

**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. 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?**

Article 41 of The Constitution of Nepal provides for special protection and social security for senior citizens from the State. There is universal non-contributory allowance for older persons and their rights have been guaranteed through the Social Security Act, 2017, and Senior Citizens Act, 2006.

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 and survivor old-age pensions, to ensure and adequate, standard of living in older age ?**

There is a universal non-contributory old aged allowance scheme started in 1996. The general eligibility of age for such benefit is 70 and above but in the case of DALIT and inhabitants of Jumla, Humla, Dolpa, Mugu and Kalikot (remote Districts of Nepal)) and single women the eligibility of age is 60 and above.

- 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?**

Every older person as mentioned above, gets his/her allowance deposited in his/her given bank account. Moreover the Senior Citizens Act, 2006 makes it mandatory for the sons/daughters or other family member in succession, to support the older persons in older age.

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?**

Though the social security allowance is guaranteed by law, it is not enough for an adequate standard of living. The government also provides a lump sum of Rs. 100,000/- each for the treatment of Cancer, Alzheimer's, Kidney failure, Parkinson and spinal injury patients, on the recommendation of the concerned physician. The government has allocated geriatric beds in seven zonal hospital where the older persons get 50% discount in the treatment charges.

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 government is using electronic and mass media including local FM Radio Stations to inform the public about the social protection schemes and the process to claim for it.

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

The constitution of Nepal, has provided for the right to special protection and social security for senior Citizens (Article-17).

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?**

The social security allowance is now the responsibility of the local level government. The local level government offices handover the allowance to the Senior Citizens' household if the Senior Citizens is not able to move to access the Bank.

Accountability:

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

The local governments are accountable for providing the social security allowances as per established roaster of the beneficiary finally audited by the office of the Auditor General, which is a Constitutionally independent body. Pursuant to section 13 of Social Security Act, every elder citizen has the right to apply for social security and the decision has to be made within 7 days of such application.

- 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 and social protection ?**

As the Rights of Senior Citizens is a constitutionally guaranteed fundamental right, the state has promulgated necessary laws and mechanisms for the effective implementation of this rights. Article 133 provides for a provision that any citizen of Nepal may file a petition of Supreme Court if any rights conferred by the Constitution are denied either by Federal, State or local level governments or through any laws constituted by any of the three levels of Federal structure.

The senior citizens can also lodge a complaint at the Municipality/Rural Municipality in Local level, Social Development Ministry in State level or at the Ministry of Women, Children and Senior citizens in Federal level.

Guiding Questions for the focus areas of the x session of the Open-Ended Working Group on Ageing: Education, Training, Life-long learning and Capacity Building;

National Legal Framework

- 1. 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?**

Constitution of Nepal has ensured the free and compulsory education up to the grade VIII (Basic level) and free up to grade XII (Secondary level). Education has been considered as a major vehicle for socio-economic development of the country. Non-formal education, one of the stream of education is equally recognized for ensuring literacy and lifelong learning. Under the non-formal education, there is a provision of literacy classes for the 15-60 aged people, whereas, continuing education is open for all including senior citizens for their easy access to lifelong learning. Based on the Non-formal Education Policy (2007), provision of Community Learning Centers (CLC) has been implemented in Nepal. Along with literacy, continuing education and lifelong learning CLCs are expected to be a focal point for community development. There are about 2500 CLCs serving across the Nepal.

- 2. 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?**

There are some issues and challenges in creating encouraging environment for the senior citizens;

- Policy issues: As such, Nepal hasn't been able to enact policies particularly for senior citizens, using their capacity and optimizing their potentialities. Enjoyments, their access to quality education and lifelong learning aren't properly addressed by the policies.*
- Perception issues: Senior citizens are perceived as outdated staff. Right choice and need of the senior citizen are not prioritized. There is a belief that only children and youths are source for social transformation, economic growth and prosperity.*
- Equity and social justice related issues: However, the government is introducing many policies and initiatives to ensure equitable social protection. There is also huge disparity among the senior citizens across factors like their gender, language, caste, ethnicity, geographical location and poverty.*
- Program related issues: The allowances provided by the government is not enough for their livelihood.*

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

Some initiatives have been taken in favor of senior citizens of Nepal. Provision of right of the senior citizen has been ensured by the Constitution of Nepal. Similarly, establishment and functioning of the Ministry of Women, Children and Senior Citizen is another important initiatives taken by the government. These initiatives are the foundation for

enhancing quality life of senior citizens. Despite many limitations, access to the lifelong learning through the 2500 CLCs also create wider platform for harnessing senior citizen friendly environment in the country.

