



SOCIAL SECURITY LAWS IN NIGERIA: PROVIDING SUPPORT AND ASSISTANCE TO THE VULNERABLE POPULATION

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ABSTRACT

Nigeria's social security laws, such as National Health Insurance Scheme (NHIS), the Pension Reform Act, and the National Social Insurance Trust Fund (NSTIF), mostly target workers in the formal sector. Limited coverage is provided to vulnerable groups, including women, children, people with disabilities, and workers in the unorganized sector. This paper meticulously examines the situational concerns of social security laws as they pertain to all vulnerable groups in Nigeria. Chapter II of the Constitution, which addresses 'Fundamental Objectives and Directive Principles of State Policy,' encompasses crucial legislation on the provision of adequate food, shelter, medical supplies, health facilities, education, care for the elderly, disability benefits, and the National minimum wage using language that appears mandatory. However, the Court has ruled that it is not justiciable considering the vulnerability of disadvantaged people in obtaining any kind of social assistance from the government, viewing it as merely a declaration. Considering these challenges, recommendations have been proposed to enhance the enforceability of Chapter II of the Constitution. Strengthening the legal mechanisms to ensure the protection of vulnerable groups is crucial in advancing social justice and equality in Nigeria.

KEYWORDS: Social Security, Social Security Laws, Nigeria, Vulnerable Groups.

1. INTRODUCTION

Nigeria is confronted with severe economic and social challenges, as evidenced by the high poverty rate, widespread unemployment, millions of children out of school, and soaring food and energy prices. These issues have been further compounded by ill-conceived monetary policies and the elimination of oil subsidies. Despite the potential benefits of these reforms in restoring macroeconomic conditions for growth and stability in Nigeria, the absence of documented cautionary measures and remedies has led to a degradation of the country's economy to the point of hyperinflation. Consequently, the most vulnerable segments of the population, who have long endured these hardships, are eagerly anticipating the temporary cash transfers to 15 million



households as announced by the President of Nigeria, Bola Ahmed Tinubu.¹ Based on the report by the World Bank Group regarding cash transfers to these households, the researchers can infer that Nigeria has a population of over 15 million households classified as vulnerable within the country.

In Nigeria, the vulnerable population comprises young children who are not attending school, women burdened by societal issues such as the relinquishment of land rights, women at risk of life-threatening diseases like HIV/AIDS, internally displaced persons, refugees, the elderly, individuals with disabilities, and certainly those facing economic hardships. The data pertaining to these groups is uneven, and the allocation of monetary assistance to numerous households affected by the unfortunate consequences of the inflation rate is viewed as a means of providing social security for these individuals.

The concept of social security is deeply rooted in the principles of social justice, aiming to provide necessary assistance and benefits to individuals in need, particularly those belonging to underprivileged populations. This system ensures that resources essential for the well-being of all citizens are distributed equitably,² regardless of their socioeconomic status.³ For instance, social security programs may include unemployment benefits, healthcare coverage, and retirement pensions. By offering these forms of support, society can mitigate the impact of financial hardships and promote a more inclusive and supportive community. The implementation of social security measures help governments demonstrate their commitment to upholding the welfare of their citizens and fostering a sense of social responsibility.

Most predominantly, social security is simplified by the 1944 Declaration of Philadelphia of the International Labour Organization (ILO) as a basic human right for every citizen that demands it⁴This declaration marked a significant milestone in recognizing the fundamental importance of

¹ World Bank Group (2023) <<https://www.worldbank.org/en/country/nigeria/overview>> accessed 27 October 2025

² A M Honore 'Social justice' in R S Summer (ed) *Essays in legal philosophy* (1968) 61-62. <<https://lawjournal.mcgill.ca/wp-content/uploads/pdf/7598413-honore.pdf>> accessed 23 October 2025.

³ Ibid.

