**RESPONSE TO QUESTIONNAIRE ON THE RIGHTS OF OLDER PERSONS WITH DISABILITIES.**

1. **Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later I life.**

**Response:**

Presently, Nigeria does not have specific legislative and policy framework to ensure the realization of rights of older persons with disabilities. However, the country has general legislative and policy framework in place to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later in life. Recently, the government of Nigeria enacted the **Discrimination against Persons with Disabilities (Prohibition) Act, 2018.** The Act addresses the promotion and protection of the rights of persons with disabilities as it relates to; accessibility, women with disabilities, right to inclusive quality education, right to living independently and being included in the community and right to equality and non-discrimination.

Some states also have in place, laws that guarantee rights of persons with disabilities.

* Lagos State Special People’s Law 2011
* The Rights of Persons with Disabilities Law Ekiti State, 2013
* Plateau State Disability Rights Law 2005
* Bauchi State Disability Right Law 2010
* Nasarawa State Disability Rights Commission Law, 2018.
* Kwara State People with Disabilities (Amendment) Law, 2017.

In addition to the laws are general Federal and state policies that address the protective rights of persons with disabilities including older persons. Some are listed below:

* National Policy on Education 2016
* National Policy on Special Needs Education in Nigeria and Implementation Guidelines, 2015
* National Policy on Disabilities revised in 2018
* National Policy on Ageing
* National Health Policy, 2016
* National Strategic Health Development Plan, 2018-2022.
* National Policy & Implementation Guidelines on Albinism in Nigeria, 2013
* National Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017-2021.
* Senior Citizens Centre Act 2018.
1. **Please, provide information on discrimination against older persons with disabilities in law and practice.**

**Response**

The constitution of Nigeria, which supersedes all other laws prohibits any form of discrimination (section 42 refers). Though the Constitution does not consider age as one of the grounds for non-discrimination, it considers circumstances of birth as one ground for which persons should not be discriminated against, persons with disabilities are viewed to belong to this group and are therefore not excluded. In Nigeria, as it is with most African countries, the respect and protection of the rights of older persons is sacrosanct.

1. **Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas.**

**Response:**

* **Exercise of the Legal Capacity:**

Nigeria has an Administrative of Criminal Justice Act 2015 which has provisions that addresses the need of all, to speedy trial and protection from arbitrary arrest and extra-judicial killing.

* **Admission Procedures to Social or Healthcare Services, including Involuntary Admission:**

There is a National Health Policy which aims at creating optimal conditions for maximizing the potential of each person’s health throughout their lives and to achieve adequate standards of quality of life. However, these are no specific laws or policies that provide admission procedures to social or healthcare services for older persons with disabilities.

* **Older Persons with Disabilities living in Institution:**

The Discrimination against Persons with Disabilities (Prohibition) Act. 2018 mandates administrators of public and private buildings to ensure ease of accessibility for persons with disabilities which include older persons with disabilities.

* **Access to support to live Independently in the Community:**

The recently passed Discrimination against Persons with Disabilities (Prohibition) Act, 2018 contains provisions that advocate for the creation of enabling tools that will facilitate the independence of the persons with disabilities within the communities. However, there are no provisions for access to support. The law is relatively new as it was enacted on the 23rd of January and modalities for its implementation are still being worked on.

* **Access To Free Affordable Healthcare:**

There are presently no provisions for free or subsidized healthcare for older persons with disabilities.

* **Access to free or Affordable Rehabilitation Goods and Services:**

There are presently no provisions for free or subsidized healthcare for older persons with disabilities.

* **Access to Social Protection Schemes:**

Section 173 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for the protection of pension rights. In addition, Section 16 (2) of the Constitution enjoins the government to direct its policies towards ensuring that suitable shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions and unemployment, sick benefits and welfare of persons with disability are provided for.

To achieve this, government has enacted laws and put in place policies such as, Pension Act and the Pension Reform Act (2004, 2014). A major disadvantage is that it provides for persons for who have worked in the formal sector and attained the retirement age of 60 years and does not cover those in the informal sector. Also, Nigeria has a Senior Special Adviser to the President on the National Social Investment Program. In addition, there is a Federal Ministry for Women Affairs & Social Development which is also replicated at the state level. These ministries are created to cater for the needs of the vulnerable groups in the country. Also at the Federal level, there is the Pension Traditional Arrangement Directorate (PTAD) which is responsible for the pension administration under the Defined Benefit Scheme. At the state level, there are pension boards.

* **End of life and palliative care:**

The government has enacted the National Senior Citizens Centre Act 2018 aimed at taking care of the general needs of older persons which includes palliative care. The Act was just enacted and modalities for full implementation are being developed.

**4. Provide information on the existence of long term care services in your country and describe to what extent they promote the autonomy and independence of older people with disabilities**.

**Response**

There are presently no governments owned long term care services though the Federal and State governments do not hinder their establishment by private individuals or organizations which are interested in setting them up.

**5. Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relations to violence, abuse and neglect against older persons with disabilities.**

**Response**

The Administration of Criminal Justice Act, 2015 guarantees access to justice to all, inclusive of older persons and those living with disabilities.

**6. Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and /or disability.**

**Response**

The first Stakeholder’s Group Conference on Aging in Africa, which is a regional coalition of organizations, took place between the 5th and 7th of November, 2018. Several organizations and individuals representing the interest of older persons made useful contributions that were considered in developing the communiqué from the conference.

**7. Please provide information on any innovative initiatives that have been taken at the local, regional and national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.**

**Response**

There is a protocol to African Charter on Human & Peoples’ Rights on the Rights of Older Person in Africa. This protocol aims to promote and protect the rights of older persons including those with disabilities. The areas covered by the protocol include: elimination of discrimination against older persons, access to justice and equal protection before the law, right to make decisions, protection against discrimination and right to social protection. Protection from abuse and harmful traditional practices, protection of older women, right to care and support, residential care, support for older persons with disabilities, protection of older persons in conflict and disaster situations, access to health services, access to education, participation in programmes and recreational activities, accessibility awareness on ageing and preparation for old age. Though Nigeria is not yet a signatory to this protocol, the National Human Rights Commission has initiated communication with the appropriate government body to facilitate its ratification.