

PROTECTION OF THE RIGHTS OLDER PERSONS TO EDUCATION, TRAINING, LIFE LONG LEARNING AND CAPACITY BUILDING AND SOCIAL PROTECTION AND SOCIAL SECURITY.

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)

Introduction

The right to social security is given recognition in section 14(2)(b) of the Constitution of the Federal Republic of Nigeria, 1999, which provides that 'the security and welfare of the people shall be the primary purpose of government'. Like any other country in sub-Saharan African, Nigeria's elderly too is increasing rapidly. In Nigeria, those aged 65 years and above (the elderly) make up 3.1% or 5.9 million of the total population of 191 million, which in crude numbers represents an increase of 600,000 during the 5-year period 2012–2017.

National Legal Framework

- 1. 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?**

Nigeria is a party to a number of international instruments which require parties to protect and promote the right to social security and state parties to assume a legal obligation to recognize the right of everyone to social security, including social insurance. This right encompasses defined benefits and contributory pensions to protect people against the social risks of sickness, disability, employment injury, old age, orphans. Benefits from such a scheme must be adequate, accessible to all and provided without discrimination.

Availability

- 2. 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 pensions, to ensure an adequate, standard of living in older age?**

The factors militating against effective social security schemes in Nigeria are delayed or nonpayment of pension entitlements and misappropriation of existing pension funds, too frequent verification of pensioners by Pension Transitional Arrangements Directorate (PTAD) leading to pensioners dying during verification exercises. After more than 10 years of existence of the Contributory Pension Scheme, not all state governments had enacted their pension laws to establish the Contributory Pension Scheme, which is a sign of regulatory weakness.

3. 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 and care and support services for independent living in older age?

Of particular note also is the African Charter, which Nigeria has not only ratified, but domesticated in the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. The government of Nigeria has no respect for the elderly people, therefore no effective social security and social protection schemes for the care of the elderly in this country and when sick they go to the hospital where every other person goes. This demand for social critical analysis.

Adequacy

4. 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?

The removal of state subsidies and privatization programs emasculate the elderly people who have no economic means of livelihood and this condition exposes the elderly to diseases and death because it has brought the elderly under the dead weight of privatization. Very few doctors are knowledgeable about elderly illnesses and the elderly sick prays to die rather than stay alive and suffer. They are not given any special treatment in the hospital because they are expected to queue in the line and wait for their turn to see the doctor like other younger ones.

Accessibility

5.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 entitlements?

The Nigerian government has failed pensioners who had high expectations of the implementation of pension regulation schemes existing in the country. These expectations arose from the need to have a sustainable standard of living in retirement and their benefits paid when due. The different pension regimes operating in Nigeria, namely a defined benefits and a contributory pension scheme, gave rise to a varying set of problems that limited the capacity of key stakeholders within the Nigerian pension industry to meet pensioners' expectations.

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?

In Nigeria, there is no national social security system to provide an economic buffer in old age. Though in 1989, the Nigerian government developed the national social development policy which aimed to provide a framework for protecting elderly persons from moral and material neglect and provide public assistance when necessary. Despite the development of the national social development policy to care for the elderly, there has been no effective execution of this policy frameworks for the elderly, by any federal agency for older adults in Nigeria.

Equality and non-discrimination

7.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?

Elderly adults in rural areas, lack access to welfare services and often the greatest challenge they face is difficulty to continue to live independently and meaningfully which effects are of significant concern for the growing ageing population and require more attention. They cannot even afford electricity and there are no health facilities in most remote areas and have to travel long distances to get medical attention. The rate of suffering is just too much for the elderly, and the government has not done much to improve the lives of the elderly in the rural country sides.

Accountability

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

The three arms of government have no effective programme that should take care of the elderly, therefore no database for planning. Secondly, homes for old people were not established in every local government area where elderly people who do not have anyone to care for them can go and stay. Old peoples' Homes ran by NGOs are extremely few and poorly funded. The Government should do something urgently to cater for the older people in society.

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

Nigeria has no functional national policy on the care and welfare of older persons, and changing demographics in Nigeria in addition to the breakdown of the family structure and absence of a social security system, present unique challenges to the elderly in Nigeria. Also, economic policy-makers created a vacuum in policy formulation and execution in which the older persons are not provided for within the social safety nets.