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**Promotion et protection de tous les droits de l'homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement**

## Visite au Nigéria

### Rapport de l'Experte indépendante chargée de promouvoir l'exercice par les personnes âgées de tous les droits de l'homme, Claudia Mahler\*

#### Résumé

Dans son rapport, l'Experte indépendante chargée de promouvoir l'exercice par les personnes âgées de tous les droits de l'homme, Claudia Mahler, rend compte de la visite qu'elle a effectuée au Nigéria du 29 août au 9 septembre 2022. Cette visite avait pour objet de recenser les bonnes pratiques et les lacunes en matière d'application des lois et des mesures en vigueur relatives aux droits des personnes âgées. S'appuyant sur les renseignements recueillis avant, pendant et après sa visite, l'Experte indépendante analyse les problèmes que les personnes âgées rencontrent, en accordant une attention particulière à celles qui sont en situation de vulnérabilité. Enfin, elle formule des recommandations sur la façon d'améliorer la promotion et la protection des droits des personnes âgées.

\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit, joint en annexe, est distribué dans la langue originale seulement.



## Annexe

# Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, on her visit to Nigeria

## I. Introduction

1. Pursuant to Human Rights Council resolution 51/4, the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, conducted an official country visit to Nigeria from 29 August to 9 September 2022 at the invitation of the Government. The purpose of the visit was to identify good practices and gaps in the implementation of existing laws and policies relating to the promotion and protection of the human rights of older persons in the country.

2. During her visit, the Independent Expert met with the Federal Minister of Humanitarian Affairs, Disaster Management and Social Development, the federal Minister of Women Affairs and Social Development and the Minister of State for Health; representatives of the government at the federal and state levels, the National Senior Citizens Centre and other relevant government agencies, the National Human Rights Commission and non-governmental organizations; and academics and older persons. The Independent Expert deeply thanks the Government of Nigeria for extending an invitation to her and for its cooperation throughout the visit. She also expresses her appreciation to the United Nations country team in Abuja, whose assistance in planning and carrying out the mission was indispensable, and thanks the Office of the United Nations High Commissioner for Human Rights, in particular the Special Procedures Branch, for its support in the preparation and conduct of the visit.

## II. Background and context

3. The African continent has the lowest number of people aged 60 and above; however, the share of older persons is projected to triple by 2050.<sup>1</sup> Despite older persons only representing 14.8 million of the 206 million Nigerians (around 7 per cent),<sup>2</sup> Nigeria has the nineteenth largest population of older persons globally and the highest number of older persons on the continent.<sup>3</sup> While most Nigerians are young, the number of older persons in the country is constantly growing and is projected to reach 26 million by 2050.<sup>4</sup> The country's sustained high population growth, owing to its high birth rate and lower death rate, has profound implications on human rights and will have severe economic and social impacts if the needs of this ageing population are not adequately and efficiently addressed.

4. Although Nigeria is one of the largest economies in Africa, inequalities are persistent and have reached extreme levels since the beginning of the coronavirus disease (COVID-19) pandemic, having a devastating economic impact on many families. In 2019, 4 out of 10 Nigerians lived below the national poverty line.<sup>5</sup> By 2022, the pandemic had already resulted

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<sup>1</sup> See Kingsley Chima Mbam, Cal J. Halvorsen and Uzoma Odera Okoye, "Aging in Nigeria: a growing population of older adults requires the implementation of national aging policies", *The Gerontologist*, vol. 62, No. 9 (November 2022).

<sup>2</sup> National Senior Citizens Centre, *Strategic Roadmap on Ageing 2022–2032*, p. 10. Available at [https://www.aarpinternational.org/file%20library/healthy%20aging/nigeria\\_-\\_strategic-roadmap-ageing.pdf](https://www.aarpinternational.org/file%20library/healthy%20aging/nigeria_-_strategic-roadmap-ageing.pdf).

<sup>3</sup> See Chima Mbam, Halvorsen and Odera Okoye, "Aging in Nigeria".

<sup>4</sup> *World Population Ageing 2017 – Highlights* (United Nations publication, 2017), p. 28. See also World Health Organization Regional Office for Africa, *Assessing the Impact of COVID-19 on Older People in the African Region* (2021), p. 7.

<sup>5</sup> See Nigeria, National Bureau of Statistics, "2019 poverty and inequality in Nigeria: executive summary". Available at

in an additional 5 million Nigerians entering poverty.<sup>6</sup> Prices for food, water and other essentials rose drastically and, due to several weeks of lockdowns in 2020, many Nigerians lost their jobs, which increased economic insecurity and widened inequalities.<sup>7</sup> The pandemic highlighted the critical need for Nigeria to implement a strong social security system to ensure that all Nigerians can attain an adequate standard of living.

5. The Independent Expert acknowledges that, alongside the effects of the COVID-19 crisis, inequalities and poverty persist due to several internal factors and ongoing emergencies that complicate the situation of older persons, including the rising insecurity due to armed conflict, intercommunal violence and political crises.

6. Climate change also brought new human rights challenges, the most visible impacts being increased flash and seasonal floods, droughts and rising sea levels. The adverse effects of climate change also increased food and economic insecurities, as well as health issues, such as water- and vector-borne illnesses and infectious diseases. As many Nigerians rely heavily on livelihoods related to agriculture and natural resources, their vulnerability increases in the face of the impacts of climate change, along with their likelihood of living in poverty.

7. Mindful of these ongoing challenges, the Independent Expert recognizes the efforts made by Nigeria over the past years to improve the lives of older persons. She also would like to salute the resilience and relentless commitment of the civil society organizations, community-based groups and older persons she met with during her visit who have voiced concerns and continue working for the advancement of the human rights of all older Nigerians in their full diversity.

### III. Administrative, legal, institutional and policy frameworks

8. As a leader in West Africa for the protection of older persons, Nigeria has ratified most international human rights treaties that are relevant for the human rights of older persons.<sup>8</sup> However, Nigeria has yet to ratify the first Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Nigeria has ratified the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1989 (No. 159) of the International Labour Organization (ILO), but is not a party to Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128).<sup>9</sup>

9. At the regional level, Nigeria has signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa; the Independent Expert notes with appreciation that the process for full ratification of the Protocol is under way. This ratification will ensure that the rights of older persons are prioritized, including for assistance in emergency situations.

10. The country's solid commitment to comprehensive protection of older persons' rights is reflected in its administrative, legal, policy and institutional frameworks. In its section 17 (2) (b), the Constitution of 1999 guarantees "equality of rights, obligations and opportunities before the law" for all citizens and recognizes human dignity as a principle that must be maintained and enhanced. The Constitution also upholds social and economic rights for all

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<https://nigerianstat.gov.ng/elibrary/read/1092#:~:text=In%20Nigeria%2040.1%20percent%20of,considered%20poor%20by%20national%20standards>, p. 5.

<sup>6</sup> See <https://www.worldbank.org/en/news/infographic/2022/03/21/afw-nigeria-poverty-assessment-2022-a-better-future-for-all-nigerians>.

<sup>7</sup> See <https://www.hrw.org/news/2021/07/28/nigeria-covid-19-impact-worsens-hunger-lagos>.

<sup>8</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=127&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=127&Lang=EN).

<sup>9</sup> See

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200\\_COUNTRY\\_ID:103259](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103259).

citizens, including older citizens. In line with section 16 (2) (d), the State has the responsibility to provide adequate social services and an improved quality of life for older persons.<sup>10</sup>

11. Nigeria has a pluralistic legal system, formed by four distinct sources of law: English law, common law, customary law and sharia law. While section 10 of the Constitution specifies that the federal Government and governments of states must not adopt any religion as an official religion, sharia law is the basic law in 12 northern states. The Constitution recognizes customary and sharia state courts of appeal but refers to their jurisdiction only in “civil proceedings”, without providing these courts with powers to rule on criminal matters.

