



The Legal Framework for Protecting Social Security Rights of the Elderly in Tanzania

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ABSTRACT

The right to social security is crucial for ensuring social justice, particularly for the elderly who are at heightened risk of poverty. This study examines the legal framework for social security in Tanzania, using doctrinal research to analyse relevant national laws and policies. It begins by outlining the importance of social security and assessing global and regional instruments that protect these rights. The findings reveal that while the Constitution outlines fundamental rights, it does not establish an enforceable right to social security for the elderly. The study highlights the challenges facing universal pension programs, such as the Tanzania Social Action Fund (TASAF) and the Productive Social Safety Net (PSSN). Key issues include enforcement difficulties, insufficient resource allocation, and social exclusion. To address these challenges, the study recommends the development of a comprehensive legal framework that reinforces compliance with international norms and enhances administrative capabilities. Furthermore, it suggests legal reforms aimed at expanding coverage and improving access to social security for the elderly, emphasising the need to tackle issues of inequality and poverty. The analysis incorporates international instruments, such as the ILO Social Security (Minimum Standards) Convention and the SADC Social Charter, to examine Tanzania's adherence to these standards. By advocating for policy improvements and legal reforms, the study contributes valuable insights into strengthening social security rights for the elderly in Tanzania, thereby promoting social inclusion and reducing poverty.

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INTRODUCTION

The world is experiencing population ageing, and there is growing concern about the issue in both developed and developing countries (UNFPA, 2012). The global proportion of older persons is growing at a faster rate than the general population (Bhandari, 2015 -Nepal Year of 2019). It is reported that the number of people aged 65 years or older worldwide will more than double, rising from 761 million in 2021 to 1.6 billion in 2050 (UN: Department of Economic & Social Affairs, 2023). In 2021, the report indicated that 1 in 10 people worldwide were aged 65 or older, and it was projected that by 2050, 1 in 6 people globally would be aged 65 or older (UN Department of Economic and Social Affairs, 2023).

This article considers social security as one of the notable social achievements of the twentieth century. Initially, most of the world's population received socio-economic security from extended family (Ugiagbe & Edegbe, 2017). Extended family's sources of economic security became less common due to increased population and social changes which required the establishment of social security system to protect the whole society at large- against social risks such as sickness, injuries, old age, famine, and other natural disasters beyond the control of human being (Tanga, *et al*, 2019; Owusu & Baidoo, 2020). It is in the work of these changes that in 1952 the International Labour Organisation (ILO) passed the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102 which set minimum standards to be adhered to by its members.

The article conceptualises social security and seeks to determine whether Tanzania adheres to international standards. Reference is made to the ILO Convention Number 102, Universal Declaration of Human Rights 1948 (UDHR), and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR). Social security rights for the elderly are also analysed in line with the SADC Social Charter of Fundamental Social Rights 2003, to which Tanzania subscribes. The discussions address the question of whether Tanzania meets the standards envisaged under the ILO, including the requirement to provide social security as an economic necessity to address poverty and social inequality in the society (ILO, 2008). The article argues that increasing incomes for low-income groups, including the elderly, lifts domestic demand and drives economic growth by expanding markets and promoting productive employment. Improved income security reduces poverty and social exclusion, enhances access to healthcare and nutrition, and supports a healthier, more active workforce. Social protection and labour market policies are crucial for addressing income inequality and promoting inclusive growth in the context of financial globalisation (ILO, 2008).

Against this backdrop, this article seeks to analyse the policy and legal framework governing social security for the elderly in Tanzania. It highlights the social security of the elderly in Tanzania by focusing on the benefits paid by the existing formal and informal social security schemes. The discussion centres on the long-term and short-term benefits inherent in policies and laws that provide for social security for the elderly. It recommends extending social security coverage and benefits, and addresses challenges likely to be encountered in the process. The article further addressed the legal challenges caused by the failure to incorporate social security rights in the Constitution as one of the social and economic rights, so that they can be enforceable under the Basic Rights and Duties Enforcement Act (BRADEA). It submits that social security benefits to the elderly are society's arrangement to support those without means of livelihood financially. The system provides for compulsory contributions and non-compulsory contributions, which pay retirement, disability, health, death, and survivorship benefits to its members and their beneficiaries.

