

## **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?*

**Response:** In Nigeria, even though a national policy on ageing is yet to be put in place, there are a number of policies in the education sector that support the right to education, training, life-long learning and capacity building

The national policy on education was aimed at promoting education at all levels in Nigeria. As a result of this the federal ministry of education was established in 1988 and same was done by the state/regional governments.

There are also national and regional laws establishing institutions for learning, training, life-long learning and capacity – building. These include:

- Laws establishing public and private Universities and polytechnics
- Laws for the establishment of regulatory bodies for Universities and Polytechnics. E.g.
  - National Universities Commission
  - National Board for Technical Education
  - National Commission for Colleges of Education
  - National Commission for Nomadic Education
- Laws establishing National Mass Literacy, Adult and Non-Formal Education.
- National Open University

### **Availability, Accessibility and Adaptability**

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?*

**Response:** the key issues and challenges include:

- Absence of National Policy on Ageing.
- Absence of Specialized National Training and centres for older persons
- Lack of Shelter
- Unfavourable Retirement Policies
- Cultural Peculiarities/Barriers
- Social Exclusion and Economic Inequalities

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?*

**Response:** For the purpose of the above mentioned, the following steps have been taken to ensure the rights to education of older persons are protected:

- The establishment of Universities and other tertiary institutions;
- The establishment of the Commission for Mass Literacy and Non Formal Education;
- The passing into law of the National Senior Citizens Act 2018;
- Proposed Bill at the National Assembly on the National Policy on Ageing
- Various efforts being made by the Civil Society Organizations

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?*

**Response:** No available data

### **Equality and Non-Discrimination**

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

**Response:** There are no discriminating barriers preventing older persons to education.

### **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?*

**Response:** The following mechanisms amongst others are available for the redress of any complaint by older person:

- The National Human Rights Commission
- The Courts
- National Universities Commission
- National Board for Technical Education
- Public Complaints Commission

## NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

### **GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF OPEN-ENDED WORKING GROUP ON AGEING: *SOCIAL PROTECTION AND SOCIAL SECURITY (INCLUDING SOCIAL PROTECTION FLOORS)***

#### **NATIONAL LEGAL FRAMEWORK**

##### **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?*

**Response:** In Nigeria, legal provisions that recognize the right to contributory old-age benefit and other social protection laws includes the following:

Constitution of the Federal Republic of Nigeria 1999 as amended

National Human Rights Commission Act 1996 as amended

National Pension Reform Act 2004 as amended

Pension Administration and Transition Act

National Insurance Schemes

National Senior Citizens Act 2018.

They have constitutional, legislative or executive foundation.

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

**Response:** the steps taken include:

- Establishment of Senior Citizens Act 2018
- Creation of Ministry of Women Affairs and Social Development
- Advocacy for the National Policy on Ageing
- Advocacy for establishment of National Council on Ageing
- Upward review of Salaries and Wages

- 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?*

**Response:** Steps taken include

- Establishing Federal Medical Centres in every state
- Expansion of rural health facilities
- Strengthening of other health institutions
- Expansion of Pension administration institutions
- Universal Health Coverage Policies

**Challenges:** National Health Insurance Scheme does not cover people above 60 years) –  
Advocacy for National Policy on ageing

## **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?*

**Response:** Steps taken include:

- There is periodic review of the contributory pension law.
- Upward adjustments of incomes and wages. Most older persons are not in employment (this eventually affects Pension benefit in old age)
- Expansion of insurance schemes
- Advocacy for the establishment of National Policies on Ageing

## **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?*

**Response:** the mechanisms include:

- National and local television stations
- National and local Radio outlets
- Targeted Public sensitizations
- Town hall and community meetings

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

**Response:** Limited participation and involvement of older persons

## **EQUALITY AND NON-DICRIMINATION**

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?*

**Response:** Measures include:

- Provision of relevant laws and mechanisms by government.
- Advocacy by Civil Society on the rights of older persons.
- Advocacy for the adoption of Senior Citizens Act by regional/state governments.

