

Review of the National Senior Citizens Centre Act of 2018

By
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Abstract

This paper reviewed the National Senior Citizens Act of 2018. Under this Act, the National Senior Citizens Centre was established to cater for the needs of senior citizens in Nigeria. The Act aims to facilitate the implementation of Section 16 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended) which declares that Nigeria shall direct its policy towards ensuring the care of aged persons. The objective of this review is to identify some of the challenges that hinder the implementation of the Act. Using the doctrinal method, it is argued that the Act does not make adequate provision on how to cater to the need of the senior citizens, to provide adequate health and social services. It is also noted that the Act fixed the Senior Citizens' Age at 70 without regard to the retirement age, pension rights and their financial status. The paper compared the Act with policy or legislation of India, Ghana, South Africa and Brazil with the view of learning some lessons from their frameworks. Some of the lessons include the provision of clear implementation guidelines similar to Ghana, in India, a senior citizen is a person who is 60 years and above. The paper finds a myriad of challenges affecting the implementation of the Act which include funding and lack of clear implementation plan. The paper recommends, amongst others, that there should be more funding and clear provision for the nature of the healthcare services to be enjoyed by the senior citizens.

Keywords: Aged Persons, Healthcare, Older Persons, Senior Citizens, Welfare.

1.1 Introduction

Lack of welfare services, non-inclusion in national population policy as well as educational and economic programmes characterise the elderly population in Nigeria. A report made available by the Global Age Watch¹ ranked Nigeria as number 86th² using four major

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¹ Global AgeWatch Insights: Report, summary and country profiles (2018) <<http://globalagewatch.org/reports/global-agewatch-insights-2018-report-summary-and-country-profiles>> accessed 18th November 2020. Global AgeWatch Insights provides an overview of the progress being made in realising the right to health of older people around the world today. It also explores the extent to which health systems are fit for purpose as the world's population rapidly ages, and what changes can be made to ensure the right to health for all people regardless of age. This will help not only the older people of today, but also for generations to come.

²Global AgeWatch Index 2015, Globally Switzerland tops the 2015 Index, while Afghanistan remains in bottom place. The top 19 places are taken by industrialised nations. Africa is overrepresented at the

indices: enabling environment, income security, health status and capability.³ It ranks highest in the capability domain (49),⁴ with an employment rate (70.5%)⁵ and educational attainment (17.4%)⁶ among older people above the regional average. The country ranks low in the enabling environment domain (75)⁷ due to older people's low satisfaction with civic freedom (53%) and public transport (42%).⁸ It ranks low in the health domain (88) with life expectancy at 60 (16) below the regional average for Africa.⁹ It ranks lowest in the income security domain (90), with low pension income coverage (5%).¹⁰

Alarming, most state policies focus on improving the welfare of young people, women and children without recourse to how the aged confront the everyday reality of health, isolation, emotional, financial and social neglect. Similarly, past government efforts to improve the welfare of poor elderly persons through food support programmes, have not been successful. Rather, most elderly persons depend on relatives and children to eke out a living. This in turn increases the number of dependent per working population thus, putting a significant amount of pressure on the income of the few in the working bracket of the population.

Although, it is expected that the contributory Pension Scheme that has been reformed will address the challenges of some of the older population because the emphasis is mainly for those who worked in the formal sector. Since 2015, older people have demanded the establishment of an Older Persons Commission to contribute to the achievement of the Sustainable Development Goals.¹¹ The agitation continued until 2018 when this Act was assented to by the President. However, since its enactment of the in 2018, the Federal Government is yet to take any serious step towards the implementation of the Act.¹² This paper presents the current laws that cater to the welfare of senior citizens in other countries and makes recommendations on ways in which the existing senior citizens' Act, 2018 can be amended to address existing gaps.

bottom, <<https://www.helpage.org/global-agewatch/population-ageing-data/global-rankings-table>> accessed 19th November 2020.

³ Ibid.

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid.

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ageing, Older Persons and the 2030 Agenda for Sustainable Development, available <https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2017/07/UNDP_AARP_HelpAge_International_AgeingOlderpersons-and-2030-Agenda-2.pdf> accessed 3/12/2020. See also Aboderin I. and J. Beard 2015. "Older people's health in sub-Saharan Africa." *Lancet*, 385(9968): 9-11.

¹² Global AgeWatch (n 5).

1.2 Overview of the Senior Citizens Act, 2018

The National Senior Citizens Center Act, (NSCA) 2018 establishes the National Senior Citizens Centre to cater for the needs of the senior citizens in Nigeria. The Act aims to facilitate the implementation of the provision of Section 16 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as altered),¹³ which provides amongst others that the state shall direct its policy towards ensuring the care of aged persons and pensioners, and welfare provision for disabled citizens. Its functions include identifying the needs of senior citizens and taking responsibility for creating recreational, sports, health, educational counselling and social programmes for their benefit.¹⁴ It shall develop and implement schemes to provide income or supplementary earnings for aged citizens. It shall also keep records and statistics concerning senior citizens in Nigeria, and partner with sub-national, national, and international bodies in achieving its objectives.¹⁵

The Senior Citizens Act¹⁶ contains 21 sections and a schedule. Section 1 deals with the declaration of policy. Sections 2, 3 and 4 deal with the establishment of the Centre, the members of Governing Board of the Center and their tenure of office. Sections 5, 6, 7, 8, 9 and 10 deal with the cessation of the membership of the Board, functions of the centre and the Board appointment of the Director-General of the Centre, the Secretary of the Centre and staff regulations. Others are sections 11, 12, 13, 14 and 15 which provide for staff pension, sources of funds for the Centre, submission of estimates, the power to accept gift and exemption of the Centre from payment of tax. Sections 16 to 21 deal with annual estimate, account and audit, annual reports, disqualifications from enjoying benefits, regulations, interpretations and citations.

