
- v. Advocacy and capacity building

**3. Question:**

What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health care and support services for independent living to older age?

**Answer:**

- i. Review of the National Pension Act 2017 to include the private sector.
- ii. Provision of the Micro-pension plan to encourage the informal sector to contribute to a pension scheme.
- iii. Sub-national non-contributory pension Schemes to cover vulnerable older persons.
- iv. Advocacy and capacity building/CSO and NGO engagement.
- v. Extension of the social security scheme to communities.
- vi. Observance of the International day for Older Persons.

**Adequacy**

**4. Question**

What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?

**Answer:**

Steps are not age-specific but cut across all ages.

**Accessibility**

**5. Question**

What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlement?

**Answer:**

- i. Through public enlightenments
- ii. Through media coverage
- iii. Through sensitization in communities
- iv. Awareness creation

6. The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?

**Answer:**

Yes

## **Equality and non-discrimination**

### **7. Question**

Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?

### **Answer:**

Advocacy for specific legislation for inclusiveness of older persons.

## **Accountability**

- 8.** What mechanisms are in place to ensure social security and social protection, schemes are effective and accountable?

### **Answer:**

The mechanisms available include, establishment of the Social Protection and Social Security Scheme directly under the Presidency, with a Special Adviser to the President on Social Investment directly overseeing its activities. Involvement of the National Human Rights Commission, CSO's and establishment of institutional mechanisms to ensure accountability.

### **Question**

What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their rights to social security and social protection?

### **Answer:**

- i. Public Complaints Commission
- ii. Servicom
- iii. National Human Rights Commission
- iv. Legal Aid Council



## **GUIDING QUESTIONS FOR THE FOCUS AREAS X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:**

### **Education, training, life-long learning and capacity-building**

#### **National Legal Framework**

**1. Question:**

In your country/region, how is the right to education, training, life-long learning and capacity building in older age guaranteed in legal and policy frameworks?

**Answer:**

Through the provision of adult Education, Vocational Education and community work.

#### **Availability, Accessibility and Adaptability**

**2. Question:**

What are the key issues and challenges faced by older persons in your country/region with regard to the enjoyment of all levels of quality education, training, life-long learning and capacity building services?

**Answer:**

The primary challenges include funding and poor motivation.

**3. Question:**

What steps have been taken to ensure that education, training, life-long learning and capacity building service are available and accessible to all older persons, adapted to their needs, suited to their preferences and motivations, and of high quality?.

**Answer:**

Through vocational Education, Adult Education, Evening Programme, Community Covering Centers

**4. Question**

In your country/region, are studies and/or data available on the access of older persons to the right to education, training, life-long learning and capacity building in older age?

**Answer:**

Disparate data at different levels of centralization.

#### **Equality and non-discrimination**

**5. Question**

In your country is age one of the prohibited grounds for discrimination in relation to education in older age?

**Answer:**

No

## **Accountability**

### **6. Question**

What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to education, training, life-long learning and capacity building?

### **Answer:**

- i. Enactment of legislations that will include right of older persons to education
- ii. Advocacy, Enlightenment and campaigns that will encourage older persons to have more right to education
- iii. Enactment of policies aimed at catering for older persons' education needs.

## **GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES EXAMINED AT THE IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:**

### **Autonomy and Independence**

#### **National Legal Framework**

**1. Question:**

What are the legal provisions in your country that recognizes the right to autonomy and independence? Do they have a constitutional, legislative or executive foundation?

**Answer:**

The 1999 Constitution of the Federal Republic of Nigeria guarantees through Section 16 (1) (b): the basic principles which includes the States Obligation(s), to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

#### **Normative elements**

**2. Question:**

What are the key normative elements of the rights to autonomy and independence? Please provide references to existing laws and standards where applicable.

**Answer:**

The Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria recognizes the rights of

- i. Freedom to self-expression
- ii. Freedom to self determination
- iii. With reference to the constitution that guarantees freedom for all individuals.

**3. Question:**

How should autonomy and independence be legally defined?

**Answer:**

Autonomy and independence can be defined as freedom to make a choice without interference, the right to self-determination and control over all aspects of decision making for older persons, including the right to enjoy legal capacity and equal access.

#### **Implementation**

**4. Question**

What are the policies and programmes adopted by your country to guarantee older person's enjoyment of their right to autonomy and independence?

**Answer:**

The Government established a National Social Protection Policy, improved access to National Health Polices and establishment of National Senior Citizens Centers.



**5. Question**

What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

**Answer:**

- i. Ensuring older persons participation in decision making process.
- ii. Provision of adequate infrastructure.