12. The main protection framework for older persons is the overarching 2017 National Senior Citizens Centre Act, which is in line with section 16 (2) (d) of the Constitution. The Act establishes the National Senior Citizens Centre, which became operational in 2021 as the first governmental institution focusing on ageing and older persons’ issues in Nigeria. At the time of writing, transposition of the Act into state law was pending only in Cross River and Gombe.<sup>11</sup> The mandate of the Centre is to identify the needs of older persons and to cater for them in various domains, including health, income security, training, education, capacity enhancement, counselling, sports, recreation and the development of a data system on older persons.<sup>12</sup>

13. The adoption of the National Policy on Ageing in 2021 represents a landmark step in ensuring better living conditions for persons of old age in Nigeria. The Independent Expert welcomes the aims of the National Policy with regard to addressing the special needs of and harnessing opportunities for the increasing number of older persons. Prepared in consultation with representatives from civil society, the Government, development partners and older persons themselves, the National Policy is rooted in the principles set out in the Constitution and in international commitments, including the Madrid International Plan of Action on Ageing, 2002, international and regional human rights treaties and the 2030 Agenda for Sustainable Development. This multisectoral collaboration resulted in a document that covers an intersecting spectrum of issues and opportunities for older persons, through 15 policy thrusts and priority themes covering, among others, information and advocacy, poverty, health and long-term care, food and nutrition, housing and living arrangements, social protection, employment and income security.

14. The National Policy on Ageing addresses specific vulnerable situations faced by older persons, including crises, emergencies and epidemics, and migration and internal displacement. It also aims at ensuring that older persons remain active, including through participation in families, communities and the larger society. The policy is positioned to uphold the rights of older persons by providing an age-friendly environment to maximize their potential for self-fulfilment. One of its key objectives is to enable a society where ageism and abuse will be eliminated. Furthermore, it provides for a framework for a regulatory mechanism. Thus far, Edo and Ekiti States have each adopted a state policy on ageing, based on the commitments in the National Policy.<sup>13</sup>

15. The Strategic Roadmap on Ageing 2022–2032 and the National Plan of Action on Ageing in Nigeria and Project Activities will guide the work of the National Senior Citizens Centre on implementing the National Policy on Ageing to realize the human rights, and ensure the dignity, security, independence, care and well-being, of older persons. To efficiently design these strategic documents, the Centre conducted sector and context analyses and held several consultations with different stakeholders in the northern and southern regions of the country in 2021.<sup>14</sup> These consultations resulted in the “10+1” policy goals that define the Centre’s strategic vision to help mainstream ageing and issues of older

<sup>10</sup> National Senior Citizens Centre Act, sect. 1.

<sup>11</sup> As at 30 September 2022.

<sup>12</sup> See Tosin Adams, “NRC, NSCC to enhance capacity of senior citizens”, *The Guardian* (Nigeria), 30 August 2021.

<sup>13</sup> Information shared by the National Senior Citizens Centre.

<sup>14</sup> *Ibid.*, pp. 14 and 15.

persons into relevant sector policies, strategic implementation plans, programmes, services and budget lines, for effective delivery programmes.<sup>15</sup>

16. To ensure the effective implementation of its mandate and objectives, the National Senior Citizens Centre created national stakeholders' consultative forums on ageing in all 36 states. These consultative forums coordinate activities at the state level and facilitate the exchange of progressive ideas on ageing and the rights of older persons. They are composed of relevant stakeholders, including associations of older persons; non-governmental organizations; councils of elders; traditional leaders and institutions; faith-based organizations; experts on ageing; academics; and ministries, departments and agencies. The Independent Expert participated in person with the forums in Ibadan, Lagos and Makurdi and connected with all 36 forums online. Acknowledging the efforts undertaken by the Centre to ensure that all relevant stakeholders working on ageing issues were consulted and heard, the Independent Expert suggested that further cooperation with pre-existing and long-standing network structures, such as the Coalition of Societies for the Rights of Older Persons in Nigeria, would help to ensure the effective and efficient implementation of the national legal and policy frameworks already in place.

17. A draft law on older persons (rights and privileges) was passed by the two chambers of the National Assembly. The bill has been pending assent by the President since December 2021. Once signed into law, this bill will offer a legal protection regime for older persons in the country that is more comprehensive and extensive than the previous regimes. Prepared in consultation with civil society, the bill is aimed at enhancing and improving the quality of life of older Nigerians, while strengthening their human rights and empowering them in many sectors. Among other aspects, the bill prohibits discrimination against older persons, upholds their rights and privileges, addresses their needs in terms of mobility and accessibility to infrastructure, housing and transportation rights, and addresses access to education, health-care services, social benefits and employment.<sup>16</sup> While the Discrimination against Persons with Disabilities (Prohibition) Act, 2018 already ensures protection for older persons with disabilities, the bill reiterates that older persons must not be discriminated against on the grounds of disability.<sup>17</sup> The Independent Expert noted the discrepancies between the bill, which defines older persons as those 65 years of age and older, and the National Policy on Ageing, which specifies that that an older person is anyone aged 60 years and over. The Independent Expert regrets that, at the time of writing, the bill was still pending assent, leaving millions of older persons without its support and legal protections.

18. The Independent Expert noted with regret that in the past two years, the federal parliament had rejected five bills that would have promoted gender equality and contributed to safeguarding the human rights of older women. One of these rejected bills, on gender and equal opportunities, would have helped to guarantee, for women of all ages, equal opportunities in employment, equal rights to inheritance, in marriage and in divorce, and equal access to education, property and land ownership. The bill also would have addressed the rights of widows and prohibited violence against women. The Independent Expert expresses concern at the rejection, based on cultural and religious justification, of these legal protection tools. The lack of appropriate legal measures against gender discrimination aggravates inequalities for older women.

19. The National Human Rights Commission plays a key role as an advocate and in upholding human rights commitments. The Independent Expert welcomed its engagement on the promotion of the rights of older persons and the establishment of a specific department within the Commission focused on human rights issues faced by people in vulnerable situations, including older persons. Furthermore, the Commission, in line with its mandate, has been supporting the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, through advocacy work with relevant stakeholders, including the federal Government.

<sup>15</sup> Information shared by the National Senior Citizens Centre.

<sup>16</sup> Coalition of Societies for the Rights of Older Persons in Nigeria, "10 facts about the older persons' law".

<sup>17</sup> See <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-law>.

20. For years, the needs and struggles of older persons were regularly deprioritized, forgotten or even excluded in the development and implementation of Government-led strategic plans, programme design, planning, implementation and budget lines, despite civil society's persistent requests. The Independent Expert welcomes the recent integration and mainstreaming of ageing issues and older persons' needs in several national policies and plans, including the National Development Plan for 2021–2025. The Independent Expert was pleased to learn that the revised National Social Protection Policy, adopted in 2022, the National Migration Policy, adopted in 2015, and the National Policy on Internally Displaced Persons, adopted in 2021, include references to the needs and rights of older persons. Older persons' needs are also mainstreamed in the standard operating procedures for the conduct of return, readmission and reintegration of migrants of Nigerian origin.