⁴ 1944 Declaration of Philadelphia of the International Labour Organization (ILO) para 17 which provides that 'social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants'



social security in ensuring the well-being and dignity of individuals. It set a global standard for countries to uphold and protect the social security rights of their citizens.

Since the Declaration of Philadelphia, various international instruments have emerged to further solidify the principles of social security. For instance, the International Covenant on Economic, Social, and Cultural Rights⁵ elaborates on the specific economic, social, and cultural aspects of social security that are essential for human development and prosperity. It provides for monetary or in-kind benefits to guard against risks such as illness, disability, pregnancy, work-related injuries, unemployment, old age, death of a family member, expensive medical treatment, and inadequate family support.⁶ Additionally, The Convention on the Elimination of All Forms of Discrimination Against Women highlights the importance of gender equality in the provision of social security benefits.⁷

On the other hand, regional instruments like the African Charter on Human and Peoples' Rights⁸ have also emphasized the significance of social security in ensuring the well-being of individuals and communities. The 1948 Universal Declaration and the Convention on the Rights of the Child⁹ further reinforce the fundamental right to social security for all individuals, regardless of age or background.

Summarily, the evolution of international instruments and declarations underscores the universal recognition of social security as a basic human right. These documents serve as guiding principles for governments and organizations to create policies and programs that promote social security for all individuals, contributing to a more just and equitable society. There exist other guiding principles and summits in enhancing the rights of vulnerable groups to social security, and for better planning for governments to adopt these guidelines and implement them in their countries.

In light of these principles and provisions for social security across developed and developing countries, and the current socioeconomic situation of Nigeria (with the assertions of the Government to share cash), it becomes clear that Nigerians, and especially those that fall within

⁵9 (1) Universal Declaration

⁶ICESCR 1966, art 9.

⁷CEDAW art 29.

⁸Universal Declaration Adoption by African States in 1981.

⁹D Olowu 'The Right to Social Security in Nigeria: Taking Up the Gauntlet' (2007)(1) *Review of Nigerian Law and Practice* 97



the category of vulnerable group do not have any knowledge of what social security is, and their rights to the welfare accrued with it. This lack of knowledge on the existence of social securities and the rights of people to it can be predicated on the illusions that exist within the laws that govern this concept in Nigeria.¹⁰

Studies seem to show that the practicality of social security in Nigeria is woven around civil servants in the formal sector of the economy.¹¹ Vulnerable populations in Nigeria are often viewed by the Government as mere charity cases, receiving meager handouts of cash and food. This approach highlights a significant issue in the country's social security system, which is far from being robust or effective. The core of social security in Nigeria seems to lack the necessary foundation for providing substantial support to those in need. This deficiency can be attributed to various limitations within the existing laws and their interpretations. A study by Anifalaje¹² had suggested that the current social security laws in Nigeria may not adequately address the diverse needs of vulnerable populations, leading to gaps in the system. Moreover, the implementation of any of the existing laws could be hindered by bureaucratic red tape or corruption, further exacerbating the challenges faced by marginalized groups.

Thus, this research paper seeks to examine the existing social security laws in Nigeria, their inclusive framework that caters for the vulnerable population or not. This paper is concerned with seeking a re-dress or a revise of existing laws to better reflect the realities on the ground and ensuring that resources are allocated efficiently and transparently to vulnerable groups in Nigeria.

2. EXISTING LAWS REGULATING SOCIAL SECURITY IN NIGERIA

The underpinning legal framework governing social security in Nigeria is a cornerstone of the country's social welfare system. Social security in Nigeria is regulated by certain Acts such as the National Social Insurance Trust Fund (NSITF) Act¹³ which provides the legal basis for the establishment and operation of social security schemes.

¹⁰ Kehinde Anifalaje 'Implementation of the Right to Social Security in Nigeria' (2017)(17) *African Human Rights Law Journal* 413-435.

¹¹ Ibid.

¹² Anifalaje (n 10).