METHODOLOGY

This article adopts a doctrinal research methodology approach, which analyses global and regional instruments, national policies and laws, and literary sources, including books, journal articles, and other legal texts, to provide an overview of social security programs for the elderly in Tanzania. It discusses the policy statements and strategies outlined in the Social Security Policy 2003 and the National Ageing Policy 2003, focusing on their stance on social security for the elderly.

It also analyzed various international, regional ratified by the government of the United Republic of Tanzania, and domestic laws such as the Constitution of the United Republic of Tanzania 1977 as amended from time to time, statutes, national guidelines, plans and strategic plans, literary works, and cases relevant to social security for the elderly to identify uncertainties, irregularities, and gaps that influence the elderly access to social security in Tanzania.

DISCUSSION

Contextualising Social Security: The Global and National Perspectives

Social security entails a program or system of social protection established by legislation that provides individuals with the assistance of income security when faced with the contingencies of old age, survivorship, incapacity, disability, unemployment, or rearing children (Anpilohova, 2023). It includes schemes devised for the protection and maintenance of income through private sector provision and public sector provision, particularly for retirees and the elderly (Mumba, 2016). The public-sector provision of income maintenance is a form of government social protection for individuals upon their contributions to the social security schemes.

Social security is equally defined as a protection that society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage of substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age, and death, the provision of medical care; and the provisions of subsidies for families with children (ILO, 1989). The ILO's conception of social security encompasses public measures supported by institutional arrangements for implementation (Elaine & Bodhi, 1999). It adopts a risk- or contingency-based approach, aligning social security programs with public measures (Abdelrhani & Rifai, 2022).

The 1989 ILO definition of social security was not without its shortcomings. First, it did not capture traditional arrangements in which social security is provided through the extended family or the community (Elaine & Bodhi, 1999). Second, because the definition dealt exclusively with contingencies that result in lost earnings, it excludes measures to assist individuals whose earning capacity never developed, either because of physical or mental impairments or a blighted environment; and thirdly, because the definition deals exclusively with public measures, it also excludes occupational benefits provided by employers on an optional basis. (Elaine & Bodhi, 1999). Since the article focuses on social security for the elderly, it aligns with the argument by Elaine and Bodhi (1999) that the ILO's definition of social security tends to exclude coverage and benefits for individuals who are unable to contribute to formal schemes, particularly the elderly and other vulnerable populations.

The 1989 ILO conception of social security emphasised compensatory measures, neglecting critical aspects such as prevention, reintegration, redistribution, poverty, and social exclusion (McKinnon, 2010). Furthermore, the ILO's social security standards often fail to reflect the socio-economic realities of developing countries, resulting in weak implementation and enforcement (Olivier, 2013). Social security is broadly defined as the protection society provides to its members through public measures aimed at

ensuring a reasonable standard of living and mitigating social and economic distress. This includes old age pensions, disability and medical care provisions, subsidies for families with children, housing cost support, and assistance for low-income earners (Quiñones, 2022). Recognising poverty alleviation and prevention as central goals, the current understanding of social security incorporates the roles of diverse actors, including families, local solidarity networks, civil society, enterprises, markets, government, social security institutions, and the international community (ILO, 2001).

Social security encompasses statutory, tax-financed, and mandatory schemes, as well as private or non-statutory mechanisms like micro-insurance and occupational pensions, provided their contributions are not entirely market-driven (Van Ginneken, 2008). In Tanzania, it is broadly defined to include collective measures aimed at ensuring that individuals meet their basic needs and are safeguarded against life contingencies, thereby maintaining a socially acceptable standard of living (United Republic of Tanzania [URT], 2003a). Social security for the elderly serves as a decisive mechanism to mitigate age-related vulnerabilities, primarily through pensions, healthcare, and social inclusion. While developed countries offer broad and structured coverage, many developing nations, including Tanzania, limit access to those in formal employment (ILO, 2021). Despite efforts such as the National Ageing Policy (2003), most elderly individuals in Tanzania's informal sector remain excluded from adequate income and health protection (Osberg & Mboghoina, 2010), underscoring the need for a more inclusive and rights-based social protection framework.

