

**KENYA - QUESTIONS FOR CONTRIBUTIONS TO SECRETARY -
GENERAL REPORT PURSUANT GENERAL ASSEMBLY RESOLUTION
65/82**

Kenyan government has addressed critical issues related to older persons, and the Ministry of Gender, Children and Social Development is mandated to implement and develop policies for older persons. According to the 2009 Kenya Population Housing Census results released recently, older persons consists of 1, 926,051 (10%) of the total population; with males being 897,607 while women are 1,028,444.

Feedbacks to the 9 questions are as follows:

1. Human rights of older persons are recognized in the new Constitution, in Chapter 4(four) Bill of Rights. Empowering older persons to association and enjoy the rights and fundamental freedom. Also, Article 43 states that:

(1) Every person has the right—

(a) To the highest attainable standard of health, this includes the right to health care services, including reproductive health care;

(b) To accessible and adequate housing, and to reasonable standards of sanitation;

(c) To be free from hunger, and to have adequate food of acceptable quality;

(d) To clean and safe water in adequate quantities;

(e) To social security; and

(f) To education.

(2) A person shall not be denied emergency medical treatment.

(3) The State shall provide appropriate social security to persons who are unable to support themselves and their dependants.

2. Existing legislation, policies and programmes to protect and promote human rights of older persons are:

- The National Policy on Older Persons and Ageing (February 2009)
- The Sessional Paper No 2 of 2009 National Policy on Older Persons and Ageing

4. Existing legislation, policies and programmes addressing gender based violence are:

- Sexual Offence Act, 2006 specifically and comprehensively seeks to deal with sexual offences. The Act is in line with Kenya's obligations under the international conventions and treaties to promote and protect the rights of its citizens. The key conventions include the United Nations Convention on the Elimination of Discrimination against Women (CEDAW 1984); the Beijing Platform for Action (1995); the resolution of the African Union Summit (September 2004) on Employment Creation and Poverty Alleviation. Female Genital Mutilation Bill (FGM) 2011. Currently it is in Parliament.
- National Framework Towards Response and Prevention of Gender – Based Violence (GBV) in Kenya (December 2009). The Framework has been aligned to the international instruments as CEDAW (1984), BPFA (1995); the MDGs (2000); the Nairobi Forward –Looking Strategy (NFLS)-1985.
- Vision 2030 is a long term development blue print whose aim is to be 'the globally competitive and prosperous country with high quality of life by 2030'. It explicitly acknowledges that cases of GBV are on the increase and lays out various strategies to reduce gender disparities and addresses vulnerabilities.
- The National Plan of Action to Aid the Implementation of the National Framework Towards Prevention and Response of Gender –Based Violence in Kenya.

5. Existing legislation, policies and programmes for older people addressing old age –sensitive services and facilities such as those related to mobility, age adequate design, long term care, primary health and adult and continuous education are as follows:

- **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

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.

- **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 5% of an employee's monthly wage combined with an equal amount from the employer.

- **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 Acts of Parliament which are relevant to various types of pension requirements paid to respective categories of former public employees.

- **Social Welfare Programmes**

The Programme is managed through the Department of Gender & Social Development in the Ministry of Gender, Children and 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 primary health services offered by the Ministry are provided within the broader context of the society.

- **Civil Society Organizations**

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

- **Adult Education**

The Department of Adult Education currently in the Ministry of Education 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.

6. Existing legislation, policies and programmes concerning social protection measures and right to work and right to social security with regards to older people are:

- National Policy on Older Persons and Ageing (2009 February)
- Sessional Paper No 2 of 2009 on National Policy for Older Persons and Ageing (July 2009)
- Draft National Policy on Social Protection (2010)

7. The National Bureau of Statistics is mandated by the Government to collect all data for informing policy and stakeholders. It is the body responsible for the legislation, and policies and analyzing disaggregated data by age. Disaggregated data on older persons is as follow:

Table 1 Elderly population (60+) Distribution by Age Group and Sex, 2009

Age Group	Male	Female	Total	%Female
60-64	295,197	298,581	593,778	50.3
65- 69	183,151	207,612	390,763	53.1
70-74	160,301	179,000	339,301	52.8
75-79	99,833	118,675	218,508	54.3
80+	159,125	224,576	183,701	58.5
Total	897,607	1,028,444	1,926,051	53.4
% Elderly/Total Population	4.7	5.3	5.0	-

Note: The total population for the Country, 2009

Male: 19,192,458

Females: 19,417,639

Total: 38,610,097

8. The Constitution of Kenya enhances participation and active engagement of older men and women in community, political and cultural life in the following articles:

- Article 36, says that every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind.
- Article 57, ensure the rights of older persons–
 - (a) To fully participate in the affairs of society;
 - (b) To pursue their personal development;
 - (c) To live in dignity and respect and be free from abuse;
 - (d) To receive reasonable care and assistance from their