¹³ The Nigeria Social Insurance Trust Fund Act 73 of 1993



This legislation lays down the fundamental principles and guidelines for the implementation of social security programs aimed at safeguarding the well-being and livelihoods of Nigerian citizens. It should be noted, however that the Social Security (Minimum Standard) Convention of 1952 of the International Labour Organization (ILO) states nine branches of which social security falls into. These include maternity, employment injury, old age, unemployment, medical care, sickness, family, invalidity, and survivorship¹⁴ which is adaptable to the economic and social status of each country. However, the Convention agrees that even with the general level of social security any and every State should afford its citizens, a State can at least provide three (3) of the branches of social security that is long term¹⁵ to be recognized as a State that provides social security for its citizens. Thus the NSITF, at the employment level provides for adequate compensation for employees and their survivors in the case of death, injury, disease, or disability arising from their employment routine. Of the nine branches of social security services, the National Social Insurance Trust Fund (NSITF) Act provides for five, which are disability, old age, medical and work injury, and survivors.

Furthermore, the Labour Act of Nigeria plays a pivotal role in shaping the legal landscape of social security within the country. This legislation mandates the provision of social security benefits to employees, including retirement benefits, disability benefits, and healthcare benefits. However, the benefits on sickness are only based on an employer-liability course and not based on the international stipulated standards of social insurance schemes.¹⁶ Other laws that studies have laid claim to provide social security to citizens are the Pension Reform Act of 2014 that provides *inter alia*, the retirement benefits as and when due to everyone who worked both in the public sector and the private sector.¹⁷

The private sector provision allows for employees to make 5-10 percent deposit from their basic salary into their pension fund. This means your retirement benefits as it were the culmination of percentages of your salary while you were in active duty. The National Health Insurance Scheme

¹⁴Social Security (Minimum Standards) Convention 1952 (No 102), See Parts II, III, IV, V, VI, VII, VIII, IX and X.

¹⁵Social Security (Minimum Standards) Convention 102 of 1952, art 2.

¹⁶Maternity Protection Convention 183 of 2000, art 8.

¹⁷Pension Reform Act 2014, Ss 1, 3, 7, 8, 9&10.



(NHIS) Act¹⁸ that moves towards a contributory health scheme for every employer is not so much different from the Pension Reform Act in its processes.

Howbeit the assertions of these legislation to offer social security to the citizens of Nigeria, they are embedded within the framework of a functional collective, rather than vulnerable individuals lacking employment. It is imperative to acknowledge that the execution of these legislation may encounter constraints in reaching all sectors of the populace in need. For example, individuals who are jobless or lack steady employment may encounter difficulties in availing the social security benefits. This highlights a gap in the system where those most in need of support may not be adequately covered.

Based on the provisions of the Income Security Recommendation,¹⁹ paragraph 29, the best the above-mentioned laws provide for citizens not covered by them is for these citizens to join the schemes as voluntary members.²⁰ This suggests that there is a degree of flexibility within the system to accommodate those who may not fall directly under the existing social security framework. For example, individuals who work in the informal sector or are self-employed could potentially opt to participate in these schemes voluntarily to secure some form of social protection. Otherwise, the aged, invalid, or widowed beneficiaries in these schemes ordinarily do not have their survivors insured, especially those within a certain income level.

This indicates a potential vulnerability among specific groups who may not have adequate support systems in place. For instance, elderly individuals without family support or widows who may not have access to financial resources could face challenges in ensuring their well-being in the absence of comprehensive social security coverage. While the rest of the vulnerable groups in Nigeria do not receive any form of social safety, there remains a significant portion of the population that may be left without any form of social protection.

In addition to these primary statutes, Nigeria's social security framework is bolstered by various regulations and policies that govern specific aspects of social security administration. These

¹⁸National Health Insurance Scheme (NHIS) Act 1999.

¹⁹ Income Security Recommendation 67 of 1944; Para 17 of the Income Security Recommendation also provides that social insurance should afford protection, in the contingencies to which they are exposed, to all employed and self-employed persons, together with their dependants, in respect of whom it is practicable.