4. In your country/region, are there 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?

Except the disaggregated data (sex, caste, language, religion, formal qualification, literacy status and geographical location) of senior citizens, national census and any other information system don't present the data of right to education, lifelong learning and capacity building in older age.

Equality and non-discrimination:

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

No.

Accountability:

6. 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, lifelong learning and capacity building?

- *Enabling policies and laws with strong provision of right to education, training, lifelong learning and capacity building*
- *National, provincial and local governments should prioritize senior citizens' happy life, including right to education, training, lifelong learning and capacity building in need based manner.*
- *Existing institutional arrangements need to be expanded and improved for providing wider access to facilities.*
- *CLCs need to be reoriented as the center for right to education, training, lifelong learning and capacity building at local level.*

Guiding Questions for the focus areas of the x session of the Open-Ended Working Group on Ageing: Autonomy and Independence

National Legal Framework.

1. 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?

The Constitution of Nepal, 2015 guarantees Right to Independence in article 17.

Normative elements:

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

- *Freedom of opinion and expression.*
- *Freedom to assemble peacefully and without arms.*
- *Freedom to form political parties.*
- *Freedom to form unions and associations.*
- *Freedom to move and reside in any part of Nepal.*
- *Freedom to practice any profession, occupation and business.*

3. How should autonomy and independence be legally defined ?

“Autonomy” means power to conduct once own affairs, Whereas “Independence” means none interference in carrying out owns personal work.

Implementation

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

Senior Citizen Act, Social Security Act.

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

Lack of awareness is the main challenge to implementation.

Equality and non-discrimination:

6. 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 those who are vulnerable or in vulnerable situation ?

The Rights are included as fundamental right in the constitution.

Participation:

7. The design and implementation of normative and political framework related to autonomy and independence include and effective and meaningful participation of older person?

None.

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 autonomy and independence ?

Right to writ petition in the Supreme Court/ High Court

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. 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?**

The Public Health Act, Article-2, section-3, sub section-1,2,3,4

Normative elements

- 2. 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.**

As referred above...The Public Health Act -Article-2, section-3, sub section-1,2,3,4 and Health facility establishment, operation and upgrading standard 2070 (2014)

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

Long term care can be defined as "the cares which exceeds the normal duration of disease care, especially related to ageing related diseases, CANCER, NCDs (Non communicable diseases like Diabetes Mellitus, Hypertension etc..) Palliative care can be defined as care for the terminally ill and their families, especially that provided by an organized health service.

Palliative care:

- *provides relief from pain and other distressing symptoms;*
- *affirms life and regards dying as a normal process;*
- *intends neither to hasten or postpone death;*
- *integrates the psychological and spiritual aspects of patient care;*
- *offers a support system to help patients live as actively as possible until death;*
- *offers a support system to help the family cope during the patients illness and in their own bereavement;*
- *uses a team approach to address the needs of patients and their families, including bereavement counselling, if indicated;*
- *will enhance quality of life, and may also positively influence the course of illness;*
- *is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and includes those investigations needed to better understand and manage distressing clinical complications.*

Implementation

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

The Public Health Act Article-2, section-3, 4,5,6,7 are the ones which have envisioned to ensure ageing health.

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

There are many initiatives including the provision of allowances, the geriatric ward in hospitals and the free health system for ageing people. Challenges : Infrastructures, the service delivery structures and trained human resources and the financial resources.

Equality and non-discrimination

- 6. 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?**

The expansion of Health system like the Regional hospitals at province level and the primary and secondary hospitals at local level and above are some measures which will play supportive role. In addition there are the mandatory provisions of Social Service Unit in Secondary level hospitals and above and certain guidelines for ageing people....but the specialized form and format of palliative services are still in the process of being made.

Participation

- 7. 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?**

There is regular budget allocation for eight hardship diseases throughout the country. There is provision of free treatment of patients under geriatric ward establishment and operation guidelines, 2070. The cardiac surgery and dialysis is free for elder people above the age of 75.

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?**

There is provision of complain if elder people do not get adequate care as provided in the "guidelines for care of elder, psycho-social problem, mentally ill people. They can file complaint through their respective ward of their Municipality/Rural Municipality