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*Sessional Paper No. 2 of 2009*

*on*

**National Policy**

**on**

**Older Persons and Aging**

MINISTRY OF GENDER, CHILDREN  
AND  
SOCIAL DEVELOPMENT

**July, 2009**



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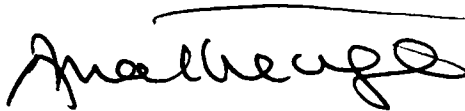
## FOREWORD

The Kenya Government has for long recognized the need to develop a comprehensive framework to deal with issues of Older Persons and Aging as a matter of national concern. The process started in earnest in the year 2000 through various consultative meetings and workshops with stakeholders. This resulted in a final draft policy on Older Persons and Aging.

The policy defines older persons as those aged 60 years and above.

The policy has been prepared on a background of various challenges affecting the older persons in Kenya. The policy recognizes that older persons have a lot of potential in terms of skills, knowledge and experiences that can be tapped for the benefit and development of the entire nation. It therefore addresses issues/challenges facing the older persons, and also provides a broad based framework for implementation through strategies that will enable the older persons make meaningful participation in development processes.

The goal of the policy is to promote older persons participation towards achievement of national development targets. It emphasizes the recognition of the older persons as part of the National Population whose rights should be recognized and respected, hence the need for a comprehensive framework that will guide the different sectors and agencies involved in development issues pertaining to older persons.



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MINISTER FOR GENDER, CHILDREN AND SOCIAL  
DEVELOPMENT**

## EXECUTIVE SUMMARY

The population of older persons is increasing at a very rapid rate all over in the world. It was about 200 million in 1950, rose to 606 million in the year 2000 and is projected to reach 1.2 and 2.0 billions in 2025 and 2050 respectively. In Africa, the population of older persons, 60 years and above is currently estimated to be 42 millions and is projected to reach between 205 and 212 millions by the year 2050. The majority of these older persons in Africa are women living in the rural areas, differences in gender increases with age.

This unprecedented rise in the number of older persons presents a major challenge to the sustenance of their well being in the society. This is particularly in light of the apparently unfavourable environments which is characterized by increased social conflicts, globalization, socio-economic difficulties, deterioration of cultural values and morals, perennial man-induced and natural disasters and lately the HIV/AIDS pandemic.

In 1982, the United Nations through its resolution 37/51 convened the first ever World Assembly on Aging in Vienna Austria to address issues pertaining to older persons and their implications on national development. This was later critically reviewed and reformulated through the International Plan of Action on Ageing agreed upon during the Second World Assembly on Aging in April 2002 in Madrid, Spain. The African Union also formulated and adopted its Policy Framework and Plan of Action on Aging in July 2002 focussing on older persons on the continent. Kenya is a member of the United Nations and African Union is signatory to these declarations.

In the Kenyan situation, the number of older persons; 60 years and above has risen dramatically, from the modest number of 270,00 during the first National Population Census Report in 1949 to 1.4 million during the 1999 National Population and Housing Census. This is against the background of the total population rise from 5.4 million in 1949 to 28.7 million in 1999. The population projections for the years 2010 and 2020 indicate a modest rise of the total population to 36.5 and 43.1 millions respectively with that of older persons rising from 1.5 to 2.2 millions respectively.

Reminiscent to the situation in the other countries in the developing world, this demographic shift towards increased older persons in society has been accompanied by rapid urbanization, shifting attitudes within communities and population movements. In particular, the increased movement of younger persons from rural to urban areas in search of employment has led to major

changes in family structures, leading to the breakdown of the extended family support systems to older persons in society with its in-built social security, social welfare and social protection. Due to their vulnerability older persons have been rendered poor and destitutes and inaccessible to basic needs such as food, health care and shelter and in some cases subject to neglect, loneliness, abuse and sometimes violence from family members.

The contributions that older persons continue to make towards development and sustenance of their nations are hardly noticed. Currently the contributions that they make in the face of such deadly pandemics as HIV/AIDS; by caring of the sick members of the family and orphans is hardly appreciated.

In Kenya, the Government continues to take measures to guarantee security and safety of older persons. These include implementation of the various targeted programmes such as the National Social Security Fund which provides finances to retirees in the formal sector and the National Hospital Insurance Fund which has been revised to include contributing members beyond 65 years. However, most of older persons, since they have not been engaged in the formal sector are not entitled to these security payments. There is also some support to individual older persons and community projects targeted to older persons.

Ageing, being predominantly a rural phenomenon, older women are more disadvantaged than older men due to several reasons, including longer widowhood life, cultural practices, and gender stereotyping. The advent of HIV/AIDS where older women are the main care givers to infected persons in the family and orphans, contributes to their increased strain.

The need for a policy on older persons and ageing arises from the government commitment towards addressing the well-being of this vulnerable category of the society, through a comprehensive and coherent institutional, legislative and enforcement framework and mainstreaming their concerns within the national development process. This also includes domestication of the Madrid Plan of Action on Aging and African Union Policy Framework.

The areas that the policy seeks to address being:

- Facilitate enjoyment of quality life before and during old age.
- Promote healthy and active aging reinforced by access to comprehensive health care to older persons.
- Recognize and provide assistance to families and communities in support of older persons and recognize the cultural perspectives of old age.
- Recognize gender variations in aging and develop and age-specific programmes including addressing older persons with disability.
- Ensure that older persons have access to adequate food and nutrition.
- Ensure that older persons have access to safe, durable and affordable shelter.
- Ensure that older persons have access to and actively participate in education and training initiatives within the local environments and the use of the media to create awareness of the older persons potential with regard to and their contribution in society and intergenerational transfer of cultural knowledge.
- Eliminate discrimination against older persons in accessing employment, training opportunities and retaining their jobs, thereby enhancing their income security.
- Establish appropriate social security systems in support of older persons.

- Strengthen and expand national and community based social welfare services to older persons that are accessible, affordable and flexible in addressing their needs.
- Recognizing that retirement is not an end of active life and promote carefully planned retirement schemes.
- Ensure that special needs of older persons are met in conflict and disaster situations.
- Put in place appropriate and effective legislative instruments and institutional and implementation framework in support of this National Policy Persons and Aging.

Each chapter on the policy issues starts with a broad overview on the situation, highlighting the challenges facing older persons in the country. This is followed by presentations on policy objectives and strategic plans of action.

## INTRODUCTION

## CHAPTER ONE

### Background

- 1.1 The population of older persons throughout the world is increasing at a rapid rate.

It was about 200 million in 1950, rose to 606 million in 2000 and is expected to reach the 2 billion mark by 2050. The most rapid increase is taking place in the developing world, with Africa alone projected to have between 205 and 212 million older persons by the year 2050. Currently the African population of older persons of 60 years and above is about 4.2 million.

Population ageing is an unprecedented phenomenon, with no equivalent in the history of humanity. It is a global phenomenon affecting every man and woman. The steady increase of the older age groups in national populations, both in absolute numbers and in relation to the working age-populations, has a direct bearing on the intergenerational and intra-generational equity and solidarity that are the foundations of society. Population ageing is a far reaching phenomenon, having major consequences and implications for all facets of human life. In the economic area, it will have an impact on economic growth, savings, investment and consumption, labour markets, pensions, taxation and intergenerational transfers. In the social sphere, population ageing affects health and healthcare, family composition and living arrangements, housing and migration. In the political arena, population aging can influence voting patterns and representation.

### 1.1 Quality of Life of Older Persons

Apart from their increasing numbers, the question of Older Persons should also, and above all, be seen in terms of quality of life. Today's society has been built (thanks to the efforts deployed) by previous generations of people who should be guaranteed better living condition and meaningful transition to old age. These guarantees to quality of life for older persons include access to efficient health care services and specialised living

environment, the right to retirement pension, active participation in leisure, sporting and cultural programmes, and lastly, the right to custody and company of their children and grandchildren.

Fulfillment of these basic needs of older persons is a prerequisite for African governments in mainstreaming the key international Instruments and United Nations Conventions on Protection of Older Persons.

- 1.2 In attempting to address this phenomenon at the global level the First World Assembly on Aging was held in Vienna in 1982 where the First International Plan of Action was adopted by the United Nations member states. The Action contained 62 recommendations for action in key areas among them being; human rights; poverty; the family; social welfare; income security; housing and living environment; health; training and education. Kenya was among the 126 countries that adopted the Plan thus effectively making commitment for its implementation. The Plan of Action urged Governments to devote more attention to the question of aging and to utilize fully the support, provided by development partners and non-governmental organizations, including the elderly persons themselves.

In order to ensure that the Plan was effectively implemented, a first revised draft was prepared by the UN programme on Aging in December 2000. This culminated into the International Plan of Action on Aging agreed upon during the Second World Assembly on Aging in April 2002 in Madrid, which called for changes in attitudes, policies and practices at all levels in all sectors so that the enormous potential of Ageing in the 21<sup>st</sup> century may be fulfilled.

The Plan of Action identifies three main priority directions: namely participation of older persons in their societies as citizens with full rights, the assurance that persons everywhere are able to age with security and dignity and linking aging to other frameworks for social and economic development and human rights. This is in recognition that aging will be the dominant and most visible aspect of world population in the 21<sup>st</sup> century.

The African Union Framework and Plan of Action in Africa received the final seal of approval during the 38<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government in Durban, South Africa in July 2002. The Policy Framework provides guidelines and binds all African Union member countries to formulate national policies on aging, in order to improve the lives of the continent's older persons. This is to be reinforced by advocacy efforts directed towards adaptation and domestication of the policy and encourage appropriate consultations with older persons in these processes. There is need for continuous advocacy to ensure the allocation of adequate resources for implementation of these commitments.

#### **1.4 Situation Analysis in Kenya**

According to the 1999 National Population and Housing Census Report, the population of persons aged 60 years and above was about 1.4 millions, representing four percent of the total population. According to the demographic projections, it is expected to reach over 2 millions by the year 2020.

