



THE DAVE OMOKARO FOUNDATION

## Dave Omokaro Foundation Nigeria

### SUBMISSION FOR THE NORMATIVE FRAMEWORK ON LONG TERM AND PALLIATIVE CARE

The goal of the National Health Policy is to ensure the provision of health care service to all Nigerians as enshrined in the Constitution. However, the rights of older persons to long term and palliative care are not guaranteed in any existing policy, legal and programmatic framework.

#### National Legal Framework

##### 1. Question:

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?

##### Answer:

##### Constitutional Foundation

Yes, The Nigerian Constitution recognizes the right of ALL CITIZENS to health care as enshrined in Section 16(2); 17 of the 1999 Constitution of the Federal Republic of Nigeria.

##### Legislative Provision:

- The National Health Insurance Scheme 2017 provides for easy access to healthcare for all citizens – **However provides no Coverage not for long term and palliative care/** No long term care insurance that provide coverage for nursing home care, home-health care and personal Adult care for individuals above 65 years with chronic or disabling medical condition
- National Health Act 2014: established to regulate and manage the National health care system in the country- **Not specific to regulation of range of Long term care institutions and Care services**

#### Normative elements

##### 2. Question:

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.

**Answer: NO EXISTING LAWS ON LONG –TERM AND PALLIATIVE CARE IN NIGERIA**

##### Pending Bill before the National Assembly:

- i. A Bill for an Act to regulate the Establishment, Registration, Provision and Management of Services and Residential Facilities for Elderly Persons (HBS 602).

##### 3. Question:

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

##### Answer:

**Long Term Care:** A variety of services which includes medical and non- medical care to people who have a chronic illness or disability and who cannot care for themselves for a long period

**Palliative Care:** specialized medical care for people with life-threatening illnesses focused on providing relief from the symptom and stress of a serious illness with the goal to improve quality of life for both the patient and family

#### Implementation

##### 4. Question:

What are the policies and programmes adopted by your country to guarantee older persons' enjoyment of their rights to long-term and palliative care?

##### Answer:

- No Policies or Programs so far adopted **guarantees** older persons rights to long term and palliative care-
- National Health Policy gives directives to the establishment of Geriatric Centers at the tertiary levels **however with no specific focus on long term and palliative care interventions**
- No land mark legislations on ageing yet which is needed to compel policies and programmes interventions in long term and palliative care services

- Second National Strategic Health Development Plan 2018-2022; aims at strengthening Nigeria's Health care system to deliver quality, efficient, equitable, accessible, affordable, acceptable and comprehensive health care services to Nigerians

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

**Answer**

**Challenges**

- Ageism and Lack of Political Will

**Health systems not aligned to the needs of older persons**

- The non-Existence of long term care insurance that provide coverage for nursing home care, home-health care and personal Adult care for individuals above 65 years with chronic or disabling medical condition
- Inadequacy of Skilled Human Resource, Data and physical Infrastructure
- Cultural Perceptions and stereotypes about Care Institutions and myths about cognitive impairment leading to discrimination against older persons.

**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 long-term and palliative care, paying special attention to those who are vulnerable or in vulnerable situation?

**Answer:**

**Education and training of Medical/Para-medical Professionals**

- CSOs' effort towards advocacy for long term and palliative care services
- Sponsorship of specific legislation on Establishment, Administration and Regulation of Residential Care Institutions
- Sponsorship on bill on Funding of Care and Support Services

**Participation**

7. **Question**

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?

**Answer:**

1. Coalition of Societies for the Rights of Older Persons participate in Public Hearing on Legislative Bills for an Act to Establish and Administer and Regulate Care Facilities
2. Participation in crafting comprehensive Bill on Funding of Care and Support services; pending in the National ASSEMBLY
3. CSOs' Advocacy for inclusion of older persons in National Social Investment programs

**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?

**Answer**

**None Specific to older persons' rights abuse**



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