Old Age Legislation in Nigeria

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Outline

- Nigeria’s Geo–Political Situation
- Introduction
- Background
- Respect for the Elderly
- The need for Social Security
- The Situation in other Lands
- Bridging the Gap
- Nigerian Legislations on Aged
- Need for Better Government Involvement
- Conclusion
- References
Nigeria’s Geo-Political Situation

- Population of 140 million (NPC 2006)
- Africa’s most populous nation and the 9th in the world (UN 2005).
- Life expectancy at birth is 48 (World Bank Report 2009)
- Population growth rate (2000–2005) is 2.5% with 5% of the total population aged 60 and above.
- Made up of 36 states and a Federal Capital Territory.
- 3rd Tier of Government – 774 Local Government Areas.
Nigeria’s Geo-Political Situation – 2

- Federating states have some level of autonomy
- Federal Government controls power and the economy
- Operates a bi-cameral legislature at the federal level and unicameral at the state level
- Culturally, Nigeria is heterogeneous with over 350 ethnic-linguistic groups.
- Major groups are the Hausa of the North; the Yoruba of the South West; and the Igbo of the South East.
- The groups all share a similar cultural background; thus, perception of care for the elderly.
The 1999 Constitution of the Federal Republic of Nigeria dwells on the Fundamental Objectives and Directive Principles of State Policy; particularly S.14 (20) (b) which provides that; “the security and welfare of the people shall be the primary purpose of the government.”

S.16 (2) (d) insists “that suitable and adequate shelter and food, reasonable minimum living wage, old age care and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens.”
Care for the elderly has not been of priority to successive governments in Nigeria.

The 6th Senate has passed a ‘BILL FOR AN ACT TO ESTABLISH A NATIONAL CENTRE FOR ELDERLY PERSONS FOR GENERAL PURPOSE OF PROVIDING WELFARE AND RECREATIONAL FACILITIES FOR THE ELDERLY AND THE DESIGNING OF DEVELOPMENTAL PROGRAMMES AND ACTIVITIES FOR THE ADVANCEMENT OF ELDERLY PERSONS IN NIGERIA.’

The Bill sponsored by Senator Ganiyu Solomon of an opposition party, the Action Congress of Nigeria (Lagos State), was passed on July 14, 2009.
Senator Anyim Ude of the ruling People’s Democratic Party (Ebonyi State) in June 2010 sponsored a ‘BILL FOR AN ACT TO PROVIDE SOCIAL SECURITY FOR UNEMPLOYED GRADUATES AND THE AGED IN NIGERIA AND FOR PURPOSES CONNECTED THERETO.’

This paper will focus on a comparative analysis of the two Bills vis-à-vis other old age legislations in Nigeria.
Background

- Nigerians depend on their children at old age for their wellbeing.
- No government policy or legislation in place with which government can provide for the aged
- Pensioners find it difficult to receive their pensions regularly
- Many parents live from hand to mouth, and month-end to month-end
High unemployment at all levels

A research about Nigeria’s attitude to the elderly showed that Lagos, a city of about 20 million people;
- has five Old People’s Homes
- provide just 37 places to strictly-destitute elderly.

13 Old People’s Homes serving Nigeria’s population of 140 million.
Many elderly men and women lack the customary familial support system, suffer elder abuse.

A social worker at an Old People’s Home in Lagos said cases of elder abuse on the rise and very traumatic to victims.

Most cases of elder abuse are not reported to law enforcement agents.
This informed the initiation of Senator Ude’s Social Security bill.

In a research conducted by Eric C.M. Olie, author of “Africa Caught in the Web of Capitalism”, he said that;

“many capitalist countries that are doing well under the corruption/poverty level index saw this problem and ab-initio provided in their socio-economic system a well-organized, well-structured, social security/mortgage, credit system etc to ensure equitable distribution of scarce resources between the haves and the have not”.

Need for Social Security
Statistics from the Social Security Administration (SSA) USA show that about 42 African countries have different types of Social Security Programs including Pensions, Providence Funds, Unemployment Benefits, Family Allowances and other benefits.