In terms of socio-cultural profiles, various communities in Kenya differ in their treatment of older persons. While some communities revere old age and give older persons upper echelons in making strategic decisions, a few do not regard old age in the same esteem. The socio-cultural attitudes held by the society, the socialization processes and older persons perception of their own status, roles and rights are of particular significance in determining the status of older persons within the society.

**In rural areas**, older persons are left behind without traditional family support and financial resources. Older women are the majority in rural areas and are the most disadvantaged as they have little or no control over economic resources and are disempowered by traditional practices. Policies and programmes for rural development, food security and agricultural production must take into account the implications of this ageing rural population.

**In urban areas**, many older persons are crowded in slum areas. Urban development policies and programmes need to target the interests and needs of these older persons.

**In marginal areas and semi-arid lands**, which constitutes over 80 percent of the country's land area nomadic pastoralism is the main source of livelihood for the local communities. The harsh environment in these areas necessitate continuous migration in search of better forage and watering facilities for livestock. Older persons are in most cases disadvantaged due to lack of mobility and are therefore in most cases confined to informal settlements with very poor physical and social services and facilities. The situation is further exacerbated by frequent cases community conflicts in competition for the grazing and watering resources and of cattle rustling which are accompanied by serious loss of life and property. Older persons are amongst the most affected in such social conflict situations.

## **1.5 Demographic Profile**

The world population aged 60 years and above is increasing rapidly. Whereas in 1950 it was 200 million, by 2000 it had increased three fold to nearly 606 million. It is projected that by 2025, the world population of the aged will double to reach 1.2 billion and 2.0 billion by 2050. In Africa, the older persons are currently estimated to be about 42 million, and projected to reach between 206 and 212 million by 2050.

Although the AIDS pandemic is projected to reduce life expectancy the older persons population of Africa will continue to grow. In many African countries including Kenya over the next 30 years; 2000-2030 the population of older people will more than double. Despite AIDS, the majority of people in Kenya will grow older and will, in all probability, live longer than previous generations.

In terms of gender the majority of older persons in almost every country are women, 55 percent globally and about 52 percent in Kenya with differences in gender ratios increasing with age, particularly 65 years and above.

The majority of older people in Africa live in rural areas and this trend is expected to continue. It is projected that by the year 2020 and beyond 64 percent of people of over 60 years in Africa will be living in areas defined as rural.

In the Kenyan situation, the number of older persons has risen dramatically since the first National Census Report in 1949 from a modest 270,000 to 1,400,00 in 1999. According to the National Population Census Reports in 1949, 1959, 1969, 1979, 1989 and 1999, the total population rose from 5.4, 8.8, 11.0, 15.3, 21.4 to 28.7 millions respectively. The population of older persons; 60 years and above recorded 270,000, 440,000, 550,000, 765,000, 1,070,000 and 1,400,000 respectively during these census years.

In the medium term period, 2000 – 2020 the population size is projected to increase but rather slowly, from about 30.2 million in 2000 to about 43.1 in the year 2020. The comparative numbers of older persons will be expected to rise from 1.5 millions to slightly over 2 millions.

As population continues to expand, the number of dependants continues to rise. The demand created by a large dependant population; the young and older persons particularly in terms of health, education and employment presents a major challenge. In the 1990s population growth rate outstripped economic growth rate resulting to continued deterioration in the standard of living among the majority of Kenyans. The challenge now is to reverse this trend so that Kenyans can enjoy higher standards of living and especially the vulnerable and marginalised older persons in society.

### **1.6 Key International Instruments and United Nations Conventions**

There are four age – specific international instruments that should protect the rights of older persons namely the:

- *UN Plan of Action on Aging – 1982*
- *UN Principles for Older Persons – 1991*
- *UN Proclamation on Aging – 1992*
- *UN Plan of Action on Aging 2002*

The mere presence of instruments providing for the rights of the aged does not ensure the protection of older persons. There are also many other non-age specific instruments that should ensure the protection of older persons including:

- *UN Universal Declaration of Human Rights – 1948*
- *African Charter of Human and People's Rights*
- *International Covenant on Civil and Political Rights (ICCPR)*
- *International Covenant on Economic, Social and Cultural Rights (ICESCR)*
- *UN Declaration on the Right to Development – 1986*
- *The Convention on the Elimination of Racial Discrimination (CERD) – 1965*
- *The Convention ON THE Elimination of all forms of Discrimination against Women (CEDAW) – 1979*
- *The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – 1984*
- *The Convention on the Rights of the Child (CRC) – 1989*
- *International Labour Organization Conventions (Various)*
- *UN Standards Rules on Equalization of Opportunities for persons with Disabilities 1996.*

The protection of older persons through these international instruments and United Nations Conventions will be ensured through their domestication and operationalisation at the country levels.

### 1.7 Definition

In conformity with the African Union and United Nations definitions, older persons will be defined as those of age 60 years and above.

In Kenya, the main issues to be addressed include:-

- (i) Law and Human Rights.
- (ii) Poverty and sustainable livelihood.

- (iii) Poor health and lack of access to health care service including HIV/AIDS.
- (iv) Harmful traditional cultural practices in the family and community.
- (v) Gender issues.
- (vi) Food security and nutrition.
- (vii) Housing and physical amenities.
- (viii) Access to information, education, training and the media.
- (ix) Employment and income security.
- (x) Persons with disabilities.
- (xi) Social security.
- (xii) Social welfare.
- (xiii) Preparation for retirement.
- (xiv) Conflicts and disaster situations.

Institutional arrangements in support of older persons affairs

Negative impact of population migration.

### **1.8 Challenges**

Aging is posing a serious challenge to society all over in the world, and in particular, developing countries in the Sub-Saharan Africa. This arises from the increment in the number of older persons and life expectancy due to improvement in medical science, technology and health. The large population of older persons in the society has created huge challenges about how to respond and meet their needs and problems to ensure their safety, security, dignity and better living in old age.

The challenges that Kenya faces today is how to create an enabling environment, that safeguards the rights and special needs of older persons, men and women alike and recognizes their potential roles and responsibilities in contributing to the development of the country. This includes the implementation of strategies that will address the socio-

cultural barriers that have contributed to gender disparities and their inability to realize their full potential. These will need to be addressed through broad-based, inclusive and participatory policy interventions, institutional framework, legal instruments and development initiatives.

### **1.9 Existing Policies and Programmes for Older Persons**

Despite the lack of a comprehensive and coherent policy on older persons, the Government in collaboration with the private sector and religious, philanthropic, non-governmental organisations and community based groups including development partners continue to offer support to older persons all over in the country. In most cases, this has been in close consultation and collaboration with the local communities. The Sessional Paper No. 7 of 1971 on Social Welfare provides some broad guidelines in disbursement of budgeted provisions targeted at disadvantaged persons, who include older persons. There is also a commitment by the Government in the current National Development Plan 2002-2008, which includes an annual budgetary allocation for older persons. However, this needs to be reviewed in light of the current changed situation. The specific programmes and social security schemes which address the interests of older persons include:-

#### **National Hospital Insurance Fund (NHIF)**

NHIF was established on 12th July, 1966 by an Act of Parliament Cap 255 of the Laws of Kenya with the objective to establish a compulsory health insurance fund. In 1998, Cap 255 was repealed and in its place, the new NHIF Act No. 9 of 1998 came into being translating the NHIF into State Corporation under the Ministry of Health.

NHIF main business is to provide effective and affordable health care in Kenya. The NHIF has a membership across the formal and informal sector covering about 1.5 million contributors, translating to 10 million dependants, which is about one third of the entire country's population

NHIF encourages persons who have been contributors to continue their membership even in retirement at a minimal monthly premium of only Kshs.160. This however, is subject to their ability to pay their premiums. A flexible upper age limit of 65 years is maintained to guide the entry of new members. This has lately been revised to include

continuation of contribution and benefits by old members beyond the age of 65 years, and their dependants.

NHIF members enjoy full benefits of the scheme in over 400 NHIF accredited hospitals countrywide.

### **National Social Security Fund (NSSF)**

The National Social Security Fund plays a leading role in providing social security to workers throughout the country. NSSF operates a Provident Fund Scheme. The Scheme is funded by contributions of a fixed percentage of an employee's monthly wage combined with an equal amount from the employer, subject to a fixed maximum of Kshs. 160.00 per month. The benefit payable is made up of total contributions made plus interest. Benefits payable are:

- Withdrawal; early retirement benefit paid to a member at 50 years upon retirement.
- Age retirement benefit paid to a member at 55 years or above upon retirement.
- Invalidation benefit paid to a member who suffers permanent disability.
- Survivor's benefit paid to dependants of a deceased member.
- Emigration grant paid to members leaving the country permanently.

Proposals are underway to transform NSSF from a Provident Fund into a mandatory social insurance pension scheme. The conversion of the fund will enable it to offer a more comprehensive range of benefits.

### **Pensions Department**

The Pensions Department of the Ministry of Finance is responsible for processing

and paying pensions, gratuities, allowances and other retirement benefits in accordance with the law, to retired civil servants, teachers and military personnel as well as their heirs and dependents. In pursuance to this objective, the Department administers nine main Acts of Parliament

which are relevant to various types of pension requirements paid to various categories of former public employees.

The Department also gives policy advice and guidance to the governmental with respect to pensions in the Public Service.

### **Social Welfare Programmes**

The Programme is managed through the Department of Gender & Social Development in the Ministry of Gender, Children & Social Development. The programme provides limited care and support in assistance to the needy and disadvantaged in the community. This is mainly in form of financial assistance, referral and counseling services to individuals, organizations and institutions involved in addressing the needs of disadvantaged persons, including the older persons. This also includes the Community Based Development Programme involved in the implementation of social welfare services and development projects in support of disadvantaged groups which include older persons.

### **Ministry of Health**

There are no targeted services for older persons. The curative and the primary health services offered by the Ministry are provided within the broader context of the society.