²⁰NHIS Act (n 18), s 17(3); Pension Reform Act 2014, s 2(3) and NSITF (General) Regulations) 1994 (Nigeria), reg 13.



regulations serve to enhance the efficacy and efficiency of social security programs, ensuring that they are implemented in a fair, transparent, and accountable manner.

3. THE LEGAL ESTABLISHMENT OF SOCIAL SECURITY AND ITS ENFORCEABILITY

The legal foundations of social security in Nigeria are robust and comprehensive, encompassing a range of laws, regulations, and policies aimed at promoting social welfare and security for all citizens. According to section 14(2)(b) of Constitution of the Federal Republic of Nigeria 1999²¹ every Nigerian citizen deserves the right to security and welfare, which must be the primary objective of the government. This section of the Constitution as included in Chapter II titled 'Fundamental Objectives and Directive Principles of State Policy'²² provides the right to suitable and adequate food, shelter. Aged care, minimum living wage, medical and health incentives, right to education, unemployment benefits and welfare for the disabled as social security for the vulnerable in the society.²³ Using wording that seems mandatory,²⁴ the chapter provides extensive provisions for the residents' welfare and growth. On the surface, the chapter's repeated use of the term "shall"²⁵ implies that the provisions are mandatory. In legislation, the word "shall" usually indicates a mandatory requirement, as held in *Kenneth & Anor v. Damian & Ors.*²⁶ Upholding these legal principles, Nigeria would have demonstrated its commitment to providing a safety net for its population and fostering a more inclusive and equitable society. On the contrary, these social security provisions have been deemed *prima facie non-justiciable* pursuant to the stipulations of section 6(6)(c) of the Constitution.²⁷ In the landmark case of *Okogie v Attorney General of Lagos State*,²⁸ the Court held that "Section 6(6)(c) of the Constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and Directive Principles of State Policy." This

²¹Constitution of the Federal Republic of Nigeria 1999 (as amended)

²²Ibid; Fundamental Objectives and Directive Principles of State Policy' Chapter II.

²³Ibid, s 17(2) (d).

²⁴Ibid, s 13 provides that "It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter of this Constitution."

²⁵Ibid, ss 13 and 14.

²⁶ (2015) LPELR-40465(CA)

²⁷ From Lifeless and Non-Justiciable to a Living Law: How Chapter II Can Gain Enforceability through Constitutional and Legislative Oxygen. <<https://loyalnigerianlawyer.com/from-lifeless-and-non-justiciable-to-a-living-law-how-chapter-ii-can-gain-enforceability-through-constitutional-and-legislative-oxygen/>> Accessed November 29, 2025

²⁸(1981) 1 NCLR 218.



stance was upheld in *Badejo v Federal Minister of Education*²⁹ wherein the court's jurisdiction to adjudicate on the non-enforceability of these provisions is precluded with regard to;

Any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution³⁰

In this case, Badejo, a student, filed a lawsuit against the Federal Minister of Education for discrimination based on gender. The court carefully examined the evidence presented, including testimonies from witnesses and relevant documents. It was crucial for the court to ensure that all legal procedures were followed diligently.

Moreover, the court considered previous similar cases to establish a legal precedent and ensure consistency in their rulings. The judges thoroughly analyzed the laws and regulations pertaining to gender equality in education to make an informed decision. By affirming the lower court's decision, the Court of Appeal set a clear message that discrimination based on gender would not be tolerated in educational institutions. However, the court held that education was not a right but a Directive Principle that is unenforceable in the Constitution.

