



**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS
DIRECTORATE OF SOCIAL DEVELOPMENT**

**SUBSTANTIVE INPUT ON THE FOCUS AREA ON “ACCESSIBILITY,
INFRASTRUCTURE AND HABITAT (TRANSPORT, HOUSING AND ACCESS) FOR
THE 14TH SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING**

NATIONAL LEGAL AND POLICY FRAMEWORK

1. *What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, Infrastructure and habitat (transport, housing and access)?*

a) *The right of older persons to adequate housing, including land, property and inheritance.*

Article 57 of the Constitution of Kenya obligates the State to take measures to ensure older persons participation, personal development; dignity, respect and protection from abuse; and together with the family, the obligation to provide care and reasonable assistance to older persons.

Article 43 (1) (b) of the Constitution of Kenya, 2010 states that “every person has a right to accessible and adequate housing and to reasonable standards of sanitation”. Further Article 21 (2) requires the State to take legislative, policy and other measures, including the setting of standards, to achieve the progressive realization of among others, the rights to housing.

The National Housing Policy Sessional Paper No. 3 of 2016 provides for the progressive realization of the right to accessible and adequate housing and reasonable standards of sanitation for every person.

Affordable Housing Act, 2024 provides a framework for the development and access of affordable housing to vulnerable Kenyans including older persons.

b) *The right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation, other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces, information*



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communication and other services including electronic services and emergency services.

The Sessional Paper No. 6 on National Urban Development Policy 2015 aims to strengthen development planning, urban governance and management, urban investments and delivery of social and physical infrastructure in urban areas throughout the country.

The Sessional Paper No. 2 of 2015, The National Maintenance Policy aims at ensuring a consistent approach to the maintenance of the built environment and ensuring adequate health, safety and environmental standards, return on investment, convenience and comfort for the users.

The Persons with Disabilities Act, of 2003, Section 23 requires that all public transport is designed to be accessible to persons with disabilities (including older persons). In addition, there exists County specific Disability legislations, 11 counties have Acts, and 5 counties have disability specific policy.

c) Policies/Programmes that enable older persons to live independently and to be included in their communities as they age.

Some of the Policies in place in Kenya include:

- **National Policy on Older Persons and Ageing (2018)** provides an environment that recognizes, empowers, and facilitates Older Persons to participate in the society and enjoy their rights, freedoms and live in dignity.
- **Kenya National Social Protection Policy (2023)** that provides a framework to enhance social protection through income security, social health protection, shock responsive and complementary programmes to the vulnerable members of the society including older persons.
- **The National Social Security Fund (NSSF) Act, 2013** establishes a mandatory retirement contributory scheme for formal sector workers and voluntary scheme through the Habahaba Initiative for the informal sector thus enhancing income security for older persons.

The Older Persons Cash Transfer (OPCT) programme: The programme focuses on providing cash transfer to individuals aged 70 years and above.



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2. *What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?*

- **Limited Accessibility and Infrastructure:** Inaccessible public transportation and infrastructure due to inadequate provision of lifts, ramps, significantly restrict mobility and social interaction for older persons. Older persons living in rural or sub-urban areas often face unique transportation challenges due to limited access to public transport options and longer travel distances to essential services.
- **Insecure Land Tenure and Inadequate Housing:** Inadequate protection of land tenure rights increases the risk of eviction and injuries for older persons. The lack of formal land ownership and inadequate housing, (with features not catering to reduced mobility)
- **Digital Divide:** Older persons may struggle to access and use technology-enabled transportation services, limiting their mobility options and independence. Inadequate access to connectivity, digital illiteracy, affordability making it hard for them to access e-government services.
- **Lack of data** on older persons rights to accessibility, infrastructure and habitat.

DATA AND RESEARCH

3. *What data, statistics and research are available at the national level regarding older persons' rights to accessibility, Infrastructure and habitat (public transport, housing and access)?*

- **The 2019 Kenya Population and Housing Census Results Report.** Older persons represent 6% (2,740,515 out of 47,564,296) of the country's total population.
- **The 2015/16 Kenya Integrated Household and Budget Survey Report.** 18 % of the country's households have older persons.



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EQUALITY AND NON-DISCRIMINATION

4. *What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviours that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?*

- **Enhanced advocacy and awareness on the rights, privileges and opportunities for older persons** through the commemoration of the UN International Day for Older Persons (IDOP) and the World Elder Abuse and Awareness Day (WEAAD), targeted public awareness by the National Gender and Equality Commission (NGEC), Kenya National Commission on Human Rights (KNCHR)
- **Community empowerment** through mobilization and registration of older persons Associations to undertake welfare and income generating initiatives for improved livelihoods.
- Legal representation to vulnerable older persons under the National Legal Aid Services Act.
- Legislative interventions; The Government is currently developing Legislation on the Rights of Older Persons and Social Protection.

REMEDIES AND REDRESS

5. *What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?*

The government of Kenya has put in place various constitutional bodies that have mechanisms for complaints and seek redress. They include:

- National Gender and Equality Commission, Kenya National Commission on Human Rights, and Commission on Administrative Justice have complaints and investigative powers on all matters of discrimination and violation of rights
- The Country has several existing legal statutes e.g. Traffic Act Cap 403, Kenya Roads Act.
- Judicial mechanisms.
- Enactment of a comprehensive legislative framework.