### **Civil Society Organisations**

The Civil Society Organisations which include Non-Governmental, Faith-based and philanthropic organisation provide support health care and related services targeted to older persons. These include screening and treatment of eye care, diabetes, tuberculosis, hypertension, epilepsy, feeding programmes to individuals, day care centres and homes for older persons, recreational activities and adult functional literacy classes. These organisations also provide targeted support to older persons in refugee camps and in disaster situations.

### **The Family**

The family is still the most important caring institution for older persons. The extended family support system to older persons is still operational in most communities, despite the changing structures, living patterns, social values and economic pressures.

## **Adult Education**

The Department of Adult Education currently in the Ministry of Labour, Human Resource and Manpower Development is responsible for policy guidance and co-ordination of adult education in the country. These encompass formal and informal education of both women and men within their local environment. The overall impact of adult education has been impressive particularly with regard to enhancement of literacy and numeracy among the older persons. However, lifelong learning is a cumulative process that needs to be supported and encouraged.

### **1.10 Vision**

The vision for the Kenya National Policy on Older Persons and Ageing is to have an environment in which older persons are recognized, respected and empowered to actively and fully participate in society and development.

### **1.11 The Rationale for a National Policy on Older Persons and Aging**

The need for a national policy on older persons and ageing arises from the Government's realization that without a coherent and comprehensive overall framework for guiding the different sectors and agencies involved in development issues pertaining to older persons, substantial resources and efforts, may continue to be wasted. In this regard therefore, the well being of older persons will need to be addressed with due regard to the following issues; namely

- There is need for coherence and mainstreaming of development initiatives directed towards the concerns of older persons.
- Older persons need to be recognized as part of the national population and should continue to have their rights respected and their needs provided for as all other members of the society through appropriate policy prescriptions, legislative instruments, enforcement mechanism and development programmes.
- Specific budgetary and other resources to be availed to facilitate programmes targeted to older persons.

- While ageing presents a problem of its own to the individual older person, the rapid increases projected in the number of older persons and life expectancy have significant implications for national development.
- It is imperative that governments and policy makers take adequate steps to provide for the welfare of older persons in a more formal and systematic manner.
- Older persons as a human resource if accorded opportunity can effectively participate in national development processes.
- Kenya, as a United Nations member state and signatory to the Madrid and African Union International Plans of Action on Aging, subscribes to adding quality life to its older persons, through this National Policy on Older Persons and Aging.

### **1.12 Guiding Principles**

The guiding principles underlying the formulation of the National Policy on Older Persons and Aging are derived from existing national policies and legislation as they relate to older persons, African Union Charters, Regional Agreements and the United Nations Declarations embodied in the various resolutions of United Nations and African Unions, namely;

- The Constitution of Kenya and the various Acts of Parliament indirectly or directly applicable to older persons.
- Vienna International Plan of Action on Aging endorsed by the United Nations General Assembly in its resolution 37/51 of November 1982.
- International Plan of Action on Aging of the Second World Assembly on Aging Madrid, Spain April 2002.
- African Union Policy Framework and Plan of Action in Africa, Durban, South Africa July 2002.
- UN Principles on Older Persons December 1991.

The UN Principles on Older Persons in particular include:-

## **Independence**

Older Persons are entitled to retain their personal autonomy and particularly have access to food, water, shelter, clothing, healthcare, work and other income generating activities, education, training and live in a safe and decent environment.

## **Active Participation in Society**

Older Persons are entitled and have a duty to participate in the affairs of society. They have the duty to plan for their retirement, to share the knowledge and skills with others and to remain active in society.

## **Benefit from Community Support and Care**

Older Persons are entitled to the reasonable care and assistance of family and state. They are entitled to access to social services particularly health care to maintain optimum levels of physical, mental and emotional well being.

## **Self – Fulfillment in Pursuit of Educational and other Opportunities**

Older Persons are entitled to and have a duty to pursue their personal development. They are also entitled to access to educational, cultural and recreational resources and the ability to develop themselves to their full potential.

## **Dignity, Security and Freedom from Exploitation**

Older Persons are entitled to live with dignity and respect and be free from all forms of exploitation, discrimination or abuse.

### **1.13 Policy Objectives**

In addressing the ageing needs in the country, the broad policy objective of the National Policy on Older Persons and Aging is to facilitate and promote the social, economic and cultural integration of older persons into mainstream development processes. This is to enable them participate fully in national development and social life while recognizing and enjoying their fundamental rights.

In this regard, the policy objectives will seek to:

- Recognize the rights and independence of older persons.
- Facilitate enjoyment of quality life before and during old age.
- Promote healthy and active aging reinforced by access to comprehensive health care to older persons.
- Recognize and provide assistance to families and communities in support of older persons.
- Recognize the cultural perspectives of old age.
- Recognize gender variations in aging and develop and age-specific programmes to address disability.
- Ensure that older persons have access to adequate food and nutrition.
- Ensure that older persons have access to safe, durable and affordable shelter.
- Ensure that older persons have access to and actively participate in education and training initiatives within the local environments and the use of the media to create awareness of the older persons potential with regard to intergenerational transfer of cultural knowledge.
- Eliminate discrimination against older persons in accessing employment, training opportunities and retaining their jobs, thereby enhancing their income security.
- Establish appropriate social security systems in support of older persons.
- Strengthen and expand national and community based social welfare services to older persons that are accessible, affordable and flexible in addressing their needs.
- Recognizing that retirement is not an end of active life and promote carefully planned retirement schemes.
- Ensure that special needs of older persons are met in conflict and disaster situations.
- Put in place appropriate and effective legislation instruments and institutional and implementation framework in support of this National Policy on Older Persons and Aging.

## CHAPTER TWO

### POVERTY AND SUSTAINABLE LIVELIHOOD

#### 2.1 Situation Analysis

The incidence and depth of poverty in the country is explained by the very low per capita income which has recorded between Kshs. 21,000.00 – 27,000.00 or US\$ 262.0 – 320.0; during the 1999 and 2002 period. This is reflected by the deterioration in the livelihood of most of the Kenyan population by way of food insecurity, poor shelter conditions and inaccessibility to health, clean water, supplies and education services.

The main cause of poverty is the lack of access to or ownership of productive assets, particularly land, the most important asset for the rural poor. This is because most rural communities depend on land for production and livelihood. Furthermore, there is pronounced rural-urban disparities in economic development with subsequent extreme income inequalities between the rural and urban communities. In addition, gender disparities in income distribution including ownership and access to productive assets continue to impact very negatively on the increased poverty of women, which increases with age. The situation is further exacerbated by the overall income inequality in the society, reflected in the national Gini coefficient of 0.445, where the share of the total income between the bottom and the top 10 percent are 1.8 and 34.9 percent respectively.

In recent years the level of poverty in the country has been attributed to the fact that the economy has remained in recession over the last five years. Several factors contributed to this poor performance of the economy. The most notable ones being; low external inflows to finance capital formation, poor infrastructure, low domestic credit, low outputs and prices of major agricultural exports. Mismanagement and corruption of the critical and strategic sectors have also adversely affected the performance of the economy.

Older persons constitute a sizeable population of the poor in the country. The situation is worse amongst older women who face many barriers and discriminatory treatment during their lifetime.

Currently about 56 percent of the population is estimated to be living under the poverty line, which is described as living under US\$ 1.00 per day. Most of the poor live in the rural areas, where over 80 percent of the population live. The incidence and depth of poverty is defined at the following three levels:

Food Poverty refers to those whose expenditures on food are insufficient to meet the FAO/WHO recommended daily allowance of 2250 calories per adult.

Overall Poor are defined as those whose expenditures on both food and non-food items do not meet the recommended minimum.

The Hardcore Poor are those who cannot afford the minimum recommended food-energy requirements even if they devoted their entire income on food.

According to the June 2000 Poverty Report in Kenya, the Food Poverty line for rural areas was estimated at Kshs. 927.00 per adult equivalent while that of the urban areas was drawn at Kshs. 1,254.00. The Overall Poverty was Kshs. 1,239.00 and Kshs. 2648.00 for rural and urban areas. The Hardcore Poverty line was similar to that of Food Poverty at Kshs. 927.00 for rural areas and Kshs. 1,254.00 for urban areas.

The Government, through the Poverty Reduction Strategy Paper (PRSP) and the Economic Recovery Strategy Programme for Wealth and Employment Creation expects to address this poverty situation through an ambitious economy growth rate of over 6 percent per annum, which should result to significant reduction of poverty in the country by the year 2007.

Poverty in old age is a result of many factors. Some of the notable ones being:

- Most older persons have worked and continue to work in the informal sector and have very limited income.
- Traditional forms of social security such as family and community support are weakening

Most older persons have not had the means or the opportunity to contribute to pension schemes that would assist in old age. Gratuity, pension schemes and related entitlements only cover the few older persons who may have worked in the formal sector of the economy. Small scale farmers, nomadic pastoralists, artisanal fisherfolks and craftsmen and petty traders are not entitled to these schemes.

- The benefits resulting from formal social security systems are in most cases inadequate continuously losing their purchasing power with inflation.
- Most people enter older age poor after a life time of poverty.
- Poor health and nutritional status inhibits older persons participation in income generating activities.
- Older persons often lack the skills to access to and denied employment opportunities and are usually denied opportunities to retrain. In most cases advertisements for jobs are discriminatory by specifying age and gender requirements.
- Many older persons are caring for those affected by HIV/AIDS which depletes any existing resources and limits their involvement in income generating opportunities.
- Poverty alleviation programmes tend to discriminate against older persons.

The Government will need to provide the enabling environment for the society and other stakeholders to enable them to initiate and implement development projects and programmes directed towards enhancement of sustainable development and poverty eradication among older persons within the broader context of the whole society.

## **2.2 Objectives**

- To remove obstacles to older persons' access to and control of productive assets, wealth and economic opportunities for enhancement of sustainable livelihoods.
- Ensure older persons participation in the development, implementation, monitoring and evaluation of socio-economic

policies including poverty eradication initiatives, with particular emphasis on gender sensitivity.

- Ensure that the national budget includes provision for the needs of older persons.
- Enhance measures that promote equity and fairness in access to employment opportunities and control of productive assets, especially land and opportunities with due regard to older persons and in particular older women.