Global and Regional Protection of the Right to Social Security for the Elderly

The right to social security is firmly covered in various global and regional human rights instruments. Articles 23(3) and 25(1) of the Universal Declaration of Human Rights (UDHR) articulate the right of every individual to social security, including social insurance, assistance, and services (UDHR, 1948). Although the UDHR is declaratory and non-binding, many of its provisions, particularly those concerning economic and social rights, have achieved customary international law status, and thus apply to all states irrespective of their membership status at the time of adoption.

Complementing the UDHR, Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) expressly recognises the right to social security. Article 2(1) of the ICESCR further obliges State Parties to deploy available resources, individually and through international cooperation, towards the progressive realisation of this right, including the adoption of legislative and other measures. The realisation of social security rights, particularly in lower-income countries such as Tanzania, depends on mobilising national resources and securing international assistance through loans, grants, and aid mechanisms (ICESCR, 1966).

The International Labour Organisation (ILO) has been instrumental in establishing international social security standards. The ILO emphasises that social security is not merely a social imperative but also an economic necessity for addressing poverty, inequality, and vulnerability in society (ILO, 2008). The ILO Social Protection Floors Recommendation No. 202 (2012) calls on member states to establish basic guarantees ensuring universal access to essential health care and income security throughout the life cycle. Additionally, ILO Convention No. 102 (1952) sets out minimum standards for social security, including provisions for old age, sickness, unemployment, employment injury, family, maternity, disability, and survivor benefits. For elderly persons, the Convention stipulates guarantees of periodic payments (old-age pensions), adequate coverage, and financial sustainability to ensure income security in old age.

International instruments specifically tailored to marginalised populations further reinforce the right to social security. The Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006, affirms the right of persons with disabilities, including older persons, to social protection without discrimination.

Article 28(2)(b) and (e) of the CRPD mandates states to ensure access by older persons with disabilities to social protection programs, poverty reduction strategies, and equitable retirement benefits (CRPD, 2006). Similarly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) protects older women under Article 11(1)(e), which guarantees the right to social security in cases of retirement, sickness, old age, and related vulnerabilities (CEDAW, 1979).

Global development agendas also underscore social protection as a means of promoting equity and eradicating poverty. The Sustainable Development Goals (SDGs) integrate social security under Goal 1 (No Poverty) and Goal 10 (Reduced Inequalities). Target 1.3 specifically urges the implementation of nationally appropriate social protection systems, including social protection floors, to achieve substantial coverage of the poor and vulnerable by 2030. Target 10.4 further encourages the adoption of policies, including social protection policies, to progressively reduce inequality (United Nations Department of Economic and Social Affairs, 2015). Although SDGs are not legally binding, they possess a strong moral force and reflect globally agreed priorities. As Deacon (2016) and Devereux (2017) observe, while the SDGs promote progressive social policy goals, their enforceability remains limited, and their success is dependent on national commitment and institutional coherence.

Regionally, the African human rights system recognises the family as the cornerstone of society and imposes a duty on the state to protect the elderly. Article 18(4) of the African Charter on Human and Peoples' Rights (ACHPR) mandates special protection measures to safeguard the physical and moral needs of older persons and persons with disabilities (ACHPR, 1981). These rights reaffirm the duty of states to ensure social protection mechanisms that uphold human dignity and secure the welfare of the aged (Ulriksen & Plagerson, 2014). As Merrien (2013) notes, social security systems enhance social justice and economic equality by shielding older persons from deprivation and exclusion.

In the Southern African sub-region, the SADC Charter of Fundamental Social Rights (2003) under Article 10 requires member states to establish mechanisms enabling those who cannot enter or re-enter the labour market to receive adequate resources and social assistance. Article 8 of the African Charter on the Rights of Older Persons (2016) further calls for the protection of the elderly by ensuring access to post-retirement income, basic health care, and protection from labour-related discrimination. These standards underscore the necessity of social protection systems that provide minimum guarantees, such as pensions, medical care, and social assistance, to uphold the dignity and well-being of elderly citizens.

