



DAVE OMOKARO FOUNDATION NIGERIA

SUBMISSION FOR THE NORMATIVE FRAMEWORK ON AUTONOMY AND INDEPENDENCE

In Nigeria, the right to self-determination, enjoyment of freedom and happiness on the basis of social justice and equality of status and opportunity is universal however, older persons' economic, social and functional resilience in later life which would allow choices and maximize their participation in any decision making processes, are increasingly challenged by ageism and normative gaps.

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.

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.

Nigeria has no existing laws with normative elements that specifically address older persons rights to independence and autonomy

No specific laws with measures to provide older persons with access to the support and services they may require in exercising their rights to autonomy and independence and to maximize their participation in any decision making process.

However the Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria recognizes the every citizens, rights with regards to

- 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 self-directing and self- governing for determination and control over all aspects of one's decision making

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:

No Policies or Programs so far adopted **guarantees** older persons rights to Independence and Autonomy

5. Question

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

Answer:

Challenges

- Lack of political will
- Ageism
- Health systems not aligned to the needs of older person
- Inadequate trained man power
- Funding

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:

No age specific redress mechanism specific to older persons besides the normal courts

Others include

- i. Sponsorship of age-specific policy/ legal frameworks that address the rights of older persons.
- ii. Human Rights Commission's mainstreaming of older persons' rights in the broad human rights concerns in Nigeria
- iii. Advocacy
- iv. NGOs interventions.

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; participation in public hearings at National Assembly
Participation in advocacy campaigns

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:

Normal courts

Through the establishment of National Human Rights Commission.



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