These cases proved that the provision in the Chapter II of the Constitution on the right to all forms of social security might not be legally binding, or have a direct legal enforcement to them, but that the Directive might have been scheduled on the merits of aspirations of the government, who hitherto established the non-justiciability of these rights on the altar of financial limitations to carry them out. Thus, in *Okoye & Ors. v Ezechukwu & Anor*,³¹ the Court of Appeal held that even though the provisions of chapter 11 of the Constitution may appear actionable on their face, section 6(6)(c) of the Constitution is a disclaimer that renders all of Chapter 11's provisions unenforceable.

There has been intense scholarly and legal discussion on the non-justiciability of Chapter II of the 1999 Nigerian Constitution and its presence in the supreme law of the land which is judged to be binding on all individuals and authorities.³² Critics contend that making Chapter II non-justiciable

²⁹(1990) 4 NWLR (Pt. 143. 254-680.

³⁰ Ibid

³¹ (2021) LPELR-56646

³²From Lifeless and Non-Justiciable to a Living Law: How Chapter II Can Gain Enforceability through Constitutional and Legislative Oxygen.< <https://loyalnigerianlawyer.com/from-lifeless-and-non-justiciable-to-a-living-law-how-chapter-ii-can-gain-enforceability-through-constitutional-and-legislative-oxygen/>> Accessed November 29, 2025



diminishes it to a legally meaningless collection of clauses, insulting people's rights and undermining the Constitution's declared supremacy under Section 1(1).³³

The National Assembly's enabling Acts have the power to make Chapter II justiciable. The intended results can be obtained by asserting the legislative powers in items 60(a) of the Exclusive Legislative List and Sections 4(1) and (2).³⁴ Section 4 of the constitution establishes the National Assembly with the power to regulate authorities for the Federation or any part thereof 'to promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in the Constitution'.³⁵ Thus, in situations where the judiciary is unable to take action for the violation of the provisions outlined in the Directive Principles of State Policy concerning social security, there exist constitutional mechanisms for the National Assembly to use legislative fiat to ensure that the government fulfils its responsibilities towards the welfare of its vulnerable citizens.

In reality, a significant addition to this matter is the ruling in the case of *Attorney General of Ondo State v Attorney General of the Federation & Others*,³⁶ where the Supreme Court established that even though the declarations in the Fundamental Objectives and Directive Principles of State Policy may not be directly enforceable through legal means, a State that neglects to uphold them is deemed negligent and has failed in their obligations towards the vulnerable in their society. The case outlined repercussions for the State depending on the nature of the violation of these rights, as well as in other instances, highlighting the political determination of those in authority to rectify the situation.

The Court had also stated that some aspects of these Directives can be legislated upon to ensure that vulnerable groups are provided with suitable and adequate food, shelter, medical care, employment benefits, disability packages, old age care and national minimum wage. This situation remains unsatisfactory, particularly as numerous African nations such as Ghana and South Africa have explicit legislation on the right to social security. The legal landscape regarding social security in Nigeria is notably convoluted and restrictive, prompting individuals to question their

³³ Antia, David, Arguments Against the Non-Justiciable Status of Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 as Amended (February 19, 2024).

SSRN: <<https://ssrn.com/abstract=4731935>> or <<http://dx.doi.org/10.2139/ssrn.4731935>>

³⁴CFRN 1999 (n 21).

³⁵CFRN 1999 (n 21), para 60(a) of Part 1.

³⁶*Attorney General of Ondo State v Attorney General of the Federation & Others* (2002) 9 NWLR (Pt 772) 222 SC.



standing in demanding social protection from the government. This is more exemplified in the case of *Federal Republic of Nigeria v Anache&Others (2004)*³⁷

Regardless of the current legislative constraints in Nigeria that limit the scope of coverage for vulnerable groups not engaged in formal employment, there exist governmental and private sector initiatives focused on providing social protection for these marginalized populations.