Despite Tanzania's policy commitments to extend social protection to the elderly, substantial challenges remain. These include limited coverage for those in the informal economy, inadequate pension schemes, and insufficient institutional capacity (Mboghoina, 2010; ILO, 2017). To meet international standards and obligations under ILO and UN instruments, deliberate state action is required to broaden coverage, improve benefit adequacy, and ensure sustainability in financing.

Social Security for the Elderly in Tanzania: The Legal and Policy Framework

Tanzania, like many countries globally, is experiencing the challenge of an ageing population. The concept of an "old person" in the Tanzanian context includes not only age but also social responsibilities, such as leadership roles in the family or community (United Republic of Tanzania [URT], 2003b). Despite their critical societal role, elderly persons are largely excluded from formal social security systems, raising legal concerns about the adequacy and inclusiveness of existing frameworks. As the demographic composition changes, legal and policy frameworks must adapt to guarantee social protection as a fundamental right for all, especially older persons.

Social security serves as both a development tool and a human rights obligation. It is integral to ensuring minimum living standards and promoting human dignity. Article 11(1) of the Constitution of the United

Republic of Tanzania acknowledges the state's responsibility to provide social welfare, including for the elderly. However, its classification under the Fundamental Objectives and Directive Principles of State Policy renders it legally unenforceable. Article 7(2) of the Constitution prohibits courts from adjudicating claims based on these principles, as further reinforced by the Basic Rights and Duties Enforcement Act. Although international human rights law, such as the International Covenant on Economic, Social and Cultural Rights, recognises social security as a justiciable right, Tanzania's Constitution does not guarantee enforceable legal recourse for elderly individuals seeking such protection. Kaseke (2003) argues that the absence of a legally enforceable right undermines the ability of the elderly to meet basic needs and erodes social cohesion.

Tanzania's economic constraints also affect the realisation of this right. Olivier (2013) notes that the implementation of social security rights in low-income countries may depend on international assistance. In Tanzania, limited fiscal resources have led to a social security system that prioritises the formal employment sector. Formal schemes such as the National Social Security Fund (NSSF), the Public Service Social Security Fund (PSSSF), and the National Health Insurance Fund (NHIF) are primarily designed for public and private sector workers. The lack of a statutory obligation for informal sector workers, where the majority of elderly persons operate, excludes them from coverage, reinforcing legal inequality in access to protection.

Some progress has been made through legislation such as the Persons with Disability Act. Section 54(2)(b) mandates that the Minister take steps to ensure persons with disabilities, including elderly individuals, have access to social protection and benefit from poverty reduction strategies. While the provision reflects an acknowledgement of the intersectional vulnerabilities of elderly persons with disabilities, its scope is limited and lacks broad applicability across the elderly population.

Tanzania's policy framework underscores a strong commitment to the welfare of older persons, notably through the National Ageing Policy (2003), which identifies older individuals as national assets entitled to healthcare, income-generating opportunities, and legal protection (Ministry of Labour, Youth Development and Sports, 2003). However, implementation is hindered by limited statutory authority, fragmented institutional coordination, and heavy reliance on family-based care systems (Mduba, 2019). Complementary national strategies, including MKUKUTA I and II, Vision 2025, and the Draft Vision 2050, emphasise poverty reduction and expanding social protection for vulnerable groups such as the elderly (Helpage International, 2012; Tanzania Ministry of Finance, 2013; URT, 2024). However, enforcement weaknesses, funding shortages, and a lack of legal accountability limit their effectiveness.

The 2017 Law Reform Commission report highlights a critical disconnect between constitutional guarantees, such as Article 11(1), which promises sustenance for the elderly, and the reality that only about 3% of older persons, mainly those in the formal sector, receive social security benefits (Tanzania Law Reform Commission, 2017). The prevailing legal framework is fragmented and insufficient to enforce the National Ageing Policy or cover the largely informal workforce. This gap violates principles of equality and non-discrimination embedded in constitutional and international human rights law. Addressing this requires comprehensive legal reform to make social security an enforceable right, extend coverage to informal workers, and establish rights-based social protection, thus advancing equity, inclusion, and dignity for Tanzania's ageing population.

