Nurturing a Positively Sensitive and Inclusive Society: A Framework for the Protection of Older Persons in Nigeria

Jennifer Heaven  Mike
Introduction: RATIONALE FOR THE STUDY

Research Question

Definition

The Human Right challenges of Older Persons

Recommendations
Rationale for the Study

- According to the United Nations Department of Economic and Social Affairs, 1 out of every 10 people on the planet is 60 years of age or older.

- If the current trend of lowering birth rates and lowering death rates continues, by the year 2050 1 out of 5 people will be aged 60 years or older and by 2150, 1 out of every 2 people will be aged 60 years or older.

- The human right of older people is however, yet to receive adequate human rights attention, despite the demographic importance of this population.

- The underlying rationale for this research is to recommend a human rights-based framework that will protect and promote the civil, political, economic, social and cultural rights of older persons in Nigeria.

- It is argued that human rights can influence the way that the government and indeed everyone else promote, protect and fulfil the rights of senior citizens in the country.
Research Question and Objective

- **Research Question**
  - Is there a need for a specific human rights approach to older persons in Nigeria?

- **Research Objective**
  - This study aims to call for **specific** human rights approach to elderly well-being in Nigeria.
  - The study highlights some of the ways which the Nigeria Government can develop lasting and beneficial economic and socio-welfare policies and programmes for the older people.
Definitions

Older people — are generally defined according to a range of characteristics including: **chronological age, change in social role and changes in functional abilities.**

- According to **WHO**, most developed countries have accepted the chronological age of **65 years and above** as a definition of 'elderly' or older persons.
- According to **UN**: **60+ years** will be referred as the older population or elderly.

- Young old – upto 75 years.
- Old old – upto 85 years.
- Very old – over 85 years.

But like many westernized concepts, this does not adapt well to the situation in Africa.
Mapping out the Problem in Nigeria

- The life expectancy has gone up to over 70 years today
- Nigeria poorly ranked for quality livelihood of the aged.
- Ranked 86 among 96 countries of the world’s population aged 60 and above.
- 80% in rural areas
- 40% below poverty line
- 60% of women 65 years and above are widows

**Changes in family structure in Nigeria:** care of older relatives is a value which is culturally rooted and highly respected, but there is an observable progressive shift in function away from the traditional family, due to economic problems, migration and influence by foreign culture.

**Care provision for older people in Nigeria:** the Nigerian government and political leaders believe that the provision of care is the responsibility of families. Policy emphasis is more on young people, women and children.

**Social policy and old age:** the Contributory Pension Scheme (insurance) that has been reformed does not cover many older persons, and is mainly designed for those who work(ed) in the formal sector. It is yet to make appreciable impact on the lives of older people.

**Elder abuse and neglect:** there is yet no specific law on elder abuse, although the constitution recognizes the welfare of older persons.
The Human Rights Challenges of Older Persons

- **First: Personal**
  - Isolation, Perception of older people as physically and mentally unfit
  - Loneliness, adjustment to retirement, lack of meaningful activity leading to disenchantment
  - Homelessness, Poverty,

- **Second: Interpersonal Level**
  - Abuse – including financial, physical and psychological abuse of elderly people

- **Third: Institutional Level**
  - Rules, Policies, Procedures do not cater for their rights
  - Lack of access to appropriate and adequate aged care facilities and health care,
  - and denial or rationing of health care.
  - Workplace discrimination – older people may face prejudice when applying for jobs, seeking promotions, accessing training or may be harassed in the workplace
  - Poor living standards and dependency on social security payments or Pensions
  - Barriers in accessing government services

- **Fourth: Cultural and community**
  - Labelled witches, limitations and lack of opportunities to participate in community/public life.
The human rights of older persons is an issue that is beginning to garner international attention.

Presently, no formal draft treaty or convention has been agreed upon by the United Nations General Assembly.

"The Open-Ended Working Group on Ageing for the Purpose of Strengthening the Protection of the Human Rights of Older Persons" (OEWGA) has debated what the substantive content of a treaty may be.

The fundamental rights affirmed by the proposed treaty would be extensions of those secured by other multilateral treaties, though with a focus on specific issues faced by elderly persons.
Human rights and Older people

- Human rights are very important for older people
- There are certain human rights and freedoms that are particularly relevant to older people,
- the right to:
  - an adequate standard of living including access to adequate food, clothing and housing
  - the highest possible standard of physical and mental health
  - work and fair working conditions
  - right to human security, be safe and free from violence
  - be free from cruel, inhuman or degrading treatment
  - privacy and family life.
- Human Dignity
- Freedom from Discrimination etc.
Rights of Older people in Nigeria

- **Section 42 of the Constitution**—right to freedom from discrimination-
- Prohibit *disabilities or restriction, expressly* or in application of any *law or any executive or administrative action* of the government by virtue of age.
- It is interesting to note that **section 16** of Chapter II of **the 1999 Constitution** provides that the state shall direct its policy towards ensuring
- "**old age care and pensions, and unemployment,**
- **sick benefits and welfare of the disabled..’**
- **Section 17 (3)**—state shall direct its policy towards ensuring the following;
- **Opportunity for securing adequate means of livelihood;**
- **Just and humane conditions of work;**
- **Health, safety and welfare of all persons in employment;**
- **Equal pay for equal work without discrimination on any ground whatsoever;**

- Unfortunately, the foregoing provisions of Chapter II the Constitution are non-justiciable, hence unenforceable.
POLICY FOR THE ELDERLY IN NIGERIA

- ON a Friday, January 26, 2018, President Muhammadu Buhari signed the Senior Citizens Centre Bill, two years after it was first introduced into the House of Representatives.