## **IV. Main findings of the Independent Expert**

### **A. Data**

21. The National Bureau of Statistics is the agency in charge of collecting, analysing and publishing information related to the socioeconomic life and conditions of the population in Nigeria. The Bureau was able to extract data about the living conditions of people aged 60 and above to facilitate the planning, programming and operating of the newly established National Senior Citizens Centre.

22. The National Population Commission, the federal agency in charge of collecting, collating, analysing and publishing population and demographic data, recognized that it had neglected the collection of data on older persons since the 1991 census. While the implementation of the 2023 Population and Housing Census questionnaire has been temporarily postponed, the Independent Expert noted positively that the questionnaire, prepared in partnership with the United Nations Population Fund (UNFPA), had been designed from a life-course approach to reflect the experiences of people of all ages, including older persons.

23. However, the data gap in Nigeria remains wide, as older persons have long been left out of periodic national multi-indicator surveys and are not fully accounted for in administrative data. Data disaggregated by age, or by disability and gender, remain scarce. Data on older persons are often unavailable in many areas owing to age discrimination. For instance, data caps exclude the older population from statistics on violence, reproductive health, HIV/AIDS and livelihood programmes.

### **B. Age discrimination and ageism**

24. The Constitution prohibits discrimination (sect. 15) and guarantees “equality of rights, obligations and opportunities before the law” to all citizens, including older ones (sect. 17). However, neither age nor old age are listed as prohibited grounds for discrimination. There is no specific national law currently addressing ageism and age-based discrimination.

25. Ageism in Nigerian society continues to be perpetuated by negative and harmful stereotypes about older persons, who are often perceived as an “economic burden” who do not have any more value for society. Structural ageism hinders age-centred service delivery and inclusiveness of older persons, especially in development and social services plans.<sup>18</sup> According to several interlocutors, there seems to be a perception that older men are more respectable than older women. Indeed, older men often seem to be awarded the title of “elder” and offered greater entitlement and attention, especially in decision-making, in some communities when they reach a certain age (between 60 and 70).<sup>19</sup> On the contrary, older women are disproportionately affected by ageist attitudes, and are more likely to be excluded

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<sup>18</sup> National Senior Citizens Centre, Strategic Roadmap, p. 21.

<sup>19</sup> See <https://www.refworld.org/docid/3ae6ad0c0.html>.

from decision-making processes within the family, in their communities or in politics. This is reflected in the parliament, where under 4 per cent of representatives are women.<sup>20</sup>

26. To tackle ageism and age discrimination, the National Senior Citizens Centre partnered with the National Orientation Agency, the main governmental agency responsible for raising awareness and positively changing attitudes, values and behaviours of citizens. Among other actions, they prepared awareness-raising spots that are broadcast at prime time on national television to highlight the positive contribution of older persons to society. The Independent Expert welcomes the organization of training and capacity-building activities by the Centre. For instance, in partnership with UNFPA, 60 desk officers on ageing from 30 ministries, departments and agencies, and the House of Representative committees on women affairs, on disability, on special needs and vulnerable persons, and on poverty alleviation were trained on ageing issues and older persons' rights, in order to prevent discrimination, raise awareness of older persons' needs and ensure the development of age-responsive policies and strategies to combat structural ageism.

27. Civil society, including non-governmental organizations such as the Coalition of Societies for the Rights of Older Persons in Nigeria, has been playing a tremendous role in combating manifestations of ageism and age discrimination in society. The Independent Expert noted with appreciation the diversity of activities put in place at the local level to raise awareness and create intergenerational synergy for the care and respect of older persons, including through the creation of short advocacy films, the establishment of radio stations with programmes run by older persons, and the organization of campaigns, protests and seminars, especially on the International Day of Older Persons (1 October).

### C. Violence and abuse

28. While Nigerian authorities recognize that violence against older persons is of serious concern, discussions around it remain taboo and it is underreported.

29. In the current national legal framework, there is no specific law protecting older persons from all forms of violence, abuse and neglect. The adoption of the bill on older persons (rights and privileges) would overcome the legal protection gap, as it specifically addresses situations of violence and abuse against older persons (art. 25 (3)–(5)).

30. The Violence against Persons (Prohibition) Act, 2015 remains the main legal protective tool, prohibiting any form of violence against all Nigerians in private and public life. In addition to providing general protections against offences of physical injury, coercion and offensive conduct, the Act addresses specific offences committed against women of all ages, including forceful ejection from the home, forced financial dependence and economic abuse, emotional and psychological abuse and harmful widowhood practices. The crime of rape is addressed and defined, while excluding legal protections against marital rape.<sup>21</sup> The National Agency for the Prohibition of Trafficking in Persons oversees the implementation of the Act. To date, 34 states have transposed the Violence against Persons (Prohibition) Act into their legislation.<sup>22</sup> The Independent Expert was surprised to learn that no distinct and appropriate budget had been allocated under this Act to implement it effectively, including for the work of the National Agency for the Prohibition of Trafficking in Persons. However, she notes with appreciation that an amendment of the Act put forward in 2021 might include sources of funding to improve implementation of the law. The amendment also lists and defines cultural practices, and would abolish certain traditions and mourning rites that dehumanize widows.

31. The Independent Expert notes with concern the prevalence of financial abuse of older persons. Older parents are at a higher risk of being financially exploited by family members, especially children stealing money that is dedicated to the older parent's rent, food, care,

<sup>20</sup> See <https://www.ipu.org/parliament/NG>.

<sup>21</sup> Northern states penal code, sect. 282; and Criminal Code of 1990, sect. 357, read in conjunction with sect. 6.

<sup>22</sup> "Gender-based violence: 34 states domesticate Nigeria's VAPP Act – official", *Premium Times*, 6 November 2022.



health or other necessities, leaving them economically deprived. Another concern is the extent of physical abuse and mistreatment older persons may suffer within their family and at the hands of untrained or unexperienced caregivers. This remains one of the most prevalent forms of violence experienced by older persons.

32. Gender-based violence and discriminatory societal attitudes towards older women are rampant in Nigeria. Older women living in polygamous marriages are at risk of being subjected to violence and abuse, especially in the event of widowhood. In some rural communities, civil society reported that the harmful custom of levirate marriage – inheritance of widows by the relatives of the deceased – was still practised, to the great concern of the Independent Expert.

33. Older persons, especially those with cognitive impairments, are at a heightened risk of suffering from extreme acts of violence, especially in cases where they are accused of witchcraft within their communities. Reasons leading to such violence are various, but conflicts over inheritance or property rights may often trigger abuse. Older women, especially those living alone, in rural areas and in poverty, are disproportionately affected by such harmful practices and gender-based violence, rooted in ageist, ableist and sexist stereotypes. Although the Nigerian Criminal Code criminalizes witchcraft accusations and ritual attacks (sect. 210), challenges remain in the application and interpretation of the law by courts.

34. The situation of older persons with diverse sexual orientation and gender identity in Nigeria remains worrying, these communities having suffered high levels of violence since the adoption of the Same Sex Marriage (Prohibition) Act, 2013. The Independent Expert expressed deep concern at receiving information that a sharia court in the northern State of Bauchi – one of the 12 states applying sharia law – had sentenced three men, including an older person, to death by stoning after convicting them on charges of engaging in homosexuality.<sup>23</sup> This contradicts the constitution, which does not empower sharia courts to rule on criminal cases; it also generates direct threats to the enjoyment of human rights by older persons, especially their right to life.