Social Security Coverage for the Elderly in Tanzania: A Reality Test

The demographic transition in Tanzania, characterised by a steady increase in the elderly population, poses significant legal and policy challenges related to social protection. Despite this shift, legal and programmatic responses remain insufficient. The 2022 Population and Housing Census revealed that

individuals aged 60 and above consistently constituted approximately 6% of the national population in the last three census rounds (2002, 2012, and 2022) (URT, 2022). Moreover, those aged 65 and above account for 3.8%, with regional variations showing higher concentrations in Kilimanjaro (7.3%) and Mtwara (6.4%), compared to lower proportions in Katavi (2.3%), Dar es Salaam, and Geita (both 2.4%) (URT, 2022). These demographic figures necessitate urgent legal reforms to ensure that social security for the elderly is inclusive and equitable.

Traditionally, over 80% of Tanzanians relied on informal family and kinship networks for socio-economic support during old age (Morisset, 2013). However, the structural weakening of these networks due to urbanisation, rural-urban migration, and changing social dynamics has eroded this traditional safety net (Mwangi, 2014; Rwegoshora, Makoye, & Mvena, 2003). Consequently, the legal responsibility of the state to guarantee adequate protection for the elderly has become increasingly critical. Nonetheless, existing frameworks such as the National Ageing Policy of 2003, while progressive in vision, remain poorly implemented. The legal and institutional framework suffers from fragmentation, inadequate coordination, and limited inclusivity (URT, 2003b; World Bank, 2011; URT, 2008; Shepherd et al., 2013), thereby impeding the realisation of constitutional and international legal obligations on the right to social security.

Efforts to harmonise the social security system, such as the enactment of the Social Security (Regulatory Authority) Act, Cap. 135 R.E. 2018, represent attempts to establish coherence across schemes in terms of contributions and benefits. However, these reforms have largely concentrated on the formal employment sector, to the exclusion of informal sector workers, many of whom are elderly. This legal bias perpetuates systemic inequality and violates the principle of non-discrimination under both domestic and international law. As Chin (1992) observes, many social insurance systems lack the structural capacity to respond to the unique needs of vulnerable groups, and even where benefits exist, they are often inadequate (Shrange, 1984). This marginalisation erodes public trust and reduces voluntary compliance with social security schemes (Ackson, 2010).

The design of Tanzania's social security legal regime predominantly favours individuals in formal employment, thereby excluding a significant proportion of the elderly engaged in informal economic activities. Barriers, including the absence of formal employer-employee relationships, low and inconsistent incomes, limited public awareness, and complex procedures, have led to minimal participation by informal workers. Despite the informal sector comprising 71.8% of the national labour force and playing a vital role in economic development, fewer than 2% of its workers are covered by formal social security schemes (Dungumaro, 2012; SSRA, 2013; Maduga, 2015; Kiwara, 1999; SSRA, 2022). These legal and administrative gaps undermine the right to social protection for elderly persons and necessitate the expansion of legal coverage and administrative reform.

The implications of limited social security coverage are profound, particularly from a legal and human rights standpoint. Older persons without adequate social protection face heightened risks of poverty, social exclusion, and ill-health, especially when ageing reduces their economic productivity (ILO, 2014). The state's failure to provide accessible healthcare, housing, and income support, especially for elderly caregivers of AIDS-orphaned children, aggravates their vulnerability and reflects a shortfall in implementing constitutional and treaty-based obligations (Spitzer, 2009). This contravenes the International Covenant on Economic, Social and Cultural Rights, which mandates the progressive realisation of the right to social security.

In this regard, the integration of informal social protection mechanisms into formal frameworks has been increasingly emphasised. Scholars such as Kutsar and Kasearu (2010) argue that informal systems based on community solidarity can complement state-led efforts. Nevertheless, caution is required to ensure that

such arrangements do not absolve the state of its legal duty to provide universal, equitable, and rights-based protection (Olivier et al., 2008; Von Benda-Beckmann & Kirsch, 1999). The role of the state remains paramount in formalising, regulating, and ensuring the minimum standards of protection under the law.