## **ACCOUNTABILITY**

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

**Response:** The mechanisms include:

- The National Human Rights Commission
- Pension Commission
- The law courts
- Social Welfare Centres

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 security and social protection?*

**Response:** Mechanisms include:

- The National Human Rights Commission
- The law courts

## NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

### **GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES EXAMINED AT THE IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING: *LONG TERM CARE AND PALLIATIVE CARE***

#### **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?*

**Response:** In Nigeria, there is no legal provision for right to long-term care for older persons. However, the national constitution provides for the rights of all citizens – old and young.

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

**Response:** Universal health coverage for the provision of palliative care and long-term care services are inadequate. The few ones available are privately owned. However, government is making efforts to establish Senior Citizen centres across the country through the enabling Act which was signed into law in 2018. Also the Bill for the Establishment and Regulation of Long Term Care and Palliative Care is being considered at the National Assembly. Advocacy and political pressure are being made to facilitate fast adoption of National Policy on Ageing.

3. *How should autonomy and independence be legally defined?*

**Response:** It Should Be Defined As A Fundamental Human Right.

#### **IMPLEMENTATION**

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

**Response:** Bill on Establishment and Regulation of Long Term Care and Palliative Care being considered at the national assembly. Efforts are also being made by CSOs and other stakeholders towards having a national policy on ageing.

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

**Response:** Best practices include:

- Relevant laws and mechanisms for the rights of older person
- Provision of accessible and affordable health facilities (Our hospitals are not age friendly in terms of accessibility and affordability)
- Provision of old peoples centres equipped with recreational and learning facilities.

- Improved economic life of older persons
- Adequate remuneration for care givers

**Challenges:** the challenges include:

- Absence of national frame work for regulation
- Inadequate legislation
- Inadequate facilities and centres
- Poor knowledge of Pal care and Long term care
- Cultural peculiarities and barriers

## **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 groups in vulnerable situation?*

**Response:** measures include:

- Enactment of Senior Citizens Act 2018
- Old persons homes

## **PARTICIPATION**

7. *The design and implementation of normative and political framework related to autonomy and independence included an effective and meaningful participation of older persons?*

**Response:** limited participation and involvement.

## **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?*

**Response:** The mechanisms include:

- The National Human Rights Commission
- The Courts

## NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

### GUIDING QUESTIONS FOR THE NORMATIVE FRAMEWORK OF THE ISSUES EXAMINED AT THE IX SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING: *AUTONOMY AND INDEPENDENCE*

#### NATIONAL LEGAL FRAMEWORK

#### 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?*

**Response:** In Nigeria, there is no legal provision for right to autonomy and independence yet.

#### 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.*

**Response:** Palliative care and long-term care services are sparse. Only handful centers are available for the whole of Nigeria, and most of these are run by individuals. However, positive steps are being taken by government to redress the situation. For example, the Senior Citizens Center Act that was just signed into law, bill on Establishment and Regulation of Long Term Care and Palliative Care being considered at the National Assembly. Efforts are also on top gear for a national policy on ageing to be put in place, etc.

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

**Response:** It Should Be Defined As A Fundamental Human Right.

#### IMPLEMENTATION

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

**Response:** Efforts are being made for a National Policy on Ageing to be put in place in Nigeria.

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

**Response:** Best practices-

- Relevant laws and mechanisms for the rights of older person
- Provision of accessible and affordable health facilities
- Provision of old peoples centres equipped with recreational and learning facilities.
- Improved economic life of older persons
- Adequate remuneration for care givers

**Challenges:** the challenges include:

- Absence of national frame work for regulation
- Inadequate legislation
- Inadequate facilities and centres
- Poor knowledge of the rights of older persons.
- Absence of National Health Insurances Scheme
- Cultural peculiarities and barriers

## **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?*

**Response:** measures include:

- Enactment of Senior Citizens Act 2018
- Advocacy for the passage of the National Policy on Ageing by the National Assembly.
- Old persons homes

## **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?*

**Response:** limited participation and involvement.

## **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?*

**Response:** The mechanisms include:

- The National Human Rights Commission
- The Courts