- The law provides for the building of senior citizens Centre in the Federal Capital Territory and in states that are interested.

- The functions of the Centre include:
  1. identifying the needs of senior citizens
  2. Taking responsibility for creating recreational, sports, health, educational, counseling and social programmes for their benefit.

- Centre has the capacity to generate about 720,000 jobs when established across all the states of the federation.

- This therefore suggests that they will benefit not only the senior citizens.

- However, since its signing into law, nothing has been heard from the federal government about this promising legislation or plans regarding its implementation.
Positively Sensitive and Inclusive Society: Recommendations

- **Personal Level**
  - Respect for the elderly
  - Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their wellbeing.
  - Given opportunities to share their knowledge and skills with younger generations,
  - Make them feel valuable to society.

- **Interpersonal Level**
  - Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status,
  - and be valued independently of their economic contribution
  - Sensitization and educational programmes to educate everyone of the rights and interests of older persons, e.g. dementia.
Cultural Level

- *the re-evaluation of cultural traditions* to preserve beneficial practices and eliminate harmful ones.

- The formulation of laws to ban labelling and all forms of physical, emotional and psychological abuse.

- Older persons should be encouraged to **seek and develop opportunities for service to the community**

- and to serve as volunteers in positions appropriate to their interests and capabilities.

- Older persons should be encouraged and supported to **form movements or associations of older persons**.
Institutional Level

- Government should develop socio-welfare policies, particularly, **health and financial policies** aimed at improving well-being of elderly.

- *As part of the efforts to curb the abuse of elders, it is recommended that the "gerontology", the study of **the process of ageing**, and the particular problems of old people, should be included of in school curriculum.

- Government should develop programs where older persons can have **access to the educational, cultural, spiritual and recreational resources of society**.

- **Existing policies and law be reviewed to comprehensively address issues relating to elderly people**.

- Make Chapter II of the Constitution justiciable!
A Human Rights based Legislative Framework to improve human rights protections for older people in Nigeria

1. Recommend the enactment of the Discrimination Against Older Persons with Disabilities (Prohibition) Act,

akin to the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, which prohibits discrimination on the basis of disability and imposes sanctions including fines and prison sentences on those who contravene it.

The Act should address the human rights interests and needs of older people such as the right to adequate housing, health and an adequate standard of living, food, housing, clothing

Security, human dignity etc.

Act should include payment of elderly people allowances monthly, provision of free medical services, accommodation, food, and recreational facilities.
If Nigeria enacts the Act, it could:

1) • make the executive and government consider how laws impact on human rights - for example, they would need to consider whether a change to a law breaches the human rights of older people

2) • make the government respect human rights when developing policy - for example, when developing aged care policies, the government would have to protect the human rights of older people

3) • make public servants and private service providers respect human rights when making decisions and delivering services - for example, this could include ensuring that services are accessible to older people

4) • provide a range of enforceable remedies where a government department breached human rights. E.g, Pension

The enactment of the Act is however, only a first step in the fulfillment of the duty to older persons.

Effective measures must be put in place for its full implementation to ensure equal treatment and participation of people with older people across Nigeria.
2. The law, and government should also establish a National Commission for Older Persons responsible for ensuring that the basic human rights older people are protected, fulfilled and respected.

The Commission should be empowered to receive complaints of rights violations and support victims to seek legal redress amongst other duties.


Lastly,

5. Effective measures must be put in place for its full implementation to ensure equal treatment and participation of people with older people across Nigeria.
How to improve human rights protections for older people in Nigeria

1) A Human Rights Act that includes human rights such as the right to adequate housing, health and an adequate standard of living (commonly known as economic, social and cultural rights) would make a difference to the lives of older people.

The Act would improve the policies, procedures and services that impact on the daily lives of older people.

It could help prevent human rights breaches and could provide remedies in cases where those breaches occur.

It would require the government to examine how decisions impact on the human rights of older people.
In addition to a Human Rights Act, there is a range of ways in which the human rights of older people could be better promoted and protected in Nigeria.

For example:

• enhanced protection of human rights in the Nigeria Constitution
• strengthening protections under the national laws
• adoption of an Equality Act (one law including all federal discrimination protections)
• a National Human Rights Action plan, including a focus on the rights of older people in Nigeria
• a national education campaign, targeted at employers, recruitment agencies and the public, with the aim of increasing community awareness about age discrimination

These and other measures could make a positive difference to human rights protection.

The paper recommends that governments at all levels should develop lasting and beneficial economic and welfare programmes for the elderly. Non-governmental organizations should also be encouraged to develop welfare, skill and economic programmes to aid elderly while good communal and customary family support practices be encouraged and sustained. Furthermore, policy on elderly people be enacted and implemented by all the stakeholders.

The Act would improve the policies, procedures and services that impact on the daily lives of older people.

It would help prevent human rights breaches and could provide remedies in cases where those breaches occur.
The End!

► Thank You for coming and Listening