35. With regard to eliminating violence against older persons, the Independent Expert commends the National Senior Citizens Centre for enhancing partnerships with other government agencies and law enforcement agencies, including the National Human Rights Commission, the National Orientation Agency, the National Agency for the Prohibition of Trafficking in Persons and the Legal Aid Council. In collaboration with members of civil society and community health practitioners, the entities created an anti-elder-abuse, community-based response mechanism to raise awareness and increase reports of incidents of abuse and violence against older persons within families and communities. The partnership facilitates the use of the existing State-wide measures established by the National Agency for the Prohibition of Trafficking in Persons, including dedicated toll-free national hotlines to report violence against older persons. The Rapid Response Squad, set up in 2017 to rescue victims of sexual and gender-based violence, also responds to emergency calls from older persons at imminent risk of violence and abuse.<sup>24</sup>

36. The National Senior Citizens Centre developed information materials about remedy and rescue call lines and made them available in local languages to raise awareness of abuse against older persons. As not all older persons are literate or have access to new or other information and communications technologies, it is important that additional strategies to prevent and respond to violence and abuse against older persons be implemented. Some examples are caregiver interventions to provide families with relief from their caregiving duties, and the establishment of mobile multidisciplinary teams, including health, care and justice components. Engagement with faith-based and traditional actors, as already initiated by Ministry of Women Affairs and Social Development and the National Orientation Agency, remains crucial to help promote beliefs, norms and practices that support and enable

<sup>23</sup> See also Ardo Hazzad, “Nigerian Islamic court orders death by stoning for men convicted of homosexuality”, Reuters, 2 July 2022.

<sup>24</sup> See [https://news-annex-online.com/2022/06/01/national-senior-citizens-center-partners-naptip-secures-rapid-response-toll-free-lines\\_ada-nkong/](https://news-annex-online.com/2022/06/01/national-senior-citizens-center-partners-naptip-secures-rapid-response-toll-free-lines_ada-nkong/) and <https://naptip.gov.ng/rapid-response-squad-unit/>.



prevention of violence and abuse against older persons and to deter harmful beliefs and practices.

37. Crimes against older persons remain underreported in Nigeria, due to the associated stigma and the fear of retaliation among victims. Access to justice for older victims remains challenging, as they often face physical, social and financial barriers, coupled with a lack of information about their rights and a low literacy level, and stigma associated with poverty. Older persons often lack legal representation to seek legal recourse and remedies. Furthermore, the Independent Expert heard that justice proceedings are slow and heavily bureaucratic, and often inadequate for older persons, who thus tend to be discouraged from seeking justice. The Legal Aid Council provides free legal assistance to persons, including older persons, in need. Since traditional justice mechanisms predominate in rural areas, the National Human Rights Commission provides support to persons, including older persons, in need, to facilitate access to informal, as well as formal, justice systems. However, the Government's response to effectively tackle violence and abuse against older persons remains limited, due to the lack of appropriate legal protection provisions and adequate resources.

#### **D. Social protection and rights to social security and work**

38. The Constitution recognizes that the security and welfare of the population is the main purpose of government (sect. 14 (2) (b)) and that the State has responsibilities to provide adequate social services, including for older persons (sect. 16 (2) (d)). Despite the adoption of the National Social Investment Programme Agency Act in May 2023, the absence of an explicit recognition of the right to social protection for all older persons in the Nigerian legal framework weakens older persons' full enjoyment of their human rights. The right to social security is crucial to enabling older persons to live in dignity without discrimination. This right is interconnected with the enjoyment of other rights, such as the right to an adequate standard of living, including food, health care and adequate housing. However, the social protection coverage for older Nigerians remains limited to those who are or were employed in the formal sector.<sup>25</sup>

39. Prior to the COVID-19 crisis, older persons who were not covered by social protection benefits were already more likely to experience poverty, economic insecurity and financial abuse, especially those living in rural areas and those affected by emergency situations.<sup>26</sup> The pandemic highlighted significant gaps in the coverage, comprehensiveness and adequacy of the Nigerian social protection system, drove up poverty rates and made older persons highly vulnerable to the economic hardships generated by the crisis.<sup>27</sup>

40. One of the most significant efforts to improve social security for older persons in Nigeria were the reforms of the national pension system. The pension scheme was firstly considerably reformed in 2004. The Independent Expert was informed that the original system, known as the Defined Benefits Scheme, established in 1979 and entirely dependent on budgetary provisions, had become largely unsustainable, due to the accumulation of pension liabilities resulting from dwindling resources, poor funding of the scheme, increases in the public workforce, and increases in salaries and pension rates. Older pensioners were known to queue for hours – even days – to collect their allowances, and some died before receiving their pensions.

41. The 2004 Pension Reform Act, which was repealed, but then re-enacted in 2014, introduced the Contributory Pension Scheme, resulting in a more effective and efficient pension administration for both the private and public sector. Every individual covered under the Act is expected to have a retirement savings account, where 10 per cent is contributed by the employer and 8 per cent is contributed by the employee from their salaries. The coverage under the Contributory Pension Scheme is mandatory for employees in the public service

<sup>25</sup> See <https://www.social-protection.org/gimi/ShowCountryProfile.action?iso=NG>.

<sup>26</sup> Ibid. See also World Bank Group, *Nigeria Poverty Assessment 2022: A Better Future for All Nigerians* (Washington, D.C., 2022), p. 65.

<sup>27</sup> WHO Regional Office for Africa, *Assessing the impact of COVID-19*, p. 15.

sector at the federal, state and local government levels, and in private sector organizations with three or more employees.<sup>28</sup> The National Pension Commission was created to regulate and supervise the administration of pension matters.

42. The Pension Transition Arrangement Directorate was created to handle and operate pension distribution under the former Defined Benefits Scheme for existing pensioners in the public sector and those whose pensions would not be transferred to the new scheme. While acknowledging the tremendous efforts put in place to ensure a smooth transition, the Independent Expert received information from current older pensioners that some of them continued to wait a very long time before they received their benefits after they retired, in some cases years. This is mainly due to significant differences between states and local governments in the management and distribution of pensions. Currently, 22 states are not implementing the pension reform.<sup>29</sup>

43. Most Nigerians work in the informal sector and/or are self-employed, representing more than 80 per cent of employment.<sup>30</sup> For these workers, of whom a disproportionate percentage are women, contributory pension systems are out of reach, which leaves them with no income security once they leave the labour market. In 2019, the federal Government launched a micropension scheme for informal workers, including self-employed workers and employees of enterprises having fewer than three employees. However, it remains only partially implemented and most Nigerians are not aware of its existence, which leaves most informal older workers without any social protection benefits and invisible to the system.

44. The Independent Expert was informed that some private sector employees have the possibility to contribute to their enterprise's private pension scheme, when such a scheme is available. Such pensions are usually paid as a lump sum when the employee retires.

45. The National Social Safety Net Coordinating Office was established in 2016 in partnership with the World Bank, to strengthen social safety nets and the social protection system in Nigeria and thereby alleviate poverty. The Independent Expert welcomes the Office's establishment of a national social register of poor and vulnerable households. The platform, with its detailed information on over 50 million poor and vulnerable citizens, creates a good basis for social intervention, including through non-contributory social safety nets such as cash transfers and food aid.<sup>31</sup> While the register originally did not include older persons, it was later expanded to enable older persons to benefit from such assistance. As of July 2020, the register included data on more than 1.6 million older persons (48 per cent men and 52 per cent women) across the 36 states and the Federal Capital Territory.<sup>32</sup> The data, on 138 social indicators, revealed that older Nigerians were mainly facing health-related issues, financial deprivation, illiteracy and lack of basic care. As of July 2020, the identification process had enabled 200,748 older persons to benefit from the federal Government's COVID-19 cash transfer programme.<sup>33</sup> However, many older Nigerians do not have access to such assistance. Even though the register would permit United Nations agencies and other development stakeholders to target specific populations, the Independent Expert regrets that there are currently no specific international or United Nations projects targeting the needs of older persons in Nigeria.