### **2.3 Strategies**

- Review on-going poverty reduction initiatives with a view to promoting better focus targeting and involvement of older persons. This includes their inclusion and effective participation in Medium Term Expenditure Framework (MTEF), National Poverty Eradication Plan (NPEP) and Poverty Reduction Strategy Paper (PRSP) and Economic Recovery Strategy for Wealth and Employment Creation processes.
- Develop and implement anti-poverty programmes, including credit schemes that improve access to basic needs and services targeted towards older persons.
- Promote resource mobilization among older persons through the co-operative movement, Self Help Groups, Merry Go Round and other income generating activities.
- Structural reforms to be undertaken in society to address inequity in access, control and ownership of economic resources, especially land with due consideration of older persons.
- The Government to put in place a comprehensive social security scheme to cover all people at the age of 60 and above.
- Management of the comprehensive national security scheme to be undertaken at the district and local levels.

- Conduct regular poverty mapping all over in the country to cover older persons as well.
- Re-orient coverage and relevance of extension services and public service delivery systems in favour of older persons.
- Standardised payment for registration of Older Persons Groups and Associations all over in the country. This is to enhance their legitimacy and recognition.
- Develop and improve vocational and technical skills of older persons to allow them increased access to employment and engagement in income generation activities.
- Support the contributions of older persons within the family and community environment and provide opportunities for them to engage in income generating and production enterprises for self-sustenance and self-actualization.
- Provide accessories to poor older persons and those in difficult situations through waivers to health services, access to subsidised food items and concessions for transport.

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## CHAPTER THREE

### HEALTH AND ACTIVE LIFE

#### 3.1 Situation Analysis

People are now living longer as a result of improvement in medical science, technology and health care services as well as improvement in the standard of living which include: better nutrition, improved water supplies, expanded knowledge and education.

The health of older persons is influenced by life-long experiences. These include up-bringing, nutritional status, occupation in active life, housing, access to health facilities and services, water and sanitation as well as levels of wealth and income. It should be noted that older persons are prone to attack by any disease just like any other population group. However, there are certain diseases which are common to older persons such as stroke, diabetes, heart and eye diseases. The problems older persons face range from cost and access to health services, knowledge regarding prevention and management, discriminating cultural practices and at times negative attitudes of health personnel.

Old age is not necessarily a disease, but health related issues that affect older persons include:

- Impairments to mobility, taste, sight and hearing.
- Communicable and non-communicable diseases which lead to morbidity, disability and mortality.
- Dental health problems which affect nutrition.
- Mental health issues including cognitive disorders and loss of memory.
- HIV/AIDS: both as care givers and as people living with HIV/AIDS.
- Access to and affordability of health care.
- Negative attitudes by service providers, including health personnel.
- Lack of special health facilities and services for older people.

- Lack of trained manpower geriatrics and gerontology in the country.

### **3.2 Objectives**

- Promote individual responsibility to life-long healthy life.
- Promote responsible and positive living particularly among the youth and in childhood.
- Persuance of quality life to be embedded in school curriculum.
- To enhance longevity and well being in life amongst older persons by ensuring access to efficient and cost effective health services and facilities.
- Expand and strengthen community based health services and empower communities to take care of their older persons' health needs.
- Intensify efforts and commit resources towards promotive and preventive initiatives in the control and management of HIV/AIDS.
- Increase accessibility to appropriate health services and facilities.
- Train medical personnel to be able to respond to the health needs of older persons.
- Encourage and support applied research in relation to health and ageing.

### **3.3 Strategies**

- Legally constitute and guarantee older persons' rights to appropriate health care.
- Improve and develop physical and mental health programmes and services, including preventive health for older persons.
- Training for health workers to include issues affecting older persons.

- Establish specialist geriatric services for older people in hospitals.
- Research and promote the use of traditional/herbal medicine among older persons.
- NHIF to be transformed into a national health insurance scheme that covers all Kenyans, within which older persons should be non-contributory members.
- Integrate food security and nutrition programmes into older persons' primary health care services.
- Decentralise health care and social welfare services to ensure easy access by older persons within their local environment.
- Promote and strengthen primary health care services targeted towards older persons within their local environment.
- Provide information, create awareness by providing education on the prevention, infection, spread and management of HIV/AIDS.
- Provide support to older persons involved in care giving to HIV/AIDS patients and orphans within their families.
- Introduce gerontological studies within institutions of higher learning, including medical training curricula.
- Introduce and develop curriculum on geriatrics in the local health training institutions.
- Introduce research in geriatrics within the local health research institutions.
- Strengthen programmes targeting the special health care needs of older persons living in rural areas, informal settlements, refugees and internally displaced people.
- Promote knowledge about sexuality of older persons.

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## CHAPTER FOUR

### FAMILY AND CULTURE

#### 4.1 Situation Analysis

Traditional family and community structures included in-built support and welfare systems that catered for all members of society. The role of older persons traditionally included leadership, guidance and advice. In return, they were assured of total support for their needs from the family and community. Today, this is changing and the current socio-economic and cultural situation is characterised by increased individualism, urbanization and industrial advancement. As a result, although family and community remain the most effective and important institutions in caring for older persons, effectiveness of these structures are under pressure.

Key issues on older persons in relation to the family and culture include:

- Economic pressure and changing social values which means that many families are either unable and/or unwilling to care for older relatives.
- Family members spend less time with one another, leading to problems of loneliness among older persons and the widening of intergenerational gaps.
- Increasingly, the current family set-up does not allow for adequate care and support of older persons.
- Older persons within their family and local environments in the rural areas lack access to basic needs and services.
- Older persons are increasingly being abandoned by their families and joining the destitute population in urban areas particularly in the slums.
- Neglect, abuse and violence against older persons have become common occurrences and take many forms. These include physical, sexual, psychological, emotional, financial and material.
- Contributions that older persons make to the family are seldom acknowledged.
- Programmes and projects designed to support families fail to take account of the interests and valuable roles that older persons can and do play.

- In families afflicted by HIV/AIDS, older persons carry the burden of caring for the sick and large numbers of orphaned grandchildren.

#### **4.2 Objectives**

- To nurture the revitalisation of the traditional extended family and community based systems that ensure recognition of the role of and support for older persons in the family and in the society at large.
- Strengthen and support traditional care systems to enhance the ability of families and communities to care for their older members.
- Use traditional values and norms as a basis for legislation on family values and care of older persons.
- Sensitise the younger generation through formal and informal education to respect, recognise and accept older persons as a key component within the intergenerational social structure.
- Encourage social interaction between older persons by promoting social activities like sports, dances, exhibitions and cultural commemoration days.

#### **4.3 Strategies**

- Recognise the cultural perspectives of old age.
- Formulate cultural policies that promote family care and protection of older persons in accordance with each society's system of cultural values.
- Promote cultural values that create opportunities for older persons.
- Take account of the ethnic and cultural diversity of ageing in the society in the country in providing care and support to older persons.
- Sensitize communities against discrimination of older persons at the family level and in the society at large.
- Enhance adoption of the positive traditional and cultural practices addressing the issues pertaining to older persons.

## CHAPTER FIVE

### GENDER

#### 5.1 Situation Analysis

According to the 1999 National Population and Housing Census Report, the population of women was 14.5 millions, marginally above that of men at 14.2 million. The distribution of population by sex and age present a very interesting pattern; the gender differences are very insignificant between the ages of 0 – 54 years but dominance of women starts to emerge within the 55 – 60 years age group, rising significantly into the 80 years and above. Men recorded 95,300 against that of women at 121,000 among the 80 years and above. The numbers of women in this age group is projected to increase over the years.

Aging affects men and women differently; physiologically, culturally, socially and economically. Debate on gender and ageing tends to be feministic, with more focus on older women because they live longer than men and face special challenges which include discrimination and abuse.

Gender issues in older age include:

- There is over emphasis on the plight of women and children, with deliberate exclusion of older persons as a category of disadvantaged group within the national development processes.
- Age and gender are not usually factored into the national development policy agenda.
- Discrimination in property and inheritance laws impact more on older women than men.
- The problems of widowhood impact differently on older men and older women. While older men may remarry younger wives, if resources allow, and live comparatively normal life, older women without support are in most cases condemned to destitution.
- Older men, without a family are more vulnerable than their female counterparts who tend to have more domestic skills and are therefore able to manage their affairs and live longer.
- Witchcraft allegations tend to be directed towards older persons more than other age groups, and particularly older women.
- The impact of HIV/AIDS affects all older persons in the care of the infected and orphans. However, traditional care roles mean that older women tend to take on most care responsibilities.

## **5.2 Objectives**

- Promote the rights of older men and older women, through understanding and responding to their specific needs within their family, community and society setting.
- Ensure that the national Gender and Development Policy and related programmes meet the specific needs of older women and older men equally.
- Mainstream the concerns and promote the participation of older men and older women within all national development policies and programmes.
- Research, document and disseminate data and information on the differences in ageing as experienced by older men and older women.

## **5.3 Strategies**

- Review the national Gender and Development Policy and related programmes to include specific concerns of older women and older men.
- Gender and aging to be factored into and accorded priority in the national development agenda.
- Create awareness on aging to dispel myths and misconceptions about older women and men.
- Promote positive cultural practices whilst discarding those that are harmful to both older women and men through education, creation of awareness and enactment of appropriate policies and legislation.
- Encourage children to appreciate gender equity and equality and discourage gender bias in the performance of roles. This should start at the parental and family levels as well as in schools and in all other social and community fora.
- National research and related institutions of higher learning to collect, collate, analyse and disseminate their demographic data and information, taking due cognisance of gender and age.
- Develop and implement age and gender sensitive policies and strategies to ensure equal access to social and economic benefits.