The following countries have extended their Social Security arrangements to incorporate benefits for this vulnerable group in Africa.
Mauritius

- Population of over 1.2 million
- GDP per capita of US$12,207
- Has a Universal and Social Insurance system first passed into law sector like the Pension Scheme, the country has what is called UNEMPLOYMENT HARDSHIP RELIEF benefit of RS (Mauritian Rupees) 260 a month to each unemployed citizen claimant that is a household head younger than age 60 and their dependents.
The Situation in other Lands –3

- Republic of Seychelles
- Population of about 1 million people
- GDP per capita of US$16,652
- Under the 1980 Unemployment Fund Act, the Social Security Fund provides subsistence income for unemployed persons.
The Situation in other Lands –4

Kenya

- Population of about 40 million people
- GDP per capita of US$1,140
South Africa
Population of over 50 million people
GDP per capita of US$11,192
Has under its Social Assistance Law of 1928 which covers the elderly and another in 1936 and 1994 as amended in 2004 to cover widows and the disabled respectively; a 100% government funded scheme that provides for all South African citizens with limited means excluding those maintained by or cared for directly or indirectly by State Institutions. This scheme has reached 1.9 million beneficiaries, about 85% of the eligible population.
The Situation in Nigeria

- Has some legislation with Social Safety nets relating to the formal sector. These include the **1961 Provident Fund Act No. 20** and the **2004 Pension Reform Act** which provides enabling legislation for the **National Social Insurance Trust Fund** to introduce a social insurance programme for unemployment benefits, without providing for the statutory benefits to cover the vulnerable group in our society.
The Social Insurance Schemes have limited coverage to workers belonging to the formal sector of the economy.

Those without coverage are the most vulnerable and they belong to the informal sector of the economy and are unemployed.

There are generally not protected also in old age and they cannot afford to pay their health care bills.

This has accounted for the high mortality rate and low life expectancy in Nigeria because these groups of people constitute a large proportion of our economy.
The Situation in Nigeria–3

- This ugly situation encourages corruption in the system; people want to accumulate wealth
- People circumvent the rule because of fear of insecurity
- Sociological findings attribute the rising rate of armed robbery, kidnapping and other social vices to lack of Social security
The issue of Social Security is neglected in the New Partnership for Africa’s Development (NEPAD) and the Southern African Development Community’s Regional Indicative Strategic Development Plan.

Both programs emphasize growth, but do not suggest policies to enable poor people to bounce back when they are affected by the possible social consequences of economic liberalization, such as unemployment.
Bridging the Gap – 2

- The 8\textsuperscript{th} UN MDG has helped set the stage for a re-examination of priorities.
- This is a call for Nigeria to rise up to this challenge of bridging the gap and setting the pace for even other countries not just in Africa but the world over to institute policies that will cater for the vulnerable group in our societies.
Legislations on the Aged

- No National Policy on the elderly
- Bill for an Act to establish National Centre for Elderly Persons passed July 14, 2009
- Centre to formulate policies affecting elderly persons in such areas as: Recreation, Sports, Health and Finance
- Liaise with national, regional and international agencies for the aged
- Register and regulate residential facilities and implement all legislations on elderly
Legislations on the Aged–2

- Create old age benefit fund for;
  - Persons – 60yrs and above
  - Not employed and earn no remuneration
  - Exposed to or threatened by natural element on account of homelessness or lack of care and support
  - Persons not covered by Pensions Act 2004, Military Pensions Scheme or Private Pensions Scheme
Need for better Government Involvement

- Bureaucratic bottleneck hampered implementation of the draft National Policy on the Care and Welfare of Elderly Persons
- Nigerian Government set up National Working Committee on Social Security Policy
- Need for more government intervention in;
  - establishment of more Old People’s Homes
  - expeditious action on the bill on Social Security
  - formulation of a state policy on the care for the elderly
  - training and engagement of more social workers
Conclusion

- It is exigent that Nigeria has well-conceived social security programmes that will take adequate care of the vulnerable members of the society.
- The elderly, who are senior citizens and who have invested their lives in the service of the nation, have been most disappointingly neglected by successive governments.
- It is hoped that the National Centre for the Elderly Persons Bill and the Social Security Bill would be the beginning of better days for the elderly in Nigeria.
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Thanks for your attention