46. The Independent Expert welcomes the adoption of the revised National Social Protection Policy, which takes into consideration the contributions and needs of older persons in adopting a life-course approach. The Policy is aimed at reducing the scourge of poverty and improving the well-being of Nigerians, including older citizens, living in vulnerable situations. The Policy is a good basis for setting up a comprehensive national social inclusion strategy. The Independent Expert notes that the Government is currently working on a more

<sup>28</sup> See <https://www.pencom.gov.ng/wp-content/uploads/2020/06/FREQUENTLY-ASK-QUESTION-2020-ENGLISH-MAIN-VISUAL.pdf>, paras. 6 and 16.

<sup>29</sup> See <https://www.vanguardngr.com/2022/01/pension-gap-between-fg-and-states-workers-widens/>.

<sup>30</sup> International Labour Office, *Women and Men in the Informal Economy: A Statistical Picture*, 3rd ed. (Geneva, 2018), p. 86.

<sup>31</sup> "How Nigeria developed one of the World's largest social registers", *The Guardian* (Nigeria), 13 September 2022.

<sup>32</sup> See <http://nassp.gov.ng/3634-2/>.

<sup>33</sup> Ibid.

inclusive and unified pension scheme for all people in Nigeria, which would give access to a minimum allowance.

47. The Independent Expert notes with appreciation that two states have implemented old age non-contributory social protection systems. The Ekiti State Social Security Scheme for older persons and the Osun Elderly Persons Scheme were launched in 2011 and 2012, respectively. Both systems work through cash transfers, ranging from 5,000 to 10,000 naira (\$10–\$20, at the time of the visit) per month, to older persons living in extremely vulnerable situations.<sup>34</sup> Such initiatives were ground-breaking in the West African region and are viewed as model schemes; they should be considered in other states in Nigeria.

48. Despite the efforts of the Government to ensure social protection, coverage remains low, with only 11 per cent of persons aged 60 and above receiving benefits as of 2019, according to information provided by ILO. Enrolment in the pension scheme represents only about 40 per cent of the population, and prior to the pandemic, only 4 per cent of the poorest 40 per cent of households had access to any form of social safety net programme.<sup>35</sup>

## E. Adequate standard of living and autonomy

49. The COVID-19 crisis exacerbates pre-existing hardships faced by older persons in terms of maintaining an adequate standard of living. Many older persons are more vulnerable to malnutrition and hunger owing to emergency situations, such as internal displacement, migration, climate change or conflicts. United Nations agencies have been warning that the effects of the pandemic might lead to famine and food crises in the country. Poor nutrition has harmful impacts on the health and well-being of older persons, increasing disease risk, worsening existing diet-related conditions and endangering their lives.

50. As the Nigerian population has aged, the number of older persons living in urban areas has increased considerably over the years. Even those older persons who reside in urban areas often lack access to public services in an age-friendly, supportive and enabling environment.<sup>36</sup> Several interlocutors in Lagos reported that public transportation is often not adapted for older persons, exacerbating their risk of social exclusion. Public infrastructure is also usually not age-friendly or accessible. Age-friendly city measures are essential to guarantee the active participation of older persons in society and to facilitate their access to public services, such as transportation and health and care facilities, that contribute to their security.

51. Due to the ongoing housing crisis, almost 30 per cent of Nigerians face serious housing issues and close to 80 per cent live in non-conventional housing.<sup>37</sup> Of the estimated 108 million persons living in situations of homelessness in Nigeria,<sup>38</sup> older persons constitute a significant proportion.<sup>39</sup> Homelessness in old age has disproportionate impacts on health status, owing to harsh living conditions, limited access to drinkable water and sanitation and exposure to sexual and other physical violence. Failure to address homelessness can amount to violations of the Government's human rights obligations<sup>40</sup> under international law.

<sup>34</sup> See <http://www.pension-watch.net/country-fact-file/nigeria>.

<sup>35</sup> See <https://www.hrw.org/report/2021/07/28/between-hunger-and-virus/impact-covid-19-pandemic-people-living-poverty-lagos>.

<sup>36</sup> National Senior Citizens Centre, Strategic Roadmap, p. 22.

<sup>37</sup> Josephine Ogundeji, "Nearly 62 million Nigerians facing housing deficit – realtor", *Punch*, 10 October 2022; and Uyi Ezeanah, "Housing challenges in Nigeria", in *Sustainable Housing*, Amjad Almusaed and Asaad Almssad, eds. (2022).

<sup>38</sup> Cletus O. Obasi and Christopher M. Anierobi, "The homeless-poor and the COVID-19 stay-at-home policy of government: rethinking the plight of homelessness in Nigeria", *SAGE Open*, vol. 11, No. 3 (2014).

<sup>39</sup> Census information from 1991, the most recent data available, indicated that about 41 per cent of persons in situations of homelessness were aged 60 or above (see Joseph Hellandendu, "The problems faced by homeless older adults in Nigeria: implications for the future care of the elderly", *The Nigerian Journal of Sociology and Anthropology*, vol. 12, No. 1 (2014)).

<sup>40</sup> A/HRC/43/43/Add.1, paras. 39 and 40.

52. The Independent Expert visited informal settlements where she observed undignified living conditions for older persons. Most of the older persons' dwellings were overcrowded and inadequately connected to drinkable water or sewage systems, situations that lead to water contamination and exacerbate the spread of diseases. In 2019, approximately 60 million Nigerians did not have access to safe drinking water and almost 80 million did not have access to improved sanitation facilities.<sup>41</sup> Ensuring the rights to safe drinking water and sanitation are of the utmost importance in old age, as incontinence might be more frequent. If their specific needs are ignored, older persons might disproportionately suffer from stigmatization and become more vulnerable to disease caused by poor-quality water and unsanitary toilet facilities. Some of the informal dwellings had open fires for cooking and heating, exposing older residents to serious respiratory problems and higher risks of fire hazard. None of the informal settlements visited were adapted to accommodate the needs of older persons, especially those with disabilities and using walking aids or wheelchairs.

53. Destitution among older persons, especially older women living in rural areas, remains common, and many are victims of property grabbing. The Independent Expert welcomes the Supreme Court's decision clarifying the right of all women to inherit their parent's properties, on an equal footing to men.<sup>42</sup> The judgment will have a significant impact for single or widowed older women, who tend to be disproportionately affected by discriminatory inheritance laws.<sup>43</sup>

## F. Health care and care

54. Access by older persons to health care is enshrined in the National Policy on Ageing, which provides for the promotion of healthy ageing and a life course approach to the health system, and includes among its objectives the provision of age-friendly services.<sup>44</sup> However, the country faces several challenges in adapting its health system to the needs of its growing ageing population.

55. At the beginning of the COVID-19 pandemic, only 4 per cent of the population was covered by the national health insurance; most of those covered were government employees, with a small proportion of retirees and older persons.<sup>45</sup> Due to the absence of universal health coverage, and the inconsistency of social protection benefits, many older persons are exposed to high health-care costs, which leads to impoverishment when they face chronic illnesses requiring expensive treatments. Most older persons rely on out-of-pocket payments for medical expenses and medications, and many decide to forego health care due to its costs. Although some medical centres reportedly have specific guidelines for providing free medical services and drugs to poor persons, medications commonly used by older persons are generally not in stock.