## CHAPTER SIX

### FOOD SECURITY AND NUTRITION

#### 6.1 Situation Analysis

Food security and nutrition are critical factors affecting the lives of older persons. Good nutrition in childhood and throughout life affects health and nutritional status in older years. In rural areas, older persons, in particular older women, produce food for their own consumption and may sell any surpluses to meet other needs. However, food production, consumption and marketing programmes usually exclude older persons. Very little is known about the nutrition situation and needs of the older persons. Most nutrition curricular do not include older persons and nutritional assessments always focus on children and child bearing women at the exclusion of older persons.

Food security and nutrition related issues of concern to older persons include:

- In older age changes occur in the digestive system that require changes in diet and dental problems are commonly experienced.
- Poverty in old age is both a cause and effect of food insecurity and malnutrition.
- Food production and marketing programmes regularly exclude older people.
- The quantity and quality of food production has declined affecting food security at household level, with older persons being the most affected.
- In times of stress and health problems, older persons are at risk of nutritional deficiency.
- During emergencies, older persons are often marginalised from food relief programmes.
- Physical, economic, social, cultural, emotional and environmental problems interfere with older persons ability to

access, purchase, prepare and consume an adequate diet for sustenance.

- Most nutritionists have not been trained on issues related to the nutrition of older persons.

## **6.2 Objectives**

- Ensure that older persons rights to adequate food and nutrition are legally constituted and guaranteed.
- Ensure that issues related to food and nutritional status, vulnerability and needs of older persons are included in national, local and household food and nutritional surveys.
- Ensure that all nutrition education programmes give consideration to the needs of older persons. These include pre-service and in-service training on food, nutrition and agriculture.
- Ensure that nutritional needs of the older persons are specifically addressed in relief and emergency situations including in the refugee camps.
- Ensure inclusion of older persons in the planning, design, implementation and management and evaluation in agricultural, food security and nutrition programmes.
- Ensure that research is undertaken on food and nutrition issues pertaining to older persons and the findings widely disseminated and shared by other stakeholders.

## **6.3 Strategies**

- Develop and review national food security and nutrition policies including those covering emergency situations to address the specific needs of older persons.
- Involve older persons in the development and review of food and nutrition policies including the design, planning, implementation and management of the food and nutrition programmes and projects.

- Undertake research into the nutritional status, vulnerability and needs of older persons as guide to the development of food and nutrition policies.
- Provide subsidy to older persons for medically recommended foods, medication and related health services.
- Implement national nutrition education programme for all age groups to ensure good nutrition at all ages.
- Establish specialist credit facilities for older persons, to enhance their nutritional status through income and food security by engaging in income generating activities.
- Provide "safety nets" and special assistance targeted to the disadvantaged and destitute older persons.
- Promote community based support initiatives to provide food to destitute older persons.
- Promote community based food storage and preservation.

## CHAPTER SEVEN

### HOUSING AND PHYSICAL AMENITIES

#### 7.1 Situation Analysis

Housing and the surrounding environment are important to the well being of older persons. The critical determining factors include accessibility and safety, the financial burden of maintaining a home and the emotional and psychological security involved. It is recognised that good housing can promote good health and well being for older persons including longevity in life.

Currently in the country, there are several scenarios with regard to housing for older persons. These include family based rural homes in the villages and homesteads, family based urban homes within high and middle class residential areas and within the slum areas and institutional homes. Key issues to be addressed include:

- Rural based family care for older persons dominate as over 80 percent of the population still live in rural areas.
- Family and community care for older persons is most desirable and should be encouraged and supported.
- Building designs and the modes and systems of transport and communication limit older persons access to public offices and services, housing as well as transport and communication facilities and services.
- Decent shelter and housing are a basic need and human right for all. The case for older persons should be no exception and needs to be incorporated into the legal statutes and national policies.
- Institutional care should continue to be de-emphasised but where it is necessary it should be regulated particularly in the urban areas.

#### 7.2 Objectives

- Promote access of older persons to affordable and decent living conditions preferably within their local environments.
- Promote family and community-based residential facilities for older persons.
- Architectural design and institutional facilities should take due cognizance of the special needs of older persons.

- Transport and communication facilities and services should be responsive to the needs of older persons.

### 7.3 Strategies

- Promote community ownership of caring and provision of decent shelter to their older persons within their local environment through broad, based, inclusive and participatory development initiatives.
- Review and update housing policies to ensure they address the needs of older persons in the rural and urban areas.
- Set-up pilot projects that can provide institutional shelters to homeless older persons, preferably within their community environments.
- Ensure that families caring for older relatives are given priority in public housing schemes.
- Provide preferential allocation of ground floor accommodation for older persons in respect of high rise buildings.
- Incorporate decent housing for older persons within the Poverty Reduction Strategy Programmes.
- Incorporate the special needs and demands of older persons in the design of buildings, transport systems and other related public facilities and utilities.
- Modify existing public buildings during periods of refurbishment and renovation to ensure access for older persons by providing ramps, rails etc.
- Where a lift is not available, ensure that services for older persons are located on the ground floor of public buildings.
- Review pre-service and in-service training curricula of architectural and building professionals to ensure that the needs of older persons are reflected in their training.
- Subsidise transport costs for older persons using public transport.
- Ensure that universal design standards are observed in the provision of goods and services for older persons.

## CHAPTER EIGHT

### EDUCATION, COMMUNICATION AND TRAINING

#### 8.1 Situation Analysis

Education is critical for an active and fulfilling life. Knowledge based society requires that policies be instituted to ensure lifelong access to education and training. This is particularly essential to ensure the productivity of all persons of all ages in the national economy. However, in developing countries, large numbers of persons are reaching old age with minimal literacy and numerical skills. This limits their capacity to participate and earn a decent livelihood, particularly within the changing technical environment. Thus without adequate educational and technical background, older persons increasingly experience alienation associated with loneliness and marginalisation.

The media is a powerful communication tool that creates and changes opinion, educates and socialises people. It has an important role to play in entertaining, informing and educating people on priority issues like democracy, health, education, human rights and sustainable development including creating awareness and educating society on issues of ageing and older persons. It also helps to educate older persons on issues that affect them.

#### 8.2 Objectives

- Promote the principle of lifelong education to enhance the spirit of self-reliance, actualisation and self-esteem amongst older persons.
- Enhance older persons' access to knowledge, education and training in order to be able to contribute fully to society.
- Encourage older persons to serve as role models, as trainers and educators based on their knowledge, expertise and experience.
- Develop and promote education and training programmes that respond to the needs of older persons within the changing socio-economic environment.

- Include ageing within the curricula of primary, tertiary and institutions of higher learning.
- The media, both formal and non-formal, should portray positive images of ageing and promote understanding of issues affecting older persons.
- Promote balanced and non-stereotyped portrayal of older persons in the media.
- Encourage the media to highlight the contributions that older persons can make to the society particularly with regard to intergenerational transfer of cultural knowledge and issues.
- Promote active participation and involvement of older persons in the media particularly in discussions on issues affecting their well-being.

### **8.3 Strategies**

- Include ageing as a subject in the school curricula.
- Provision of equal opportunity to persons of all ages with respect to continuing education and training.
- Vocational training programmes should be adapted to ensure that they meet the needs of older persons as well as other age groups.
- Strengthen and/or review adult education programmes to ensure that they are responsive to the needs of older persons.
- Ensure that public education campaigns utilise appropriate communication media and languages to ensure that they meet the needs of older persons.
- Encourage the integration of functional literacy within the social development programmes targeted towards older persons.
- Enable older persons to act as mentors, mediators and advisors.

- Provide opportunities within educational programmes for the exchange of knowledge and experience with older persons as resource persons.
- Develop and strengthen strategies that encourage older persons as educators and trainers. In particular, older persons to be encouraged to support strengthening of vernacular and cultural studies within their local schools.
- Provide training and education for the media to increase coverage and understanding of aging issues and engender support for older persons.
- Encourage the media to promote positive images of older people, highlighting their strengths, wisdom, contributions, resourcefulness, and promoting intergenerational dialogue.
- Disseminate information about ageing and older persons.
- Involve the media in disseminating information and creating awareness of the National Policy on Aging and Older Persons.
- Encourage older persons to participate in formal and non-formal media.
- Contribute to the review of the media policies that adapt communication systems which ensure that the design and delivery of information is appropriate to older persons.
- Identify and create awareness of the negative socio-cultural attitudes towards older persons and engender positive change.
- Educate the public to view and consider aging as a natural process.

## CHAPTER NINE

### EMPLOYMENT AND INCOME SECURITY

#### 9.1: Situational Analysis

According to the 1997 Welfare Monitoring Survey Report and the 2002 Poverty Reduction Strategy Paper, older persons were identified as amongst the poorest segment in the society. This arises from lack of access to regular incomes from employment and self-employment opportunities and benefits from social security provisions including the overall poor performance of the national economy.

Older persons, beyond the 60 – 64 years age groups, are discriminated against within the labour – force categories by being defined as being outside the economically active population. They are therefore denied employment opportunities in the formal sector of the economy. Employers consider them as workers who are unproductive less ambitious, untrainable resistant to change and unable to cope with the changing technical environment. Their contribution to and benefit from formal social security programmes is therefore restrained. For those covered by social security systems, the value of their benefits are in most cases eroded by inflation and mismanagement.

In official labour statistics unemployment rate is computed as the proportion of unemployed persons in the total labour force, who constitute economically active population, aged between 15-64 year. According to the 1998/99 Integrated Labour Force Survey Report (ILFS) unemployment rate in the country stood at 14.6 percent. In the rural areas being 7.9 percent while in the urban areas it was 17.9 percent. The unemployment rate for females was much higher than that of their male counterparts in both rural and urban areas respectively.

The age sex and gender structures shows that the proportion of the unemployed was highest amongst the youth in the 25-50 years age-group at over 19.0 percent. It declines to 4.0 percent between the 25-50 years age group, but rises marginally to 5.0 percent in the 50-64 years age group. The 60-64 year age group, who constitute the entry group in the category of older persons, recorded an unemployment rate of about 4.5 percent. Those beyond the 60 – 64 year age groups are considered economically inactive and therefore beyond employment and therefore

denied employment in the formal sector. However, both the National Employers Association and the Trade Union movement do not consider any age limit as deterrent to employment. It is the willingness and the productivity of the individual at the work place that matters.