The strengthening of the legal and policy environment should be grounded in principles of social solidarity and justice. Legal reforms must embed risk-sharing mechanisms across social groups, young and old, rich and poor, as a normative commitment to equality and dignity (Korsanenkov, 2024; Suleymanova, 2022). Such solidarity-based approaches support redistribution and reciprocity as core legal principles of inclusive social security systems. As Goldberg (2024) posits, while solidarity may manifest differently across jurisdictions, it remains central to constructing legal systems that foster equality, social cohesion, and resilience.

Finally, the legal extension of coverage by existing schemes such as the Public Service Social Security Fund (PSSSF), National Social Security Fund (NSSF), National Health Insurance Fund (NHIF), and Community Health Fund (CHF) to include informal workers and the elderly is imperative. Such reforms would not only enhance legal inclusivity but also give effect to constitutional guarantees and international commitments on social security as a fundamental human right.

Determinants of Social Security for the Elderly in Tanzania

The determinants of social security for the elderly in Tanzania are multifaceted, ranging from the level of economic development and policy and legislation to political will and the method of financing social security schemes.

The level of economic development determinant of the benefits and coverage of social security schemes to the elderly, is the result of employment history. The elderly who were previously employed in the formal sector receive old-age pension and retirement benefits. In contrast, their counterparts in the informal or agricultural sectors often lack retirement savings (Yoon, Ahn, & Kim, 2024). The realisation of social security requires the state's availability of resources. Article 2 (1) of ICESCR requires states to realise such rights progressively, depending on the available resources. For the right to social security, the level of coverage and types of benefits are determined by historical context together with the political and economic situation of the country, availability of resources, and the commitment to extending social security to all citizens (Van Ginneken, 2009). Low-income countries, including Tanzania, fall short of achieving social security to cover vulnerable groups such as the elderly and those not in the formal sector due to their level of economic development. Elderly individuals who earned low incomes during their working years often have insufficient savings for old age, leaving many dependent on family support and vulnerable to poverty.

The availability of health care facilities and the affordability of health services determine the status of elderly social security. The elderly with chronic illnesses are vulnerable compared to healthy elderly. User fees in Tanzania impede access to healthcare for the elderly with chronic illnesses, leading to increased poverty among affected families (Witter, 2005). The introduction of health insurance has improved the quality of life for the elderly (Tungu et al., 2024).

Social factors, such as kinship and family support, influence the social security arrangements for the elderly within traditional extended family structures. Nonetheless, the mobility of people from rural to urban areas and changing family dynamics have weakened existing social security systems, leading to a lack of social interactions and community support that hinders the improvement of elderly health (Mshelia et al., 2024). Community micro-insurance schemes and informal community arrangements, such as faith-based organisation schemes, play a vital role in supporting the elderly (Wiawe, 2023; Gupta & Sadhu, 2023). That aside, gender inequality contributes to access to social security for the elderly. Older women suffer from

incompatible traditions and customs, highlighting the need for the government to collaborate with other stakeholders, such as local governments and voluntary agencies, to identify and sensitise the public to address customs that push older women into vulnerability (URT, 2003b).

Policy and legal frameworks are central to shaping the scope and effectiveness of social security coverage in Tanzania. Core policies such as the National Social Security Policy (2003), the National Ageing Policy (2003), and the Health Policy (2007), together with legislation like the National Health Insurance Fund Act 1999, provide institutional mechanisms for managing social risks and delivering benefits to scheme members and their dependents. These instruments are reinforced by national initiatives, including the National Strategy for Growth and Reduction of Poverty (NSGRP), the Participatory Agricultural Development and Empowerment Project (PADEP), the Tanzania Social Action Fund (TASAF), the Productive Social Safety Net (PSSN), and the Community Health Fund. Collectively, these efforts reflect political commitment to social protection and poverty alleviation, particularly among vulnerable groups such as the elderly. The PSSN program, for instance, has led to a 13.4% reduction in household vulnerability to poverty, though 13.9% of its participants remain highly vulnerable, underscoring the need for more targeted interventions (Msuha & Kissoly, 2024). In this regard, Wagana (2024) emphasises the role of universal social pensions in reducing elderly poverty, reinforcing family support systems, and advancing rural development.

