

## **Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:**

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

#### **Definition**

***1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?***

- The Leadership Initiative for Transformation & Empowerment (LITE-Africa) found that the Nigerian Senior Citizen Centre Act 2017 define senior citizen as a person that is above the age of seventy (70) years. The Act defined it to include; identify 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 benefits of the senior citizens in the country as well as provide guidance and counselling for senior citizens. The act has not been implmeneted. Also, 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. This provision has no particular reference to older persons and it has no binding legal entitlements and are not justiceable.
- LITE-Africa feels that the definition of this rights should include concrete measures of states that is aimed at lowering poverty and providing old-age insurance including access to an adequate standard of living, adequate access to health care and income security for older persons.

#### **Scope of the right**

***2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:***

- a) Availability of contributory and non-contributory schemes for older persons. <sup>1</sup>Nigeria has a contributory pension scheme established by Pension Reform Act, 2014, <sup>2</sup>Employee Compensation Act (2010)
- b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care., <sup>3</sup>National Health Insurance Scheme (NHIS)
- c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions. <sup>4</sup>Nigeria Social Insurance Trust Fund (NSITF)

<sup>1</sup> [https://www.pencom.gov.ng/wp-content/uploads/2017/04/1448643400\\_PRA\\_2014.pdf](https://www.pencom.gov.ng/wp-content/uploads/2017/04/1448643400_PRA_2014.pdf)

<sup>2</sup> [https://www.nsitfweb.com.ng/html/NSITF\\_DOCUMENTS/ECA%202010.pdf](https://www.nsitfweb.com.ng/html/NSITF_DOCUMENTS/ECA%202010.pdf)

<sup>3</sup> <https://nhis.gov.ng/objectives-of-the-scheme/>

<sup>4</sup> [https://www.nsitfweb.com.ng/html/NSITF\\_DOCUMENTS/NSITF\\_ACT.pdf](https://www.nsitfweb.com.ng/html/NSITF_DOCUMENTS/NSITF_ACT.pdf)

- d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation. National Poverty Eradication Programme (NAPEP). National Senior Citizens Centre Act 2017.
- e) Participation of older persons in the design and administration of the social security system. National Social Protection Commission (NSPC)
- f) <sup>5</sup>The Pension Reform Act, 2014 enacted for the governance and regulation of the administration of the uniform contributory pension scheme for both the public and private sectors in Nigeria.

### **State obligations**

#### **3. *What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?***

- Implementation of the National Senior Citizens Centre Act, 2017 which provides for the identification of 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 benefits of the senior citizens in the country as well as provide guidance and counselling for senior citizens.
- Provision of a national legislative framework for the provision of social protection and social security services, particularly for older persons in Nigeria
- Guaranteed state mechanisms for adequacy of benefits to older persons access to an adequate standard of living and adequate access to health care and income security.

### **Special considerations**

#### **4. *What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?***

- We feel adequacy of benefits to older persons, access to an adequate standard of living, adequate access to health care and income security should be considered in developing the normative content of the right of older persons to social protection and social security.
- We feel the provision of social security and social protection should be socially inclusive of older persons and not limited to people working in the formal economy or any other factor of exclusion.

#### **5. *How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?***

- Non state parties and private sector should have a commitment and responsibility in the context of respect for the right of older persons to social protection and social security by refraining from any acts or intention that is capable of denying older persons of their right.
- The responsibility to respect the right of older persons to social security and social protection by

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<sup>5</sup> <https://www.pencom.gov.ng/>

private sector should be without limitation of existing or non-existing state legislations.

## Implementation

6. ***What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?***
- The Nigerian state currently provides the sum of five thousand naira to vulnerable households as part of a social investment program which is less than Fourteen United States Dollar (USD 14). We feel that this cannot close the poverty gap among older persons. Also there is the dearth of disaggregated data for Nigerians, particularly those working in the informal sector of the economy in addition to huge corruption and lack of transparency in the social investment program. The challenges stem largely from weakness of the state institutions.