While challenges are:

- i. Dependence of the older persons on family members.
- ii. Nonpayment of pension to enable them live their life fully, financially independent of their children and families.
- iii. Lack of necessary policy guidelines.
- iv. Poor coverage of universal health care.
- v. Unavailable access to social services.
- vi. Inadequate funding.
- vii. Poverty.

**Equality and non-discrimination**

**6. Question**

Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to autonomy and independence, paying special attention to groups in vulnerable situation?

**Answer:**

- i. By establishing Human Rights Commission to look into issues that ensure their rights and independence.
- ii. Encourage NGOs to channel the complaints of the older persons.
- iii. Encourage NGOs that care about the welfare of the older persons.
- iv. Sponsor age-specific policy/ legal frameworks that address the rights of older persons.

**Participation**

**7. Question**

The design and implementation of normative and political framework related to autonomy and independence included an effective and meaningful participation of older persons?

**Answer:**

Yes

**Accountability**

**8. Question**

What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their rights to autonomy and independence

**Answer:**



Through the establishment of National Human Rights Commission.  
**GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES  
EXAMINED AT THE IX SESSION OF THE OPEN-ENDED WORKING GROUP ON  
AGEING:**

**LONG-TERM AND PALLIATIVE CARE**

**National Legal Framework**

**1. Question:**

What are the legal provisions in your country that recognizes the right to long-term and palliative care? Do they have a constitutional, legislative or executive foundation?

**Answer:**

Yes. The Nigerian Constitution recognizes the right of older persons to health care as enshrined in Section 16(2) ; 17 of the 1999 Constitution of the Federal Republic of Nigeria.

Legislative Provision:

- i. The National Health Insurance Scheme 2017 provides for easy access to healthcare for all.
- ii. National Health Act 2014: established to regulate and manage the National health care system in the country.

**Normative elements**

**2. Question:**

What are the key normative elements of the rights to long-term and palliative care? Please provide references to existing laws and standards where applicable.

**Answer:**

**Pending Bill before the National Assembly:**

- i. A Bill for an Act to regulate the Establishment, Registration, Provision and Management of Services and Residential Facilities for Elderly Persons (HBS 602).

**3. Question:**

How should long-term care and palliative care be legally defined?

**Answer:**

Long-term care is a variety of services which help meet both the medical and non-medical needs of people with a chronic illness or disability who cannot care for themselves for long periods.

Palliative care is specialized medical care for life-threatening illnesses provided by an organized health care service.

**Implementation**

4. What are the policies and programmes adopted by your country to guarantee older persons' enjoyment of their rights to long-term and palliative care?

**Answer:**

The policies and programmes adopted by the Federal Government include, the Second National Strategic Health Development Plan 2018-2022; which provides standards and regulation of health services including long term care and the National Health Policy 2016 aimed at strengthening Nigeria's Health care system to deliver quality, efficient, equitable, accessible, affordable, acceptable and comprehensive health care services to Nigerians.

5. What are the best practices and main challenges in adopting and implementing a normative framework to implement these rights?

**Answer:**

- i. Institutions and residential facilities should be properly structured and well regulated to ensure the rights of older persons are not violated. Specific legislation on framework for regulation of health care facilities i.e family referrals, establishment of Hospices, should be developed.
- ii. Facilities should be appropriately regulated by an agency that has personnel who are knowledgeable and committed to issues of ageing, institutionalism, old age autonomy and dependence.
- iii. The older persons deserve the rights to care in LTC Institutions that are appropriately designed and staffed with skilled personnel to allow autonomy and maintain respect and dignity.

**Challenges:**

- i. Lack of effective funding mechanism for long term care
- ii. Lack of adequate infrastructure
- iii. Inadequate capacity
- iv. Out of pocket payment
- v. Cultural perception and stigmatization

**Equality and non-discrimination**

**6. Question**

Which are the measures adopted to ensure equitable access by older persons to the enjoyment of the right to long-term and palliative care, paying special attention to those who are vulnerable or in vulnerable situation?

**Answer:**

- i. Encouraging CSOs in their effort towards advocacy for long term and palliative care.
- ii. Formulation of necessary policies
- iii. Inclusion in decision making
- iv. Sponsorship of specific legislation

**Participation**

**7. Question**

Does the design and implementation of normative and political framework related to long-term and palliative care include an effective and meaningful participation of older persons?

**Answer:**

Yes

**Accountability**



8. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to long-term and palliative care?

**Answer:**

- i. Public Complaints Commission
- ii. Servicom
- iii. National Human Rights Commission
- iv. Legal Aid Council