

Social Protection and Ageing, An NHRI's Perspective WORKING DRAFT

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for

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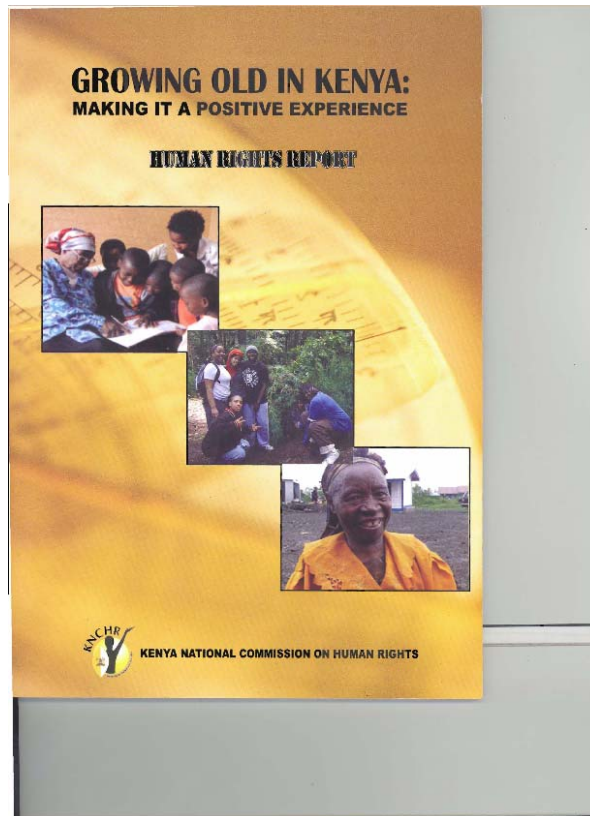


Kenya National Commission on Human Rights

- Formed by statute in 2002 and started operations in July 2003 (currently in transition to a constitutional body) the Commission, has the mandate to, among other functions, producing what it has labeled ‘state of human rights reports’
- As an NHRI, key programs and interventions aim at mainstreaming the rights of the often neglected and vulnerable groups while also focusing and addressing abuses as they occur covering the whole gamut of human rights
- As an NHRI, our greatest value addition lies in making human rights norms in the various international and regional human rights instruments real, contextually relevant and implementable



The Decision to focus on 'growing old' in Kenya'



- Increasingly in public discourse, older citizens in leadership positions were being asked to 'quickly go'
- Most vulnerable groups have vocal, organized groupings voicing their concerns – not so the elderly



Key Lessons out of this report writing process

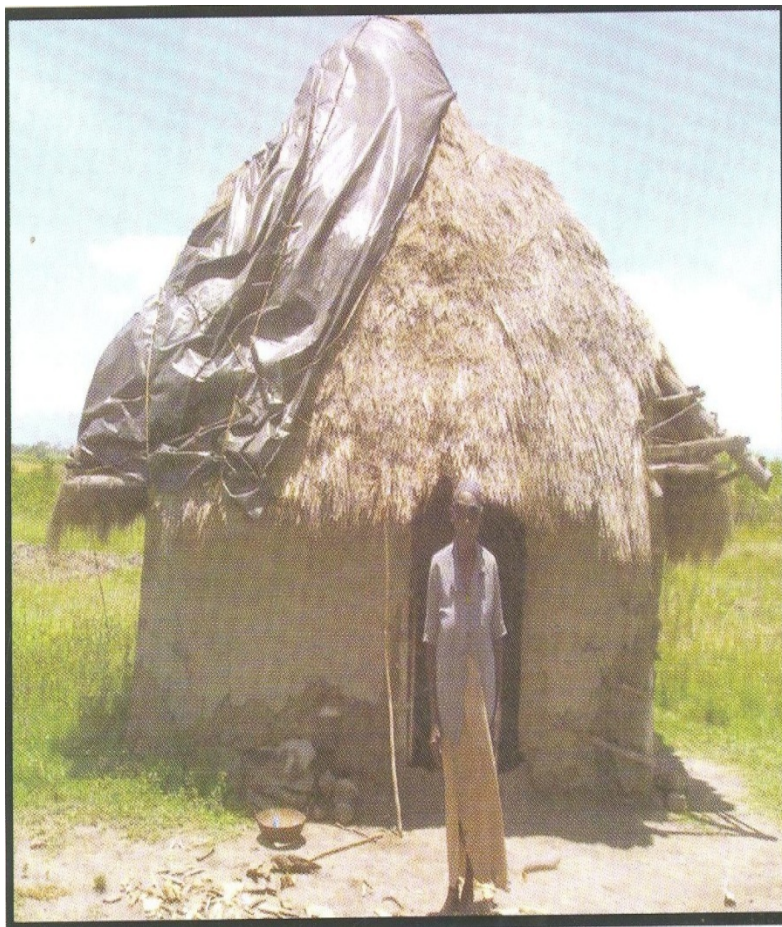
- Labeling rights matter and can undermine the legitimization an issue requires to assume the importance needed to find place in policy priorities.
- That focusing on the process of ageing and highlighting the end effect of it (old (er) persons) rather than only on the latter, can be strategic in getting policy makers, advocacy groups and ordinary citizens appreciate the important issues raised.
- This approach, is powerful in bringing out the intersectionality of individual, community, state and non-state actors actions and inaction in resolving or exacerbating problems related to ageing



AN OVERVIEW ON 'SOCIAL PROTECTION' FROM AN NHRI PERSPECTIVE

- That entry into old age in poverty is the surest route to undermining the prospects of enjoyment of rights by older persons
- Focusing on **social assistance** (different from protection) for older persons is desirable, must be done, but is awfully inadequate and comes far too late in the conveyance belt of the process of securing the rights of older persons
- KNCHR's hearings from older persons indicated that ageing can become a pauperizing process where meaningful interventions are not effected each step of the way

Illustrative case



- Kenya Government social assistance initiative (commendable) of giving this kind of woman Ksh 2,000/= a month (\$22)
- Surrounded as she is by poverty, needy family members are bound to rely on this assistance too
- Infrastructural support needed to actualize independent living is absent



Social Protection is life long

- Identifying a mix of policies and initiatives that positively intervene throughout the ageing process
 - Collect data and carry out properly targeted studies that enable understanding of differentiated needs specific to the different age cohorts e.g. at the critical turning point for women into post-reproductive age, access to meaningful information to help cope with bodily changes, diet etc are crucial for her well-being.
 - Ensure that such social support, assistance and protection is not too state-centric – roles, responsibilities and duties of individuals, communities, non-state (e.g. insurance companies) and state actors



Existing gaps in international protection system?

- Questions to ask:
 - Is there need for new norms relating to ageing and rights of the elderly?
 - If there is, what form should they take?
 - If it is about implementation mechanisms, at what level should they be established? (Kenya's and South Africa's Constitutions)
- Gaps relate to provision of creative, implementable, at-the-lowest –point of service programs e.g. what should we do with the age-limitation related to the right to work?
- How do we incentivize family members (Kikuyu community proverb vs Retirement Benefits Authority advert) to continue taking care of the less well endowed and the older persons even with distances created by rapid urbanization in African countries (sustaining friendly cultural norms to enhance the protection of older persons)



Concluding Observations

- For a developing country such as Kenya with major resource constraints, any social protection debate should aim building consensus around a sustainable ‘minimum package’ that can be sustained to cushion those in extreme poverty. Social Development Departments must be strengthened and functions devolved to the lowest points of service.
- Strengthening NHRIs to play an effective monitoring role on issues relating to ageing and older persons.
- Thank YOU