The method of social security financing influences the realisation of social security for the elderly in Tanzania. The current social security system is primarily funded through employer-employee mandatory contributions, involving cost-sharing. This system is not inclusive, as it targets formal sector employees, excluding those in the informal sector, the elderly, the unemployed, and the self-employed (Wango, 2024). The NSSF Act 2018 lacks provisions for informal workers, therefore being unable to contribute "double" portions on behalf of their "non-existent" employer and themselves (Ackson, 2010; Wango, 2024).

Coverage and Obligation to Provide Social Security for the Elderly

Obligation to realise social security for the elderly imposes a duty on state parties to global and regional conventions to ensure universal coverage, whether in cash or in-kind, contributory or non-contributory social security benefits, but financed through general government revenue. Additionally, the state must ensure that the elderly fully participate in society, live with dignity, and receive adequate standards of living, income security, healthcare, and sickness benefits without discrimination based on age or any other grounds. In the work to realise social security for the elderly, the National Social Security Policy of 2003 recognises a social security system that encompasses social insurance, social assistance, and voluntary schemes (URT, 2003a). Social insurance refers to earned benefits of workers and their families and is often linked to contributions accruing from the schemes established under formal employment (URT, 2003a). The formal sector that benefits from the mandatory schemes is less than 10% of Tanzania's population (URT, 2003a). Among the nine branches of social security are old-age benefits; others are medical care and benefits addressed to sickness, unemployment, employment injury, family size, maternity, invalidity, and widowhood based on the ILO Convention No 102 of 1952.

Two major formal institutions provide social insurance, namely, the Public Service Social Security Fund, established under the Public Service Social Security Fund Act, 2018, and the National Social Security Fund (NSSF), established by the National Social Security Fund Act, Cap 50, R.E. 2018. PSSSF offers social security funds with respect to employees in the public service, while NSSF offers social security coverage to employees of the private sector. Since PSSSF and NSSF cover employees in the formal sector, the benefits which are granted to the elderly include retirement benefits under sections 25 and 26 of the PSSSF Act for employees retiring at the age of 55 for voluntary retirement or 60 for compulsory

retirement and any longer or shorter period as may be recognised by the law. NSSF provides benefits to the elderly, including retirement pensions, funeral grants, and health insurance benefits. To realise compliance, sections 30 (1) & (2) of the Social Security (Regulatory Authority) Act 2018 impose a duty on employers in the public and private sectors to register their employees' existing mandatory pensions schemes, i.e., PSSSF and NSSF, and allow employees in the informal sectors to be registered in the National Social Security Fund. Other social security schemes by way of insurance include the National Health Insurance Fund (NHIF), which was established under the National Health Insurance Fund Act No. 8 of 1999, the Community Health Fund established under the Community Health Fund Act, 2001, and the Workers' Compensation Fund established under the Workers' Compensation Act Cap 263 R.E. 2015.

Social assistance was first introduced to tackle the problem of income interruption when private-sector provisions failed to support it (Chin, 1992). Social assistance is financed through taxes, regulated by legislation, and is the exclusive responsibility of the state (Strydom, 2006). In Tanzania, social assistance programs provide services such as primary health care, primary education, water, food security, and social welfare services to vulnerable groups, including the elderly, people with disabilities, and children in difficult circumstances, on a *means-tested basis* (URT, 2003a). By and large, these groups of people fall out of contributory schemes, and in this case, social assistance becomes a means-tested means to ensure that such individuals who do not qualify for insurance receive the benefits (Kaseke, 1997; Chin, 1992). Social assistance schemes are better able to extend social protection to people experiencing poverty than social insurance schemes, mutual societies, or micro-insurance (Overbye, 2005). Since they are not contribution-based and/or are not dependent on employment records, they can reach the poorest (Mpendi et al., in Olivier et al., 2004). Administering social assistance as means-tested requires administrators who possess strong professional work ethics and culture; otherwise, social assistance can degenerate into patronage and vote-buying (Overbye, 2005). The government has failed to provide social assistance due to a shortage of skilled human resources and a lack of knowledge of social welfare and social protection concepts among village government officials (The Ministry of Health and Social Welfare, Tanzania, 2009). This has left vulnerable groups in the informal sector of rural areas, who depend on the support of traditional systems (The Ministry of Health and Social Welfare, Tanzania, 2009).