4. CONCLUSION

The social protection framework in Nigeria has evolved over time with initiatives such as the Conditional Grants Scheme (CGS), Community Based Health Insurance Scheme (CBHIS), National Economic Empowerment Strategy (NEEDS) UNICEF, and others aimed at ameliorating the dire social and economic conditions of millions of vulnerable individuals. Nonetheless, these programs are predominantly perceived as forms of social welfare that lack a foundation in rights for every citizen, but rather as manifestations of altruistic aspirations by the agencies or organizations engaged in corporate welfarism. Nigeria is currently facing a severe inflationary economic crisis, which has led to a significant rise in the poverty rate and a surge in food prices. The country is also grappling with fuel shortages, exacerbating the divide between the middle class and the impoverished population.³⁸ This dire situation has resulted in widespread hunger, illness, and unemployment among its citizens.

5. RECOMMENDATIONS

To improve the legal structure of social security for vulnerable groups in Nigeria, the following recommendations are made:

1. It is crucial to promptly introduce a more progressive social security framework that caters to all individuals under a specific legislative mandate. The current situation in Nigeria, where social security rights are not effectively enforced for its citizens, needs to be rectified to guarantee the justiciability of Chapter II of the 1999 Constitution on Directive Principles of State Policy.

³⁷In *Federal Republic of Nigeria v Anache&Others (2004)* 14 WRN 1 61.

³⁸Rebecca Holmes and others, *Social Protection in Nigeria: Mapping Programmes and their Effectiveness*, 2012. <<http://cdn-odi-production.s3.amazonaws.com/media/documents/7582.pdf>> Accessed 29 November 2025.



2. For instance, enhancing the social security framework could involve expanding access to healthcare services for vulnerable populations, such as low-income families and the elderly. To ensure that these groups have adequate support in times of need, the government can fulfill its constitutional obligation to provide for the welfare of its citizens.
3. Secondly, the submission of the court that the Chapter II titled ‘Fundamental Objectives and Directive Principles of State Policy declaration is mere must be expunged, giving that the entire Chapter have the vested power of an exclusive legislative list. Thus, a developmental approach of this directive that enacts explicitly the ensuring of adequate food, shelter, national minimum wage, health benefits, old age care, disability benefits, and others must be mandated and enforced by the Government through the power of the legislature.
4. The Socio-Economic Rights and Accountability Projects (SERAP) have played a significant role in advocating for the enforcement of social security rights of citizens, as demonstrated in the case of *SERAP v ICPC&UBE*³⁹ where over fifty-four billion naira of misappropriated funds earmarked for education for every Nigerian child were exposed. Thus, addressing the enforcement gaps in social security rights could involve implementing mechanisms to monitor and evaluate the effectiveness of existing policies. This could include conducting regular audits to identify areas of improvement and ensure that resources are allocated efficiently to those in need.
5. The launch of more non-governmental organizations with the role of awareness advocacy for citizens to know their social security rights and seek redress in cases of violation, must be established.
6. In order to effectively empower individuals with knowledge about their social security rights, it is imperative to establish a robust network of non-governmental organizations dedicated to advocacy and awareness. These organizations play a vital role in educating citizens about their entitlements, such as access to healthcare, retirement benefits, and disability assistance. This can be done through providing informational sessions, workshops, and outreach programs., and will enable the NGOs ensure that individuals are well-informed and equipped to assert their rights in various situations. Imagine a non-profit organization that specializes in educating marginalized communities about their social security benefits through community events and

³⁹SERAP’s Work and Impact.<<https://serap-nigeria.org/>>/ Accessed October 20 2025.



online resources, this NGO can reach a wider audience and address specific concerns or misconceptions that individuals may have regarding their rights. Additionally, by collaborating with legal experts and social workers, these organizations can offer guidance and support to those facing challenges in accessing their entitlements. On the other hand, the establishment of more NGOs focused on social security rights advocacy can serve as a watchdog against potential violations or abuses by government agencies or private entities. Through monitoring policies, conducting research, and engaging in public campaigns, these organizations can hold accountable those responsible for upholding social security laws and regulations. This proactive approach not only safeguards the rights of citizens but also contributes to a more transparent and accountable system.