¹³ This section falls under the provisions of the chapter II of the Constitution of the Federal Republic of Nigeria 1999 as altered which deals with the Fundamental Objectives and Directives Principles of State Policy. See also item 60 of the II schedule to the Constitution which provides for Exclusive Legislative List.

¹⁴Section 6 of the National Senior Citizens Centre Act, 2018.

¹⁵ Ibid.

¹⁶Ibid, (n 2).

1.2.1 Existing Programmes For Senior Citizens In Other Jurisdictions

Country	Benefits	Age, Requirements and Conditions	Sources of Funds
Maintenance And Welfare Of Parents And Senior Citizens Act, 2007 India	<ul style="list-style-type: none"> i) Provisions for food, clothing, residence, medical attendance, and treatment ii) Provision for food, health care, recreation centres, and other amenities iii) Old age pension of Rs.200/month and Rs.500/month is paid to persons in the age group of 60-79 years and above 80 years iv) Rs.350 paid to old people in the age group 60 and above 	<ul style="list-style-type: none"> v) Attained the age of 60 years or above vi) The concerned elderly must be unable to maintain themselves from their earnings and property vii) Eligibility is determined by a poverty line as determined by the Indian government. 	<ul style="list-style-type: none"> viii) The obligation of those children who are entitled to receive the benefits of inheritance under the statutory or personal laws of India ix) The role of government is to arrange separate queues in hospitals for senior citizens and provide hospital beds for all senior citizens.
National Ageing Policy, 2010 Ghana	<ul style="list-style-type: none"> i) Given conditional and unconditional cash transfer on a bi-monthly basis 	<ul style="list-style-type: none"> ii) Only extremely poor households who are iii) Must be 65 years and above without productive capacity to enhance their access to basic social services like health and education iv) Those who are 70 years and above are covered by the National Health Insurance Scheme without payment of premium 	Appropriation laws
Social Security Agency Child Support Grant, Disability Grant and State Old Age	<ul style="list-style-type: none"> • R1,420 • R330 	<ul style="list-style-type: none"> i) Older persons of 60 years and above; ii) Disabled, older persons or war veterans receiving 	Money appropriated by Parliament; Grants, Donations or contributions and fees for services rendered

Pension South Africa	• R1,430-	grants to pay a full-time caregiver	
		iii) War Veterans above 60 years or disabled	
		iv) Minimum income of R64,680/year or R5,390 per month.	
Ministry of Social Development and Fight against Hunger, Brazil	i) \$733	Persons aged 65 or older (Elderly), blind and disabled	World Bank, IBRD and government allocation (BRL11.8 billion as of 2008)

Source: Compiled by¹⁷

1.3 Lessons for Nigeria

Table 1 presents the highlights of programmes for elderly persons in other jurisdictions. The lessons for Nigeria include:

- i) All the countries have one or more forms of social welfare programme to protect or assist the vulnerable elderly groups in the society, Nigeria should go beyond the legislation under review and design a better programme for the welfare of the vulnerable elderly persons.
- ii) Social welfare programmes in jurisdictions referred to under this review, are interwoven and are directed towards the vulnerable population due to the implications of dependency situation of the polity. Therefore, taking the case of the elderly or senior citizens alongside their dependents (e.g. women and children) gives a holistic approach to addressing the needs of the vulnerable in society.
- iii) More specifically, a grant for older persons in South Africa applies to people aged 60 years and above, compared to 70 years specified in the Nigerian Senior Citizens Act, 2018.
- iv) Also in South Africa, the benchmark for eligibility is an annual minimum income of R64, 680 or R5390 per month. This is equivalent to about ₦107,000/month. Therefore the determination of the income threshold for grant recipients in Nigeria should be based on a comprehensive analysis and assessment of the appropriate poverty line for this group.
- v) Furthermore, in South-Africa, about 16.9 million people benefitted from the welfare grant in 2015, equivalent to 30.7% of the population and the country spends about \$12 billion annually. Since poverty incidence in South Africa is lower than Nigeria's poverty incidence, it is expected that welfare grant recipients may be higher in Nigeria

¹⁷Omotola, J. S., Aminu, U., Aderemi, T. Abraham, T & Jumare, F. (2016) in their bill analysis report of a bill for an Act to provide for a scheme of support for elderly persons who are resident in Nigeria and for related purposes. Submitted by the National Institute for Legislative and Democratic Studies (NILDS) to the Nigerian National Assembly Abuja.