Factors that limit older persons ability and capacity to effectively participate in employment and contribute to their own well being, their families and communities include their declining physical strength, poor health, lack of capital, education and training opportunities. In addition, older persons are always denied access to employment and training opportunities in favour of their younger counterparts. In case of retrenchment, they are often the first to be targeted.

They are also denied employment once they reach retirement age and after retirement. Currently the compulsory retirement age in Government is 55 years while in private and informal sector the retirement age is open.

In the rural areas where farming is the main social and economic pre-occupation, older persons' capacities to farm is constrained by difficulties in accessing credit and other support facilities and sometimes due to their physical handicaps. This is particularly with regard to sedentary small-scale farming in crops and livestock in the medium and high agricultural areas and nomadic pastoralism in the marginal areas. In urban areas, older persons lack resources, skills and social support and sometimes in poor health become unemployable and end up as destitute in the slums within the informal settlements.

Older women in particular are most disadvantaged in both urban and rural environment due to various cultural, administrative and technical factors resulting from discrimination and lack of control, ownership and inheritance of land and other family assets including support facilities and services in farming and business enterprises. These include access to credit and limited exposure to processing and marketing of their produce.

However many of the older persons have wealth of experiences and expertise which need to be tapped and utilized in the interest of their families, communities and national development. This would also enable them earn decent incomes to finance their up-keep.

## 9.2 Objectives

- Increased participation of older persons in the labour market and self-employment thereby reducing the risk of their exclusion and dependency in the society
- Ensure that older persons continue to provide their expertise, talents, experience and abilities to the society.
- Elimination of discrimination against older persons in accessing employment, training opportunities and retaining their jobs.
- Promotion of self-employment, self-reliance, self-sustenance, self-actualization among older persons.
- Ensure older persons continue active participation and involvement in socio-economic activities.

## 9.3 Strategies

- The Government in consultation with Trade unions, Employer organizations, pensioners associations and Civil Society Organizations develop and implement appropriate employment and social security policies and programmes in the interest of older persons.
- Introduction of flexible retirement policies and appropriate strategies and opportunities to enable older persons to continue contributing to the workforce as long as they are willing and able.
- Establishment of Pre-retirement training and counselling programmes at the work places.
- Train and up grade technical and enterprenual skills of older persons especially women to enable them participate effectively in income generating activities.
- Undertake sensitization initiatives directed towards changing legal, administrative, customary and traditional norms that perpetuate discrimination against employment of older persons.

- Enhance measures that guarantee equity and fairness in access to employment opportunities and control of productive resources by older persons.
- Develop and improve vocational and technical skills of older persons to enable them have easy access and acceptability in employment and engagement in productive venture for self-sustenance.
- Conduct pre-retirement programmes and counselling services to enable older persons to develop the necessary coping skills that will prepare them for emotional, psychological and socio-economic challenges of retirement.
- Establish Government supported income security programmes and credit facilities targeted to older persons.
- Create opportunities and provide support for the intergenerational transfer of knowledge and skills to take place formally and informally. These include documentation and the use of the print and electronic media.
- The contributions of older persons should be recognised and they should be able to benefit from their knowledge and skills that should be reinforced by intellectual property rights, copyright and patents.

## CHAPTER TEN

### SOCIAL SECURITY

#### 10.1 Situational Analysis

Social security systems are an integral part of the fall – back mechanism in support of the disadvantaged persons in the society. In the traditional African society, these social security systems were well structured and operated effectively to the satisfaction of all. In recent times, these social security systems and their in – built structures have been disrupted through the introduction of the new economic order, which is characterised by modern education, rural – urban migration, individualism and globalisation. These have increasingly contributed to the marginalisation of the disadvantaged members in the society including older persons, most of whom are in the rural areas.

Most of the older persons are left in the rural areas without the traditional African social security structure, many of them living in destitution. In urban areas some older persons have ended up as beggars and live in the slums. In most cases, these older persons have no access to any regular income for their sustenance. The few older persons who may have been in the formal sector as employees and/or self employed become destitutes due to inadequacy of their pensions and other terminal benefits.

The formal social security systems in the country only cover the few older persons who had been in employment in the formal sectors. Such social security schemes include:

- The National Social Security Fund (NSSF)
- The National Hospital Insurance Fund (NHIF)
- Pension Schemes
- Provident Fund
- Insurance Schemes
- National Hospital Insurance Fund

The NSSF is a mandatory social security scheme operating as a provident fund covering all employees in wage employment. The fund

is based on a maximum fixed monthly contributions of Kshs. 160,00, equally shared by the employer and employee. Benefits are paid to employees on retirement and is based on the total contribution and interest .

The NHIF is also a mandatory contributory health insurance scheme covering all employees wage in employment. It also accepts contributions from the non-formal sector and self-employed persons. A flexible upper age limit of 65 years is maintained to guide the entry of new members. Old members and their dependants are also entitled to contribute and enjoy benefits of the scheme beyond the age of 65 years.

The Pensions Schemes are administered by the Department of Pensions in Government. This covers civil servants, teachers, the military persons and other employees in the public service such as judges. The scheme is administered through nine Acts of Parliament specific to the various categories of public officers.

The Retirement Benefit Authority (RBA) has been established to regulate retirement benefit schemes operated by various organizations. Most of the schemes only cater for those in the formal sector. These schemes do not therefore cover most of the Kenyan population most of whom are in the informal sector or have never been in any wage employment.

There is therefore urgent need for establishment of a comprehensive and compulsory national social security system to cover all segments of the society. This should be backed by appropriate policy framework, legislative instruments and enforcement mechanism. Older persons in particular need this in order to be able to meet their special needs such as health, food and nutrition, shelter and housing and other basic amenities.

## **10.2 Objectives**

- Ensure the review and restructure of the national social security system into comprehensive and compulsory national social scheme sensitive to the special needs of older persons including those persons with disability.

- Promote informal social security systems in the society, as embedded within the African traditional cultures..
- To ensure that those in the informal sector are also covered in the national social security system.

### 10.3 Strategies

- Provide public education on individual responsibility for social security issues so that people understand the need to plan for their old age.
- Social security structures to be put in place that allow for contributions by all those in formal and informal sectors, including part-time workers, rural, agricultural, domestic and migrant workers.
- Involve both younger and older persons in the design and implementation of strategies and policies relating to social security.
- Develop and implement strategies that extend the coverage of formal and informal social security systems.
- Strengthen the governance of social security systems to include performance targets relating to set objectives including the processing of payments to ensure timeliness, transparency, accountability and solvency.
- Provide support to informal and community based social security programmes through Government and Non-government initiatives.

## CHAPTER ELEVEN

### SOCIAL WELFARE

#### 11.1 Situation Analysis

In the traditional African society, the family and community remain the most important and effective source of support for all its members including older persons. The traditional family and community structures and support to older persons have been changing and no longer guarantee the social welfare and care of the disadvantaged members of the community including older persons.

In addition, urbanization has resulted to many older persons living alone in the rural areas. Furthermore economic pressures and changing social values has led to many families either being unable to or unwilling to care for older relatives and cases of abuse: physical and economic by family members are increasing.

Whilst social security legislation exists, in most cases, it does not consider the needs of older persons. Many existing social welfare programmes are centralized making them inaccessible to older persons who have limited mobility or who are unable to afford the cost of transport from their homes to centres where services are provided.

The Government through the Welfare Division in the Ministry responsible for older persons has provisions for targeted support to older persons in difficult situations such as health, shelter, food, clothing and disabilities. The Ministry of Health provides special waivers for the sick, older persons where they are unable to meet the required payments.

Other social welfare activities directed towards assistance of older persons in the country are spearheaded by philanthropic, religious, civil society organizations and community based organizations. The assistance is mainly in the form of provision of basic social needs and amenities such as food, clothing, healthcare and shelter. These organizations also play important roles in providing relief in emergency and disaster situations. However, these social welfare programmes are not always supported by clear guidelines, regulations and enforcement mechanism.

The Government also recognizes the particular vulnerability of older women as fewer have worked in formal employment in the past and many are widows with limited access to property. Currently HIV/AIDS is having traumatic and devastating negative impact on the welfare of older persons. This is particularly as infected persons or/and as care givers to their infected relatives and orphans.

### **11.2 Objectives**

- Design, develop, review and implement practical, realistic and appropriate social welfare strategies that include the concerns of older persons.
- Ensure that the social welfare programmes meet the social needs of older persons with the aim of encouraging independence rather than dependency.
- Empower older persons through training to ensure their independence in meeting their social welfare needs.
- Encourage families and communities to continue as the main source of support of their older persons in meeting their social needs.
- In circumstances where this is not possible homes of older persons should be established but preferably within the traditional and cultural context.

### **11.3 Strategies**

- Develop, review and implement strategies which emphasize traditional community support and care mechanisms for older people.
- Discourage the institutionalization of older persons and retain the cultural respect for older persons; encourage the emphasis of community based support systems such as kinship, extended family, neighbourhood etc.
- Promote the participation of older persons' associations, self-help and NGOs initiatives in all social welfare strategies.

- Recognize, support and encourage the voluntary contributions of older persons in community based initiatives.
- Provide and enhance access to social assistance schemes for older persons including public assistance schemes, old age pensions etc.
- Devise welfare systems that ensure that older persons are given priority when they seek social and other services including access to multi-purpose day care centres, which provide nutritious food, health care, clothing recreation and socialisation.
- Design programmes and services to sustain the independence of older persons in rural and urban areas.
- Facilitate and strengthen traditional community support mechanisms.

## CHAPTER TWELVE

### PREPARATION FOR RETIREMENT

#### 12. 1 Situation Analysis

Retirement, whether upon reaching the mandatory retirement age in public service age or retrenchment is a traumatic experience. It is the Government's concern that help be provided to those leaving formal employment, particularly among the older persons in the public and in the private sector to make the transition to other employment or self-employment a continued means of livelihood.