56. The National Health Insurance Authority Act, 2022 creates a health insurance scheme making health coverage mandatory for all Nigerians and legal residents, implicitly including all people aged 60 and above. The Act is aimed at attaining universal health coverage, with the creation of the Basic Health Care Provision Fund, in order to improve access to primary health care. It also provides for the creation of the Vulnerable Group Fund and associated social health insurance programmes, designed to provide health-care services for persons in need (sects. 25 and 26), including older persons in need. However, concerns have been shared with the Independent Expert about the lack of resources to effectively implement the new law. Furthermore, the scheme may not apply to older persons who used to work or are still working in the informal sector and rural areas.

<sup>41</sup> See <https://www.worldbank.org/en/news/feature/2021/05/26/nigeria-ensuring-water-sanitation-and-hygiene-for-all>.

<sup>42</sup> *Ukeje and Ukeje v. Ukeje*, Judgment, 11 April 2014.

<sup>43</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 27 (2010), para. 26.

<sup>44</sup> Section 4.3.

<sup>45</sup> O. Baiyewu, O. Elugbadebo and Y. Oshodi, "Burden of COVID-19 on mental health of older adults in a fragile healthcare system: the case of Nigeria – dealing with inequalities and inadequacies", *International Psychogeriatrics*, 12 August 2020, p. 1.

57. Access to health services remains challenging for older persons in Nigeria. When in need of medical attention, older persons are generally referred to teeming general hospitals, without being prioritized. They usually face long waits before being attended by medical staff, and also face several bureaucratic obstacles. Health-care facilities may be neither physically accessible nor properly equipped to provide adequate health care to older patients. Such conditions often deter older persons from seeking medical assistance. Furthermore, the stigmatization of and discrimination against some groups of older persons, based on their sexual orientation and gender identity, their economic status or their HIV seropositivity, creates disparities with the general population, with the needs and rights of members of those groups being denied and unmet.

58. The Independent Expert was informed that geriatric services, trained geriatricians and age-centred facilities are scarce, as the curricula of health-care training institutions generally do not include studies about clinical gerontology, gerontology nursing and social gerontology. The shortage of appropriate and specialized care increases risks faced by older persons with regard to health and well-being. Primary health-care services remained inadequate to meet the needs of older patients, as they are mainly focused on maternal and child health. Older persons living in rural areas, which represent the highest proportion of the Nigerian aged population, have limited to no access to primary health care. Mental health care for older persons remains insufficient.

59. It is estimated that there are currently 300,000 people living with dementia in Nigeria, and the number is projected to increase almost by five times, to about 1.4 million people, by 2050.<sup>46</sup> Still, dementia remains poorly understood and its symptoms are often misinterpreted. The Independent Expert praises the work of members of civil society in Ibadan who raise awareness about dementia among the public.

60. The Independent Expert visited two of the few specialized geriatric centres in Nigeria: the Tony Anenih Geriatric Centre at the University College Hospital, and the Sir Kesington Adebute Geriatric Rehabilitation Centre, both in Ibadan. To overcome the lack of specialized care, some private actors and non-governmental organizations have developed training programmes for volunteers who are willing to serve as caregivers for older persons. The initiatives from the National Primary Health Care Development Agency, the National Senior Citizens Centre and the World Health Organization to work on capacity-building to integrate care of older persons into primary health-care services are commendable. Currently, no official specific guidelines, protocols or standard operating procedures exist for the health care of older persons.

61. Family members play a significant role in providing care and support for older persons – up to 90 per cent of their home care.<sup>47</sup> Faith-based organizations also provide extensive support to older persons to make it possible for them to age with support at home. Ageing in dignity is a core value of traditional Nigerian families; family members, mostly women, and community members are often expected to care for older community members and to provide for them in old age. However, due to several socioeconomic factors, such as economic insecurity, youth unemployment and increased urbanization, the Nigerian traditional family system is eroding, leaving large numbers of older persons alone without appropriate support and care, especially in rural and remote areas. Often, those who do not benefit from any family or community support find themselves in vulnerable situations of economic insecurity, abuse and abandonment.

62. The “empty nest” effect may lead to feelings of loneliness and social exclusion for older persons, especially for older Nigerians living in rural and remote areas. The Independent Expert visited day-care centres for older persons, run by faith-based organizations and non-governmental organizations in Abuja, Ibadan and Lagos, which were created to combat these issues. In such facilities, older persons can interact with their peers in a conducive and relaxed environment, and receive health check-ups and some food. Some civil society initiatives also put in place intergenerational programmes, to ensure that older

<sup>46</sup> National Senior Citizens Centre, Strategic Roadmap, p. 24.

<sup>47</sup> Victor J. Animasahun and Helena J. Chapman, “Psychosocial health challenges of the elderly in Nigeria: a narrative review”, *African Health Sciences*, vol. 17, No. 2 (June 2017), p. 579.

persons receive appropriate care and attention, including from younger people within their communities.<sup>48</sup> As most older persons living in rural areas have limited or no access to public transportation, day-care facilities have taken on the responsibility of organizing private transportation.

63. According to some stakeholders, while unpopular in Nigeria, nursing homes appear to be the main solution to the challenges of providing care to older persons in need and at risk of significant loss of intrinsic capacity, owing to the lack of adequate and affordable home and community-based services for care support. Most existing care homes in Nigeria are run privately by faith-based organizations and non-governmental organizations. Older Nigerians living in nursing homes are those in need of long-term care, owing to health issues and disabilities aggravated by ageing, such as dementia and Alzheimer’s disease; those who have been abandoned by their families, because the families may not want, or have the means, to provide the needed care; and those who were living in extreme poverty and situations of homelessness. Although the National Policy on Ageing acknowledges the solutions that nursing homes appear to provide for the challenges that have recently arisen, long-term care establishments receive little to no support from government sources and regulations for quality and safety remain weak. Long-term care solutions should be developed to enable older persons to continue living independently and in autonomy in their communities with the care and support they require, despite their loss of capacity, while ensuring their rights and dignity. There is a need for adequate parallel support for family members and other informal caregivers, who are mainly women.

## G. Humanitarian and emergency settings

64. Nigeria has been facing multiple emergency crises, with Boko Haram’s continued violent insurgency in the north-east region of the country, rising violence and clashes between farmers and herders in the Middle Belt region, and renewed heightened tensions in the south-east region over independence claims. Abductions, kidnappings, religious attacks and political violence also rose ahead of the 2023 general elections.<sup>49</sup> In several situations, the worsening insecurity and upsurge of violence have also been exacerbated by the climate-related crisis. Increasing climate variability has led to land degradation, flash floods, landslides and gully erosion over the past years.<sup>50</sup>

65. According to the INFORM Global Risk Index, in 2022 Nigeria faced “very high” risks of humanitarian crises and disasters, and risks of socioeconomic vulnerability, inequality and food insecurity.<sup>51</sup> Also, Nigeria ranked twentieth on the 2015 Disaster Risk and Age Index,<sup>52</sup> as the country is highly prone to natural disasters, hazards and conflict-related insecurity. The latter index also measures the vulnerability of older persons in the face of such situations, while indicating the country’s capacities to cope.

66. The National Disaster Response Plan, adopted in 2002, establishes a process and structure for the systematic, coordinated and effective delivery of federal humanitarian assistance in the aftermath of a disaster. However, the Plan does not address or contain references to the specific needs of older persons.<sup>53</sup> The National Climate Change Policy for Nigeria for 2021–2030 – a revised version of its precursor, the National Policy on Climate Change and Response Strategy – acknowledges older persons as a group of the population disproportionately affected by climate change impacts and notes their low participation in

<sup>48</sup> See, for example, <https://www.dewdropfoundation.org>.

