



**MINISTRY OF PUBLIC SERVICE, GENDER,
SENIOR CITIZENS AFFAIRS & SPECIAL PROGRAMMES
STATE DEPARTMENT FOR SOCIAL PROTECTION, SENIOR CITIZENS
AFFAIRS & SPECIAL PROGRAMS**

FOCUS AREA 2: ECONOMIC SECURITY

Question One

What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

- Constitution of Kenya (Articles 27,41,43 & 57)
- Pensions Act (2012)
- Retirement Benefits Act (2020)
- National Health Insurance Fund Act (revised 2021)
- National Social Security Fund Act (2013)
- Persons with Disability Act (revised 2021)
- Employment Act (2021)
- Kenya Vision 2030
- The Big 4 Agenda (Food Security, Manufacturing Affordable Healthcare and Housing)
- The Kenya Health Policy (2014–2030)
- National Food and Nutrition Security Policy (2012)
- Kenya Environmental Sanitation and Hygiene Policy (2016 – 2030)
- Kenya Mental Health Policy (2015- 2030)
- National Policy on Older Persons and Ageing (2018)
- National Social Protection Policy (revised 2021)
- National Housing Policy (2020 – 2024)
- The National Standards and Guidelines on the Establishment and Management of Institutions of Older Persons (2018)
- Poverty Reduction Strategy (2012)
- Older Persons Cash Transfer Programme
- Private Medical Insurance Policy for the Elderly



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Question Two

How is poverty defined in the national policy framework?

- There is no explicit definition of poverty in the Kenyan national policy framework however according to the Kenya Integrated Household Budget survey of 2015/16- basic report on basic wellbeing in Kenya, the measure of welfare is based on consumption expenditures rather than income.
- Kenya Institute for Public Policy Research and Analysis (KIPPRA) defines poverty as the inability of individuals/households to attain a predetermined minimum level of consumption at which basic needs of a society are assumed to be satisfied

Question Three

What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

- Stigma and discrimination
- Inadequate social security and protection
- Isolation and loneliness
- Exclusion from participation
- Elder Abuse
- Poor health and nutrition.
- Diseases and pandemics (Covid 19)
- Burden of care as caregivers
- Disinheritance
- Lack of information about their rights.
- Inter-generational gaps
- Acquired disability



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Question Four

What data, statistics and research are available regarding older persons living in poverty?

- The Kenya Integrated Household Budget Survey Report (2015/16) by Kenya National Bureau of Statistics.

Question Five

What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

- Older Persons Cash Transfer Programme by Government.
- Complementary social protection programmes by County Governments
- Mbao Pension Plan Initiative by the Retirement Benefits Authority
- State and Non-State residential and nonresidential institutions for the aged
- Outreach Programmes
- Retirement Benefits Schemes
- Savings through Groups, Cooperatives, Micro Finance Institutions and Insurance Schemes

Question Six

What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

- The cash transfer programme for older persons cushions vulnerable older persons from the effects of poverty.
- Kenya Social Economic Inclusion Project (KSEIP) economically empowers vulnerable families including older persons.
- Credit services from Groups, Cooperatives, Micro Finance Institutions and Insurance Schemes



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Question Seven

What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

Equality and non-discrimination

- Traditional social safety nets where the elderly are taken care of within families and communities
- Habahaba initiative by the National Social Security Fund.
- Pensions and Retirement Schemes
- Pre-retirement trainings
- Employment/ Nominations of retired professionals/experts
- Agricultural subsidies and extension services
- Older Persons Self Help Groups and Beneficiary Welfare Committees for income generation
- Provision of Mediation and Alternative Dispute Resolution Services

Question 8

What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

Remedies and redress

- Legislation on Right to Property and inheritance (Article 40 of the Constitution; Law of Succession Act 2012 (currently being amended))
- Development of Bills that seek to provide a legal framework to eliminate ageism and discrimination
- Commission on Administrative Justice (Ombudsman) where citizens including older persons can lodge complaints and seek redress.



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- Kenya National Commission on Human Rights provides an avenue where older persons can access information on their rights and seek remedies for human rights violations
- National Gender and Equality Commission which promotes gender equality and non-discrimination for all persons in Kenya including older persons
- Provision of Agricultural subsidies and extension services
- Provision of Universal Health Care
- Special consideration for first priority service by some institutions.
- Advocacy, sensitization and awareness creation.

Question Nine

What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

- Article 22 of the Constitution grants individuals' the right to institute court proceedings when their rights and fundamental freedoms have been violated.
- The government through the Ministry responsible for Senior Citizens Affairs has put in place a complaints and grievance mechanism to address grievances related to the delivery of social protection programmes.
- National Gender and Equality Commission which promotes gender equality and non-discrimination for all persons in Kenya including older persons
- Commission on Administrative Justice (Ombudsman) where citizens including older persons can lodge complaints and seek redress.
- The Kenya National Commission on Human Rights which is constitutionally mandated with the promotion and protection of human rights
- Non- Governmental Organizations whose mandate solely lies on advocating for the right of older persons in the Society.
- Civil Society Organizations including Older Persons Organizations provide Mediation and Alternative Dispute Resolution Mechanisms.