Voluntary or supplementary schemes include personal savings, cooperative and credit societies, occupational pension schemes, and private schemes, which are managed by employers, professional bodies, community-based organisations, and other private sector actors (URT, 2003a). These schemes are an option for extending social security and financial protection in low-income countries, especially among the rural population, the elderly, and the informal sector of society (Kagaigai & Grepperud, 2023). The realisation of social security for the elderly requires states to take measures to establish elderly funds, schemes for care of the elderly, and to retain the family as the basic institution of care and support for the elderly (URT, 2003b). Such schemes may take the form of mutual health organisations, medical aid societies, medical aid schemes, or micro-insurance schemes (Bart Criel et al., 2004). The CHF is one of the voluntary health insurance options that can be utilised to arrange pre-payment health services for the elderly (Munishi, 2003).

CONCLUSION AND RECOMMENDATIONS

Conclusion

Social security coverage in Tanzania covers mostly people in the formal sector. The legal framework for the right to social security for the elderly in Tanzania has made notable steps, with the establishment of government policies, plans, and programs aimed at reducing poverty among the elderly. However, there are significant gaps in terms of coverage, benefits, inclusivity, and the effectiveness of enforcement and

implementation of initiatives geared at realising social security for the elderly. The study finds that the elderly, especially those in rural areas and the informal economy, face financial insecurity due to limited access to formal social protection systems. While the article commends the current policy and legal frameworks, it calls for strengthening them to capture the specific needs of older persons and ensure that they have access to adequate and sustainable social security benefits.

The state must align its laws and policies with international human rights instruments on the right to social security, such as the UDHR, ICESCR, ACHPR, and the SADC Charter. This process should be guided by the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which sets key benchmarks for adequacy, coverage, and accessibility, particularly for old-age benefits. Strengthening institutional coordination is also essential to reduce bureaucratic delays and ensure that the elderly access their entitled social security benefits promptly and with dignity.

Recommendations

This article recommends the urgent strengthening of the legal and policy framework governing social security for the elderly. This can be realised by amending main legislation such as the Social Security (Regulatory Authority) Act, 2008, the Public Service Social Security Fund Act, 2018, and the National Social Security Fund Act, [Cap. 50 R.E. 2018], to incorporate express provisions that mandate social security coverage for all elderly persons. These amendments should ensure the inclusion of elderly individuals from both the formal and informal sectors and guarantee foreseeable, indexed retirement benefits. Additionally, enacting a dedicated and comprehensive Elderly Social Security Act would help establish a sustainable and inclusive social protection framework, financed through national budgetary allocations and supported by external development partners.

Besides, efforts should be made to enhance the capacity of stakeholders, including community development officers, religious and traditional leaders, government officials, and local leaders, by offering training on the legal rights and specific needs of the elderly. Older persons themselves should be empowered through financial literacy programs and skills training to support their economic participation post-retirement. Awareness campaigns and education initiatives should encourage the elderly to participate in income-generating activities and empower them to understand and claim their social security rights. Local government Authorities and voluntary agencies should play a proactive role in sensitising elderly individuals to enrol in voluntary social protection schemes, such as micro health insurance, community-based health funds, Ward Banks, and cooperative savings organisations. Families should also be encouraged to participate in these efforts to improve household-level support.

The Social Security Regulatory Authority (SSRA) should strengthen its compliance mechanisms to ensure the upholding of legal entitlements. Lastly, the government must increase domestic tax revenue to sustain universal social protection programs, including health coverage, ensuring greater inclusivity and equity for older persons who are often excluded from contributory schemes.

Areas for Further Studies

Regarding areas for further study on the subject, the article suggests that a comparative study on elderly social security in SADC countries is still needed to identify best practices that can be adopted in Tanzania. The research can equally be conducted on the gender and social security to identify how the current social security policy and legal framework address the unique needs of older women as they live longer than their male counterparts, take care of the family thus subjected to peculiar elderly diseases. They are often in large numbers and often work in the informal sector, hence they are not introduced to statutory social security schemes.

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