

INPUTS OF NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA IN RESPECT TO THE ELEVENTH SESSION OF THE OPEN-ENDED WORKING GROUP FOR THE PROTECTION OF THE RIGHTS OF OLDER PERSONS

A. RIGHT TO WORK AND ACCESS TO THE LABOUR MARKET

National Legal and Policy Framework

Question:

1. What are the legal provisions and policy frameworks in your country that recognize the right to work and access to the labour market by older persons?

Answer:

There are no specific legal frameworks dealing with the right to work and access to the labour market for older persons in Nigeria. What is obtainable is a general framework. For instance, section 17(3), (a) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that the Government shall direct its policy towards ensuring that all citizens without discrimination on any group (including the older persons) have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment. Also, Article 15 of the African Charter on Human and Peoples' Rights recognizes the right to work and stipulates that **every** individual shall have the right to work under equitable and satisfactory conditions

Question:

2. What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?

Answer:

Challenges faced by older persons in realizing their right to work include employment discrimination on account of age, mandatory retirement requirements, stereotypes that older persons are not hardworking, innovative or amenable to technological change, inadequate legal or absence of policy framework, lack of information, knowledge or technical skills for emerging job opportunities.

Question:

3. What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?

Answer:

Not sure there is any such data or statistics particularly as it relates to older women. However, Table 69 of the Report of the National Survey of Micro Small and Medium Enterprises (MSMEs) carried out by the National Bureau of Statistics in 2017 revealed that 13.2% of the owners or Sole Proprietors of micro small and medium businesses in Nigeria are persons within the age bracket of 51-60 years old.

Availability, Accessibility, Acceptability and Quality

Questions:

4. What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?
5. What steps have been taken to ensure the availability of specialized services to assist and support older persons to identify and find employment?
6. What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?

Answers to Questions 4, 5 & 6

Several policy frameworks dealing with the rights and protection of older persons have been conceptualized in Nigeria. Such policies include the 1989 National Social Development Policy and other Policy Documents developed by the Ministry of Health as well as Labour and Productivity. In 2018, the National Senior Citizens Center Act was enacted in Nigeria with the overarching aim of focusing attention on the needs of older persons in Nigeria. The Act seeks to establish a National Centre to cater for the needs of the older persons in Nigeria, including designing different programmes and other activities for improving their lives. From the Act, the Centre is mandated to promote research, documentation, and dissemination of information on matters affecting older persons. The centre is also expected to provide community-based care and support services for older persons in the areas of recreation, sports, health, housing, and finance as well as facilitating policy formulation on issues affecting older persons.

Question:

7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?

Answer:

Please refer to the answers provided for question 1 above.

Equality and non-discrimination

Question:

8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?

Answer:

Discrimination on account of age, gender, sex, religion, ethnicity, tribe, etc is prohibited in accordance with human rights standards in Nigeria and this applies to right to work and access to labour market. However, mandatory retirement applies for persons who have attained the age of 65 -70 years in the civil service.

Remedies and Redress

Question:

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?

Answer:

Complaints for denial of right to work for older persons can be lodged at National Human Rights Commission, Public Complaints Commission, Courts, Civil Society Organizations or through Labour Unions.

B. ACCESS TO JUSTICE**National Legal and Policy Framework****Question:**

1. How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?

Answer:

Sections 6 and 46 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) confers on any person (including older persons) the right to approach a court of law, if their rights have been breached or likely to be breached. Also, older persons can rely on the provisions of the NHRC Act, Public Complaints Commission Act, etc.

Availability**Question:**

2. What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?

Answer:

There are industrial and other courts in the 36 States of the federation including the FCT which older persons can approach and seek for justice. At the rural level, Nigeria has Magistrate, District, Area, Sharia and Customary Courts. For non-judicial or quasi-judicial mechanisms, the Public Complaints Commission is in virtually all area councils of Nigeria, while the National Human Rights Commission has presence in 36 States of the Federation. There are also alternative dispute resolution mechanisms such as the multi-door court houses and informal traditional justice system in many parts of the country.

Accessibility**Questions:**

3. What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?

4. What are the existing provisions to guarantee legal assistance for older persons?

Answer to Questions 3 & 4

The Government established the Legal Aid Council to provide legal assistance to indigent people or persons who cannot afford to pay legal fees. Other pro-bono organizations, NGOs and professional bodies like the Nigerian Bar Association also render free legal services.

Question:

5. What are specific challenges encountered by older persons in accessing justice and remedy in your country?

Answer:

Challenges on access to justice include lack of information, poverty, corruption, lack of education, inadequate legal framework.

Question:

6. What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?

Answer:

Please refer to the answer provided for questions 3 & 4 above.

Equality and non-discrimination

Question:

7. What are the provisions adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?

Answer:

General fair trial and non- discrimination principles.

Question:

8. Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impacts of ageism and age discrimination in justice system.

Answer:

None

Accountability

Question:

9. How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.

Answers:

Through the principles of separation of powers, rule of law, checks and balances, judicial review and appeal process from inferior to superior courts of record.