<sup>49</sup> See <https://www.hrw.org/world-report/2023/country-chapters/nigeria>.

<sup>50</sup> See <https://www.worldbank.org/en/news/feature/2022/10/18/land-soil-and-climate-change-how-nigeria-is-enhancing-climate-resilience-to-save-the-future-of-its-people#:~:text=Increasing%20climate%20variability%20in%20Nigeria,countries%20to%20climate%20change%20impacts>.

<sup>51</sup> Inter-Agency Standing Committee and the European Commission, *INFORM REPORT 2023: Shared Evidence for Managing Crises and Disasters* (Publications Office of the European Union, Luxembourg, 2023).

<sup>52</sup> Available at <https://www.helpage.org/silo/files/the-disaster-risk-and-age-index.pdf>.

<sup>53</sup> See [https://www.preventionweb.net/files/21707\\_nigeria.pdf](https://www.preventionweb.net/files/21707_nigeria.pdf).



climate-related decision-making. The National Policy on Ageing is the first policy-driven document to provide strategies on how to address and fully integrate the needs of older persons into emergency and crisis response plans (sect. 4.9). It is essential that protection components in humanitarian assistance lean on the National Policy on Ageing to further integrate the specific needs of older persons. However, the Independent Expert is concerned that despite the existence of such guidelines, older persons remain neglected in humanitarian operations and emergency responses.

67. During her visit to Benue State, the Independent Expert focused her attention on older displaced persons affected by conflicts between herders and farmers resulting from the impacts of climate change. Since 2019, violent attacks against villages, land grabbing and killings have forced more than 2 million people into internal displacement, according to the Benue State Emergency Management Agency. There is no official available data disaggregated by age to shed light on the situation of older persons there; thus, older persons have mainly been overlooked in the operational response.

68. The Independent Expert visited an official internally displaced persons camp and met with several older displaced persons, and witnessed their appalling living conditions. Older persons represent only a small part (an estimated 5 per cent) of the camp population and their needs remain forgotten. The growing food insecurity, which has led to malnutrition, and the dire shelter conditions within the camp, which are unfit for older persons and were exacerbated by heavy rains at the time of the visit, considerably undermine the rights of older displaced persons. None of the older persons interviewed had access to social protection benefits, including pensions. Owing to security concerns, they were discouraged from performing any economic activity outside the camp – mainly farming – to alleviate their families’ hardships. Most of them expressed that they felt like a burden, and were depressed due to their situation, which they saw as “hopeless”. Health care in the camp was limited to basic check-ups; no specific health programmes for older persons were in place, and there were no treatments for malaria, of which there was a severe outbreak at the time.

69. Humanitarian response in Makurdi is provided mainly by the Benue State Emergency Management Agency, the government of Benue State and a handful of international and local non-governmental organizations, whose efforts are tireless and commendable despite their limited resources. The Independent Expert encourages those actors to continue their essential work. She notes with appreciation the efforts of the National Senior Citizens Centre and the National Emergency Management Agency to set up focal points in 11 internally displaced persons camps in Delta State for flood-affected older persons, following the heavy rains that led to flooding in November 2022.

## V. Conclusions and recommendations

### A. Conclusions

70. **While noting the challenges Nigeria faces, the Independent Expert acknowledges the country’s recent efforts and commitment towards the enjoyment of all human rights by older persons. She welcomes the existing dedicated institutional measures, in particular the National Policy on Ageing and the National Senior Citizens Centre, and the legal and policy frameworks that have already enabled Nigeria to shed light on the needs and rights of older persons and to improve the mainstreaming of ageing issues in all decision-making processes at the federal level. The partnerships established with other governmental institutions have created fertile grounds in shaping a more age-friendly and human rights-oriented society.**

71. **While the issue of ageing is steadily growing in Nigeria, important challenges remain to be addressed to ensure the full realization of human rights for all older persons. Ageism and age discrimination are pervasive in Nigeria and the absence of legal safeguards to counter them leaves such behaviours unrecognized and unchallenged. There is an urgent need for the newly elected President to give assent to the bill on older persons (rights and privileges) in order to address this legal void. To**



ensure its effectiveness, measures to secure and monitor the implementation of that legislation must be provided for, along with the allocation of adequate resources.

72. With regard to delivering on the country's promises to advance the rights of older persons, the Independent Expert strongly encourages Nigeria to translate its progressive legal and policy efforts into concrete and effective implementation at the grass-roots level, including with regard to the transposition of the National Senior Citizens Centre Act and of the National Policy on Ageing into state-level legal and policy frameworks by all states. This can only be done through the allocation of adequate resources to the ageing-related programmes of the Federal Minister of Humanitarian Affairs, Disaster Management and Social Development and the National Senior Citizens Centre.

73. Poverty in old age remains rampant and is exacerbated by age-based discrimination in employment and the lack of appropriate social protection floors, including pensions. Further urgent efforts need to be taken to ensure that all persons have enough economic security in old age to enjoy all their rights.

74. The Independent Expert congratulates Nigeria for its nomination by the African Group in April 2023 to serve in the Bureau of the Open-Ended Working Group on Ageing, demonstrating the country's renewed leadership in exploring ways to strengthen the protection of the human rights of older persons. The Independent Expert encourages Nigeria, in its new role in the Bureau, to support the idea of a global legally binding instrument to protect the rights of older persons. She also recommends that Nigeria ratify all the human rights treaties to which it is not yet party, and promptly ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. Nigeria should then fully incorporate into legislation these international and regional standards, to lead its actions at the federal and state levels.

75. Based on the above conclusions and the observations made in the present report, the Independent Expert makes the following recommendations.

## **B. Recommendations to the Government**

### **Data**

76. The Independent Expert strongly encourages the collection of data, disaggregated by age, sex and relevant socioeconomic characteristics, that are essential to effective public policymaking that is inclusive of older persons. It is critical to capture the multidimensional and intersecting variables needed for proper planning, implementation, monitoring and reporting. The heterogeneity of older persons should be also taken into consideration.

77. The Independent Expert strongly encourages the incoming government to promptly undertake and implement the 2023 Population and Housing Census, prepared in partnership with UNFPA, in order to ensure new and comprehensive data collection and analysis about the population of Nigeria, including older persons, to better plan for policy development and decision-making while reducing inequalities.

### **Age discrimination and ageism**

78. While commending Nigeria for the adoption of the National Policy on Ageing, the Independent Expert recommends that the Government ensure the allocation of adequate human and financial resources to ensure its effective implementation. A coherent action plan, ensuring a multidisciplinary approach to ageing that takes into account the diversity of older persons, should be designed in order to accelerate the implementation of the Policy. The Independent Expert would like to reiterate the importance of codifying the prohibition of discrimination on the basis of age. The prompt adoption of the bill on older persons (rights and privileges) would ensure such protection.

79. The Independent Expert commends Nigeria for the establishment of the National Senior Citizens Centre and the Centre's pioneering work since 2021. She encourages the Government to extend the Centre's mandate to include examining complaints pertaining to older persons, ageism and age discrimination; this additional function could be carried out in partnership with the National Human Rights Commission. Both the Centre and the Commission should be granted the necessary powers and adequate resources to carry out their mandates. This would help to raise awareness and combat ageist stereotypes and perceptions.