Furthermore, retirees represent an important resource with a lot of varied technical knowledge and expertise whose potential must not be lost in national development. The policy on older persons and ageing therefore needs to recognize that retirement is not an end to active life, but the beginning of a new (phase) in life.

#### 12. 2 Objectives

- Reduce the spate of stresses, anxieties, desperation, loneliness and sense of rejection, which accompany retirement.
- Ensure meaningful and productive retirement and
- Promote planned retirement during ones lifetime in employment.

#### 12.3 Strategies

- Establish long term retirement programme to provide advice, counseling, guidance and training to staff throughout their employment period.
- Plan and introduce various types of skills, training, educational and pre-retirement counseling services for workers and employees.
- Employers to establish and implement pre-retirement training programmes so as to prepare employees for the emotional, social economic changes associated with retirement.

- Develop programmes of leadership, volunteerism, community service and self-reliance, which could help retired old persons to manage their retirement in an enriching manner.
- Provide opportunities for self-employment to individuals due to retire, thus enabling them to invest in activities of their choice in retirement.
- Establish an inventory of retired professionals and skilled persons who could be called upon to provide expertise in Government and private sector through contractual or some flexible employment arrangements.
- Ensure through the media and other educational means sensitization of young persons that retirement preparation should start from the time one enters labour force.
- Encourage people to join savings, insurances, health, and education schemes for themselves and their dependants as security in old age after retirement.
- Harmonise national retirement policy to include standardisation of retirement age for all.
- Employers to establish/implement pre-retirement training programmes to prepare employees for the emotional, economic and social changes associated with retirement.

## CHAPTER THIRTEEN

### CONFLICTS AND DISASTERS

#### 13.1 Situation Analysis

A disaster may be defined as a serious disruption of the functioning of the society and community causing widespread human, material and environmental loss beyond their coping capabilities. A disaster may arise from natural phenomena such as floods, droughts and earthquakes and/or man induced activities such as air and water pollution accidents, social conflicts and terrorism. The seriousness and degree of loss resulting from a disaster is dependant on the vulnerability and risks the society is exposed to.

In Kenya, droughts, floods, accidents, landslides, ethnic clashes and industrial hazards are the common occurrences which end-up into disasters. In the recent times terrorism and the HIV/AIDS pandemic have joined the list of national disasters. Older persons are especially exposed to risks associated to these occurrences and are very vulnerable in such situations.

The consequences of these disasters include increased incidences of poverty, population pressures, and environmental degradation.

Most of the natural disasters in the country are climate related and their adverse impact could be significantly reduced through early warning systems and contingency plans. Many of the man-induced disasters could be prevented through conflict resolution and effective measures to address security and poverty, which are the main underlying causes.

Key issues to be addressed for older persons in cases of conflicts and disasters include:

- Most older persons are less able to flee during emergencies.
- Emergency preparedness and response programmes often fail to consult older persons in the design, development and implementation of programmes.
- The design of emergency response programmes often fail to respond to the specific needs of older persons.

- During emergency situations, older persons are not appropriately catered for as a vulnerable group.
- Older persons often become isolated from their families and friends which result to their inability to access food, shelter and other basic needs, rendering them destitute.
- Older persons have knowledge and experience in management of some emergency situations. They need to be consulted and called upon to contribute in drawing up disaster and conflict management interventions.

### **13.2 Objectives**

- To ensure that the needs of older persons are effectively responded to in times of conflict and disasters and that they are involved in addressing these situations.
- In disaster and emergency situations the special needs of older persons are considered and programmes designed to ensure they have equal access to services including food, water, shelter and health services.
- Older persons should be actively involved in the design, development and implementation of emergency preparedness, response, rehabilitation and reconstruction programmes.
- Older persons should be incorporated into capacity building initiatives directed towards disaster preparedness and mitigation measures.
- Protect the rights and needs of older persons affected by HIV/AIDS and other nationally declared disasters.

### **13.3 Strategies**

- The needs and concerns of older persons should be included in the National Disaster Management Policy.
- Older persons are represented in national and district disaster management committees.

- The line Ministry responsible for older persons and ageing to be represented in the National Disaster Management Committees at the national, district and local levels.
- Review national refugee policies and programmes to ensure the needs of older refugees are addressed.
- Locate and identify older persons in emergency situations and ensure inclusion of their contributions and vulnerabilities in needs assessments.
- Involve older persons in designing disaster management programmes and learn from their traditional coping mechanisms.
- Review and revise relief food distribution mechanisms, provision of health services and other basic needs to ensure effective targeting of older persons.
- Involve older persons in design, development and implementation of disaster management which cover; preparedness, early warning systems, long-term mitigation, relief and emergencies and recovery.
- Assist older persons to re-establish family and social ties and address their post traumatic stress.
- Provide free legal advice and information to older persons in situations of difficulties displacement and dispossession of land and other property.

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## **CHAPTER FOURTEEN**

### **INSTITUTIONAL FRAMEWORK**

#### **14.0 Situation Analysis**

Currently, issues pertaining to older persons and ageing in the country are co-ordinated by a section within the department of social services in the ministry of gender, sports and social services. These activities are undertaken in collaboration and consultation with other stakeholders who include other sectoral ministries and departments such as health, public works and housing, labour and manpower development, attorney general and adult education, the private sector as well as philanthropic, faith based, civic society, non governmental and community based organisations and development partners.

The effective implementation of this cross – cutting policy on older persons and ageing calls for continued partnership and collaboration between these key stakeholders. The government to provide the necessary enabling environment, the private sector and development partners contributing in terms of financial, technical and material resources while the civil society fraternity including philanthropic and faith – based groups ensure that the rights of older persons are effectively protected.

#### **14.1: Proposed Management Structures**

The implementation of the policy will need to be harmonised through the guidance of the division of older persons and ageing in the Ministry of Gender, Children & Social Development, in collaboration with the National Advisory Council for Older Persons and Ageing. The proposed organisation structures, functions and responsibilities and strategies of these complimentary organisations being as follows:-

#### **14.2 The Division of Older Persons and Ageing**

This is to be established within the Department of Gender & Social Development in the Ministry of Gender, Children & Social Development.

Its functions and responsibilities to include:

- The Division shall be responsible for all matters concerning older persons and ageing issues and with overall coordination of activities of older persons in the republic.
- Provision of the necessary policy guidelines
- Harmonise public sector intervention, private sector initiatives academia voluntary and community based efforts which promote development and provision of opportunities for older persons.
- Co-ordinate all activities in support of older persons
- Shall be mandated to coordinate retirement preparedness programmes of all Government and other private employees in the republic.
- Solicit for budgetary and other support resources in the interest of older persons.
- Provide the necessary expertise and technical back-up in the management of affairs of older persons in the country and
- Put in place appropriate mechanism for effective participation and representation of older persons in national, district and local level developmental committees as may be entrenched or enshrined in the constitution.
- Provide the necessary linkages including representation at the regional and international levels in pursuant of interests of older persons.
- Ensure relevant studies and research is undertaken on the situation and the socio-economic needs of older persons.
- Establish desks or 'focal point' for advocacy, planning, training and administration within the social sector ministries to ensure that the interests of older persons are main-streamed in the national development agenda

## **Strategies**

- The National Policy on Older Persons and Aging shall assist the division of older persons to develop a comprehensive plan of operation for promotion of interests of older persons in the country. These should cover immediate, medium and long term scenario.
  - The Government shall initiate the establishment of fully fledged Division of Older Persons and Aging in the Ministry of Gender, Children & Social Development, prescribing its functions and make provision for the budget line.
  - The Government shall initiate the establishment of the National Advisory Council of Older Persons and Aging prescribing its membership functions and operational structures.
- 14.3 The National Advisory Council of Older Persons and Aging** shall be established under the Department of Gender & Social Development and draws its membership from:
- The relevant Ministries and Division of older persons
  - The private sector.
  - Philanthropic and faith-based organisations.
  - Non-governmental organisations.
  - Other co-opted bodies and individuals.

### **The functions and responsibilities of the Council include:**

- Support the government in regular review of policies, legislation and enforcement mechanism in the interest of older persons.
- The council shall function mainly on Advisory capacity to the Department.
- Assist the government and other stakeholders in identification, implementation and subsequent management of programmes and projects targeting older persons.
- Solicit for financial and other support including technical expertise and material and emergency services and facilities for older persons in the country.

- Assist in the formulation and reviewing of national policies with respect to older persons and ageing, and implementation of agreed policies.
- Function as an Advisory body as to social welfare, health, family, community support and other needs.
- Ensure relevant studies and research are undertaken on the situation and the socio-economic needs of older persons.
- Establish desks or 'focal point' for advocacy, planning, training and the administration within the social sector ministries to ensure that the interests of older persons are mainstreamed in the national development agenda.

### **Strategies**

- The National Advisory Council for Older Persons and Aging shall assist the division of older persons to develop a comprehensive plan of operation for promotion of interests of older persons in the country. These should cover immediate, medium and long term scenario.
- The National Advisory Council for Older Persons and Aging shall complement the government role in promoting the interests of older persons by undertaking its development initiatives through broad based and consultative framework with the other key stakeholders who include the private sector, philanthropic and faith-based organization, civil society' and the older persons themselves.

### **14.4 National Development Fund For Older Persons**

A fund known as National Development Fund for Older Persons shall be established under the National Advisory Council. It will be established as a permanent fund to be expended for the benefit of older persons.

The fund shall be administered by the National Council of Older Persons and Aging in conjunction with the Division of Older Persons. The council shall work out the detailed modalities of soliciting and management of funds.

## **CHAPTER FIFTEEN**

### **KEY FACTORS IN POLICY IMPLEMENTATION**

#### **15.0 Awareness Creation and Advocacy**

For effective implementation of this policy, there will be the need to create awareness by undertaking advocacy through:

- Deliberate targeting of information to and about older persons.
- Sensitise policy/decision makers and stakeholders.
- Create alliances with other stakeholders championing the interests of older persons at the local, national, regional and global levels.
- Disseminate research and information relating to the situation of older persons.
- Undertake capacity building initiatives to enable the effective implementation of the policy.