- meaning that the issue of sustainability of the scheme will be a major concern in Nigeria's financial resources shrink.
- vi) In India, the Ministry of Social Justice and Empowerment implemented a Central Sector Scheme of Integrated Programme for Older Persons (IPOP) in 1992 to improve the welfare of aged persons. Financial assistance up to about 90-95% is provided to NGOs and voluntary organizations in states to maintain old age homes, etc.
 - vii) Old age pension of Rs.200/month and Rs.500/month is paid to persons in the age group of 60-79 years and above 80 years, respectively. Eligibility for the grants is determined by a poverty line as determined by the Indian government. The average of Rs.350 paid to old people in the age group 60 and above is equivalent to ₦1,620/month. Note that this payment to the elderly is in addition to other welfare services.
 - viii) A Senior citizen (age 60 years and above) enjoys a taxable-free income under the Income Tax Act of 1961 of India if his/her income is less than Rs.2.5 lakh.
 - ix) Senior citizens also enjoy a discount on train fares. For instance, men and women are eligible for concessions of 40% and 50% on a public train.
 - x) Air India (the country's national carrier) offers 50% discount to senior citizens on the highest economy class basic fare.

1.4 Gaps In The Nigerian Senior Citizens Act, 2018

The Act does not make adequate provision to cater for its objectives. Section 1 of the Act only declares that section 16(2) (d) of the CFRN to be a policy to provide adequate social services and improved quality of life for elderly citizens, without providing for how the provision could be realised. Section 3 of the Act which dealt with establishment and composition of the governing board of the Centre only provides for the appointment of the Chairman and ten other members of the Board, without including senior citizens in the Board. Since the functions of the Centre are directly related to the affairs of senior citizens, it is important to ensure that some members of the Board are also senior citizens. It is common knowledge that the prevalence of chronic diseases is associated with old age, unfortunately, the Act does not adequately spell out how this can be done.

That another provision in the Act which has generated concern is section 20 which defines "senior citizen" as a person above the age of seventy (70) years. This is five to ten years more than the United Nations definition. Traditionally, the United Nations and most researchers have used measures and indicators of population ageing that are mostly or entirely based on people's chronological age. The policy defined older persons as those aged 60 or 65 years.¹⁸ This provides a simple, clear and easily replicable way to measure and track various indicators of population ageing.¹⁹ More also, not all senior citizens

¹⁸United Nations, New York, World Population Ageing (2019)
<<https://www.un.org/en/development/desa/population/publications/pdf/ageing/WorldPopulationAgeing2019-Highlights.pdf>> accessed 19th November 2020.

¹⁹ Ibid.

require free healthcare and other services. Some senior citizens are enjoying pensions while some have the financial resources to take care of not only themselves but the whole community. These were not factored in the Act under review.

However, a concern that is not addressed by this Act is the problems facing senior citizens in accessing their entitlements, after years of meritorious service to the nation. The Act is silent on the role of the Centre in assisting the senior citizens to access their retirement benefits. It is also common knowledge among Nigerians that so many aged persons travel several kilometres for verification, lining up under the sun. In the process, most of them may develop an illness or trigger the existing health challenges.

There is a legislative proposal in Nigerian National Assembly²⁰ to amend the National Senior Citizens Centre Act to empower the Centre to issue means of identification to senior citizens, provide free car park in all government institutions to senior citizens, provide free healthcare services on certain health conditions, and to provide free or subsidised transport fare within certain locations, similar to the policy in India. This legislative proposal attempted to make provision for free healthcare services on certain health conditions, without going further to identify the certain health conditions and reliable and verifiable means of achieving the objectives. The legislative proposal is still grossly inadequate in terms of making an improvement on the challenges identifies under this review.

1.5 Conclusion

From the foregoing, it is noted that the NSCA,²¹ has not made adequate provisions to cater for the declaration made under the Section 1 of the Act, to give effect to section 16(2) (d) of the CFRN 1999 as altered. Second, the Act is not explicit on the implementation framework. It is sad to note that since 2018 when the Act was assented to by the President of the FRN²², the government has not taken adequate steps to implement the Act.

Furthermore, section 6 of the Act which provides for health services for the senior citizens is vague, not being clear about the nature of the healthcare services to be enjoyed by them. In light of the above and lots more, it is recommended as follows:

- i) The NSCA should be amended to provide for the nature of the healthcare services to be enjoyed by senior citizens that are not beneficiaries of the Pension Reform of Act of 2014 and those who are extremely poor.
- ii) Include senior citizens in the Board of the Centre.

²⁰ Being sponsored in 2020 by Honourable Adewunmi Oriyomi Onanuga, a member in the House of Representatives of the current National Assembly (9th Nigerian National Assembly) representing Ikenne/Shagamu/Remo North Federal Constituency.

²¹Ibid, (n 2).

²²Federal Republic of Nigeria.

- iii) Redefine the age of the senior citizens of Nigeria, similar to the age limit in India, Brazil and Ghana.
- iv) Provide a special fund for payment of the healthcare services of the senior citizens.
- v) Make financial provision for the welfare of the Senior Citizens who are extremely poor.