80. The Independent Expert recommends that, in order to tackle structural ageism, the Government identify, through comprehensive human rights monitoring and analysis, its root causes, and address those root causes to work towards a cultural transformation of the way the Nigerian society, especially young people, perceive ageing and older persons. Awareness-raising campaigns, with a focus on oral communication, should be strengthened, especially in rural areas. The development of educational programmes on the rights of older persons that target older persons specifically, as well as informal caregivers and the extended family, should also be considered in order to help improve disclosure of abusive experiences. Intergenerational dialogues and activities have also been proven effective to prevent discrimination and violence against older persons.

#### Violence and abuse

81. In addition to the urgent adoption of the bill on older persons (rights and privileges), which would effectively address forms of violence and abuse faced by older persons, the Violence against Persons (Prohibition) Act should be transposed into the legal framework and implemented at all levels – federal, state and local – by all relevant law enforcement actors.

82. All other laws and legal provisions discriminating against older persons on the basis of their gender, sex, sexual orientation and gender identity, and leading to violations of their human rights, including the Same Sex Marriage (Prohibition) Act, should be repealed.

83. All customary and traditional practices that have harmful impacts and that are fuelled by gender-based, ageist and ableist stereotypes must be eliminated. Killings and abuse of older persons resulting from witchcraft accusations is a gross human rights violation. Law enforcement actors must ensure that killings related to witchcraft are treated as murder and are investigated, and that perpetrators are prosecuted and punished, including under religious and traditional justice systems.

84. The Independent Expert stresses the need for safeguards to be put in place against the financial exploitation and other forms of abuse or maltreatment of older persons.

85. The Independent Expert emphasizes that adequate support, in the form of long-term commitments, capacities and human and financial resources, must be dedicated to enforcing the legal safeguards in place, including the Violence against Persons (Prohibition) Act. She recommends integrating specificities on violence against and abuse of older persons into health sector strategic plans, and training health-care providers in the provision of comprehensive clinical care for victims. A more age-sensitive administrative and judicial system, recognizing intersectional approaches, would also help to ease some of the difficulties and costs associated with litigation for older persons.

#### Social protection and the rights to social security and work

86. As a core component of Sustainable Development Goal 1, on ending poverty, improving access to pensions in old age should be a priority for the Government.

87. Welcoming the recent adoption of the revised National Social Protection Policy, the Independent Expert recommends that Nigeria formally recognize the right to social

security, and establish legal grounds for a strong, inclusive and reliable social protection system that would benefit all people in Nigeria, including older persons.

88. Recognizing the efforts put in place by Nigeria to reform and improve the pension system over the past decades, the Independent Expert recommends that the federal Government put in place a more inclusive and unified pension scheme and that all efforts be made for its implementation at the state and local levels.

89. The non-contributory social pension scheme should be strengthened to ensure more income security for all older persons, especially those working, or who had worked in, the informal sector. The micropension should therefore be properly implemented to ensure a dignified life and economic security for every person in old age, while reducing the levels of poverty among older persons.

90. While acknowledging the impact of the COVID-19 pandemic, the Independent Expert emphasizes that human rights-based approaches to adequate financing and reprioritization of budget reallocations are crucial to providing social protection floors for all citizens, including older persons, in line with relevant ILO recommendations.

#### Adequate standard of living and autonomy

91. The Government should take necessary action, especially through better social security support, to mitigate and alleviate hunger, particularly where it affects the health and well-being of older persons.

92. Older persons in Nigeria should have access to safe drinking water and age-sensitive sanitation facilities, as well as adequate housing, so as to enjoy their full right to an adequate standard of living, including in informal settlements. Further data collection on the housing conditions of older persons in Nigeria would capture their lived realities and help to address their needs in terms of housing, especially with regard to those living in informal settlements.

93. The Independent Expert recommends that investment be made to ensure that urban infrastructure, facilities and services, including public spaces and buildings, transportation and housing, are accessible for older persons.

#### Health care and care

94. While welcoming the adoption of a health insurance scheme creating mandatory coverage for all Nigerians and legal residents, the Independent Expert urges the Government to intensify its efforts to implement the scheme and ensure that all people in Nigeria are adequately covered by the scheme. Out-of-pocket expenditure on health should be reduced, as it particularly hinders access by older persons to health-care services. Structural barriers to accessing health care should also be removed.

95. Noting the ongoing efforts of the National Senior Citizens Centre to build the capacity of medical staff on ageing issues, the Independent Expert encourages such initiatives and recommends that adequate resources be allocated to ensure the development of more age-specific health care throughout Nigeria. Investment in geriatric care should be prioritized.

96. To combat loneliness and social exclusion, the Independent Expert encourages the creation of day-care and recreative centres for older persons in most cities and villages, which should be provided with appropriate budgets. Such initiatives should be carried out in coordination with civil society organizations, faith-based organizations and other relevant stakeholders who are aware of the realities of older persons in their communities and whose work is commendable.

97. While care is still considered a family matter, the Government should provide assistance to families and informal caregivers, including human rights and medical-based training, counselling, and financial, social and psychological support. Due to the high rates of urban migration among younger generations and the increasing proportion of the ageing population, it is crucial that the State invest in and develop

national home-care programmes and community-based care services in rural and remote areas to further support families providing care for older persons.

98. The Independent Expert strongly recommends prioritizing support for home and community-based care. She stresses that nursing homes should be further standardized and improved, including through the adoption of official regulatory requirements to ensure residents' rights and well-being. Such establishments should also be regularly monitored in accordance with human rights-oriented guidelines to ensure the enjoyment of human rights by older persons.

99. In view of the high rates of older people living with dementia in Nigeria, the Independent Expert strongly encourages the Government to make dementia a public health priority and to further develop an appropriate and supportive legislative environment based on human rights standards. Access to mental health services for older persons and investments in the capacity-building of medical staff on these issues, especially in primary health care, are essential.

#### Humanitarian and emergency situations

100. The Independent Expert calls on the Government to pay additional attention to the needs of older persons in emergency situations, in particular by integrating the guidance contained in the National Policy on Ageing into humanitarian and emergency responses.

101. While acknowledging that Nigeria is facing multiple challenges linked to climate change and armed conflicts that have led to emergency situations, the Independent Expert calls on the Government to step up efforts in addressing the human rights situation of all older displaced persons and refugees in all regions of Nigeria, and to recognize their contributions. The needs and rights of those older persons remain under the responsibility of the Government. All national risk reduction plans and frameworks should recognize and address the risks faced by older persons, and effective and adequate systems of collection of data, disaggregated by age, gender and disability, should be put in place to better capture their lived realities.

102. Specific measures should be taken by the federal and state governments to ensure that older persons are prioritized with respect to access to adequate food, including through the resolution of problems with food distribution; access to health services, including care for chronic disease; and support for the construction and repair of shelters, in all emergency and humanitarian situations. Whenever possible, alternative solutions to camps should be explored, to ensure the resettlement of older displaced persons and older refugees within host communities.

103. The Independent Expert calls for increased support and humanitarian aid from the federal Government and the international community for all displaced persons in the Middle Belt region to address their needs, especially those of older internally displaced persons, whose experiences remain largely ignored and underreported.

### C. Recommendations to the international community

104. The Independent Expert calls on the international community to make efforts in further researching and analysing the situation and rights of older persons in all spheres of life in Nigeria. It is vital that key stakeholders, including the United Nations and other international actors, integrate older persons throughout their work and mainstream their issues applying a life-course approach. It is also essential that such stakeholders strengthen the inclusion of older persons in their development cooperation and humanitarian aid programmes. The international community should continue providing an essential collaborative space and trigger partnerships and opportunities for all relevant stakeholders to debate, think, plan, and develop solutions to advance the human rights of older persons in Nigeria.