#### **15.1 Monitoring and Evaluation**

Monitoring and evaluation processes will be undertaken on a continuous basis and in-built within policy implementation. The Division in conjunction with National Advisory Council shall be actively involved in monitoring and evaluation of the policy.

#### **15.2 Policy Review**

The National Policy on Aging and older persons shall be due for review every 5 years. A review shall also be deemed in obvious situations of changing societal needs and demands concerning social security and welfare of older persons.

#### **15.3 Role of Other Stakeholders**

The effective implementation of this policy will require contributions from other stakeholders such as the private sector, development partners, civil society organizations and the older persons themselves.

## **Private Sector**

The Private Sector will be expected to deploy financial and materials resources, including technical expertise, in support of older persons either by Government through Tax legislations, Levies or Voluntary donations to the fund.

## **Civil Society, Religious, Non-Governmental, Philanthropic and Community Based Groups**

These organizations and groups will be expected to provide the critical localized and targeted support to older persons, particularly those in difficult situations such as the very poor and destitute, emergency and disaster situations, in refugee camps and terminally ill as identified by the Division of Older Persons and National Advisory Council.

## **The Development Partners**

The government shall strengthen collaboration and establish network with local and international development partners to compliment and support its efforts in the financing and implementation of the National Policy on Aging and Older Persons. Partners shall include local and international NGOs, UN Agencies, other donor agencies, civil society organizations and faith based groups.

## **The Role of Older Persons and Community**

The skills and experiences of older persons should be utilized in furtherance of their interests. Organizations of older persons in the community provide a rich reservoir of knowledge and skills for development. Community structures and organizations need to be strengthened to mobilize local resources, expertise and experience in support of older persons within their local environments. This is cost-effective, socially sound and sustainable approach.

## CHAPTER SIXTEEN

### LAW AND RIGHTS OF OLDER PERSONS

#### 15.1 Situation Analysis

##### Law

The Laws that are directly or indirectly applicable to older persons are contained in:

- **The Constitution of Kenya**

The Constitution of Kenya has a Bill of Rights in its Part V, which applies to Older Persons in the country. However, the Bill of Rights is limited in its scope and content to the extent that it does not include most of the rights guaranteed in the International Bill of Rights or other international and regional human rights treaties to which Kenya is party. Moreover, Older Persons are a vulnerable group in society as they are consistently and disproportionately among the poorest and most marginalized. They are more likely to suffer abuse, discrimination and violation of their rights and therefore they need special human rights safeguards and guarantees.

- **Acts of Parliament mainly social security and pensions such as:**

**National Health Insurance Fund Act. Cap 255;**

**National Social Security Fund Act, Cap 258;**

**Pensions Act, Cap 199;**

**Widows' and Orphans' Pensions Act. Cap 192;**

**Pensions (Increase) Act, Cap 190;**

**Provident Fund Act, Cap 191;**

**Asian Widows' and Orphans' Pensions Act, Cap 193;**

**Widows' and Children's Pensions Act, Cap 195**

## **15.2 African Customary Law**

African Customary Law is an important source of law for Older Persons. It should be encouraged and widely utilized particularly in the settlement of civil disputes or as an alternative dispute resolution mechanism. While using African Customary Law as alternative to dispute resolution mechanism, gender equity should be a guiding principle. Efforts to codify African Customary Law should begin and be encouraged for preservation of this aspect of traditional African culture and life, for predictability and certainty of this branch of law and for posterity.

## **15.3 Rights of Older Persons**

The UN commitment and guiding principles towards the realization of human rights is enshrined in the International Bill of Rights which consists of Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

This International Bill of Rights is further reinforced by other international and regional human rights treaties and instruments that deal with specific situations or groups of people such as the International Convention on the Elimination of all Forms of Discrimination against Women (1979).

The core aim of these international legal instruments is the realization of civil, political, economic, social and cultural wellbeing of all. They also seek to eliminate all forms of discrimination that hinder the realization of these rights.

Older Persons, as human beings, are entitled to all the rights enshrined in these instruments. In addition, the UN has promulgated the UN principles for Older Persons (1991). Although not legally binding, these principles provide a useful framework that is an internationally recognized value base for older persons realization of their rights now and in the future.

UN Charter-based and Treaty-based human rights monitoring mechanisms ensure that Kenya complies with her human rights obligations. In addition to these, the Kenya National Commission of

human Rights, an autonomous body created by an Act of Parliament i.e. No. 9 of 2002 is responsible for the promotion and protection of human rights in the country. It is responsible for the investigation of complaints on its own or upon receipt of complaints on human rights violations, public education, formulation, overseeing and implementation of programmes on human rights. In addition, this Commission acts as the Governments Chief Agent to ensure it complies with its international and regional human rights obligations.

Older persons face many challenges related to their rights such as:

- Lack of awareness and understanding of their rights.
- Age-based bias/prejudice and discrimination in all aspects of their life i.e. civil, political, social, economic and cultural.
- Neglect, exploitation, abuse and violence, including rape, perpetrated at them by their families and/or others.
- Discrimination against older women due to negative traditional cultural attitudes & practices which results in their marginalization particularly in decision making processes, in acquiring title to property, in succession and inheritance matters and other aspects of their life.
- Property belonging to older persons is often stolen from them, and financial institutions often refuse to offer them credit and other services.
- Older Persons are often accused of witchcraft, physically assaulted resulting in them suffering violence in some cases resulting to death.
- The denial of services or provision of inadequate services by service providers.
- Older persons often do not age and live with dignity due to, among other factors, age-based bias/prejudice.
- Where age brings frailty and disability, this acts as a barrier for older persons to fully participate in society.

- Older Persons' skills, experience and knowledge is often not valued, respected or acknowledged in society resulting in their marginalization.
- Poverty in old age poses great challenges for older persons especially as the number of older persons increase especially older women.

#### 15.4 Objectives

- Ensure that the rights of older persons are protected by appropriate legislation, especially in the Constitution, legal and administrative framework.
- Recognize the fundamental rights of older persons with a view to abolish all forms of discrimination based on age.
- Ensure that older persons are aware of their rights and can access them.
- Current laws, especially social security and pension need to be reviewed and harmonized to meet the needs of older persons.
- Protect older persons from all forms of neglect, abuse and violence especially older women.

#### 15.5 Strategies

- The incorporation of the specific rights of older persons in the Bill of Rights within the Constitution of Kenya and also the enactment of specific legislation to protect the rights of older persons.
- Enact specific legislation or an Act of Parliament to address the needs and concerns of Older Persons. In addition, the current laws need to be reviewed and harmonized to respond to the needs of Older Persons.
- Review and harmonize existing legislation to be more responsive and relevant to the needs of older persons especially women.

- Enact legislation that pays particular attention to the needs of Older Persons with disabilities.
- The mainstreaming of older persons and rights in national policies and the administrative framework.
- The improvement of older persons access to justice through the provision of direct and permanent legal aid and services including education and awareness targeting:
  - (a) Older persons to ensure they are aware of their rights
  - (b) Communities to ensure that they understand the rights of older persons,
  - (c) Law enforcement agencies, lawyers and other legal practitioners and the judiciary.
- Older persons should be involved and participate in decision-making processes at the family, community and national levels, in spite of their age and/or frailty and/or disability.
- A multi-sectoral approach towards undertaking aggressive sensitization programmes should be initiated towards changing policy, legal, administrative, traditional, customary attitudes and practices that perpetuate discrimination against older persons, particularly discrimination against older women.
- The Government to ensure that effective legal instruments are in place to protect the rights of older persons within the family and community.
- The Government to enact the necessary legal provisions to promote and strengthen the role of the family and the community in the care of the older members.
- Review and revise family focused legislation to ensure that it is inclusive of the needs of older persons within the family.

- Enact legislation introducing a levy in support for the care of older persons within the family and local environment. The may include tax rebates, waivers and exemptions.
- A development of a comprehensive national strategy involving all stakeholders to stop exploitation, abuse and violence against older persons, especially targeting older women. This should include a supportive legal framework, public education and training/capacity building.
- Services within prisons and other corrective institutions need to be reviewed and adapted to meet the needs of older persons.
- The creation of public awareness through implementation of civic and public education programme in education institutions that ageing is a natural and inevitable process affecting all of us with specific emphasis on the needs and rights of older persons.
- The institution of appropriate enforcement mechanisms to protect the rights of older persons within the administration of justice and legal framework.
- The promotion of a systematic collection, collation, analysis and dissemination of data and information on older persons to guide policy makers and planners in developing poverty reduction initiatives which are responsive to the needs of older persons.
- A multi-sectoral approach to address the special needs of older persons who are refugees or internally displaced needs to be formulated.
- Special measures such as affirmative action policies need to be put in place within national policies and legal and administrative framework with view to protecting the rights of older persons who are minority and/or indigenous peoples.
- The police and the Judiciary and other law enforcement agencies should collate, collect and compile data fully

desegregated by age and gender of those who are victims of crime, so as to inform policy makers and planners in order to formulate appropriate measures to protect older persons from crime.

- Develop and review legislation to ensure that older persons especially older women receive equitable treatment from customary and statutory laws including reviews of legislation on property and land rights, inheritance, social security legislation and pension laws.
- Ensure that sensitization and information programmes relating to the rights of older persons involve older persons at all levels.
- Ensure that training of all public servants includes information on the rights of older persons.
- Develop and review the training curricula for social workers, nurses, community based workers, counselors, care givers and all those working with older people to ensure that they adequately include the rights of older persons.
- Ensure that the UN Principles for older persons; independence, dignity, self-fulfillment, participation and care, are domesticated.
- Ensure that policies and legislation governing land rights, including security of land tenure do not discriminate against older persons in both rural and urban areas.
- Review and revise laws, and undertake awareness campaigns, to ensure non discrimination of the property rights of older people, with particular regard to the issues facing older women.

Enact and implement legislation to protect the rights of older people living in institutional care homes and attending day care centres



