Human rights of older women in africa

Centre for Human Rights, University of Pretoria

19 March 2021

**1 BACKGROUND**

The number of older persons have continued to rise in Africa In 2010 the number of elderly people in sub-Saharan Africa was estimated to be around 43 million and it is projected to reach 67 million by 2025 and 163 million by 2050.[[1]](#footnote-1) For many people across Africa, ageing is accompanied by chronic and deepening poverty, and the weakening of family and community structures due to migration, conflict, natural disasters and the impact of HIV and AIDS.[[2]](#footnote-2) Lack of attention to older people and worsening economic circumstances are exacerbating existing serious violations of older peoples’ rights. Older women and men are being discriminated against before the law, and within their families and communities.[[3]](#footnote-3) For elderly women, age and gender discrimination is a major concern that often leads to disempowerment and can result in poor health outcomes, victimization and even death.[[4]](#footnote-4)

**2 INEQUALITIES AFFECTING OLDER WOMEN**

Older women in Africa experience marginalization due to lack of information. For example, they do not know about widows’ inheritance rights. Widowhood in Africa extremely alters the status of women and undermines their security. It is noted that 75% of the women above the age 65 are widows.[[5]](#footnote-5) Certain customary laws that exist deny widows the right to inherit common assets (for example, a house or land). In some communities’ widows can be inherited by their deceased husband’s brother, and must abide by these laws or risk being ostracised and left without income and assets at a time of trauma and bereavement.[[6]](#footnote-6)

Elderly widows thus faces discrimination mixed with the impacts of poverty and gender discrimination.[[7]](#footnote-7) This may lead to extreme impoverishment and isolation, both for the widows themselves and for any dependants they may be taking care of. As highlighted earlier, this situation is worsened by lack of knowledge of their legal rights, of how to access appropriate information and of where to seek impartial advice and guidance. In a sample survey carried out by HelpAge International (HAI) in 2006 in Tanzania (*Kwimba, Kahama and Shinyanga* *Rural*), only 8 per cent of older women were aware of their rights under the law compared with 39 per cent of older men.[[8]](#footnote-8)

Generally, older persons experience extreme violence and abuse in the continent although older women face more violence and abuse. However, older people rarely report these abuses because of fear, and ignorance of their rights.[[9]](#footnote-9) Society has negative attitudes towards them. Many are abandoned and neglected by their families, and in extreme cases they are exposed to rape and physical abuse.[[10]](#footnote-10) Some older women are accused of witchcraft. Poverty, discriminatory inheritance practices and the low status of women in the community are often the underlying causes of such allegations.[[11]](#footnote-11) It is often difficult to get the exact statistics on many of the allegations and subsequent violence as it goes unreported.

For instance in Tanzania, it has been estimated that as many as 1,000 people each year lose their lives to violence related to accusations of witchcraft.[[12]](#footnote-12) The majority of these are women over the age of 50.[[13]](#footnote-13) The Day newspaper reported that between 2003 and 2006 there had been 2,700 killings in the Mwanza and Shinyanga regions – 92 per cent of which were of older women.[[14]](#footnote-14) In 2012 more than 600 people, most of whom were older women, were accused of witchcraft and murdered.[[15]](#footnote-15) In 2013 the number is noted to have rose to over 750.[[16]](#footnote-16) However, it was noted that the number has slightly declined since then, but remains high – around 400 people per year are murdered after being accused of witchcraft.[[17]](#footnote-17)

In northern Ghana hundreds of women are accused of witchcraft by their relatives or members of their community and they live in ‘witch camps’ after fleeing or being banished from their homes.[[18]](#footnote-18) In the camps they are around 800 women and 500 children, with poor living conditions and little hope for a normal life.[[19]](#footnote-19) The women run away from discrimination, threats or even mob justice after being accused of witchcraft and blamed for ‘crimes’ such as causing sickness, droughts or fires, cursing a neighbour or even just appearing in someone’s dream.[[20]](#footnote-20) Some elderly women have lived in the camps for as long as 40 years after being abandoned by their families and trapped in the camps until they die.[[21]](#footnote-21)

Older women are excluded in the sexual and reproductive health issues in most African countries. This is because they are seen as sexually inactive. In other cases, sexual issues amongst older women is considered as a taboo, especially when they consider getting married. The sexual needs of older people are not considered seriously since many people believe that older people should not have sexual desires and should not engage in sexual activities.[[22]](#footnote-22) The fact of the matter is that they do have those needs.

As a result of this, current HIV/AIDS education campaigns do not target them even when they need the information for themselves and the grand children under their care. They are constructed and disseminated in inaccessible media and language and basically fly above older people.[[23]](#footnote-23) For example, the condom adverts in the clinics and hospital or even on television are associated with young people and never consider older persons. This then exposes older women to diseases such as HIV/AIDS as well as cervical cancers. HIV/AIDS has and will continue to have a huge impact on older people. [[24]](#footnote-24)Like any other population group, they might get infected with HIV which unfortunately is a fact that many cannot accept. HelpAge International (HAI)partners in Southern and East African countries have reported cases where older people are not tested for HIV even if they request for the tests.[[25]](#footnote-25) They are consequently denied the opportunity to know their status and then take measures to prolong their lives or prevent the spread of HIV.

Older women are generally poorer than older men, have a lower level of education, and do not usually have their own property or possessions. This is usually because in the past, most women in Africa spent most of their lives at home caring for the family or in informal work that does not earn them a direct financial income.[[26]](#footnote-26) Hence, most of them lack professional training and the ability to earn a salary. In most African countries, older women can neither get loans or credit facilities in some banks nor can they buy houses through mortgage and housing institutions.[[27]](#footnote-27) They are therefore, more likely than men to be poor as it is not culturally acceptable for them to own property.

In addition, older women are burdened with the care of grandchildren and sick family members.[[28]](#footnote-28) For example, an estimated 15.1 million children have lost one or both parents[[29]](#footnote-29) , largely owing to the HIV/AIDS epidemic in East and Southern Africa.[[30]](#footnote-30) Various studies have suggested that most orphans in many Sub-Sahara African countries are cared for by their grandparents .[[31]](#footnote-31) In South Africa in the mid-2000s, nearly two-thirds (64%) of double orphans were being raised by grandparents. In rural South African households women over the age of 60 are twice as likely to have a fostered child living in the household and three times as likely to have an orphaned child in the household.[[32]](#footnote-32)

In Namibia between 1992 and 2000, the share of orphans being cared for by their grandparents rose from 44% to 61% .[[33]](#footnote-33) Older women provide crucial financial, physical, and emotional support for ill adult children and fostered and orphaned grandchildren in their households.[[34]](#footnote-34) These factors impact on their overall health and wellbeing in old age. Elderly people often complain about problems such as depression, stress and burn-out, feelings of inadequacy, helplessness, guilt and loss of self-esteem and confidence[[35]](#footnote-35) after being overburdened with caregiving responsibilities.

**3 GOOD PRACTICES AND RECOMMENDATIONS**

The African continent has seen a steady increase of organisations and efforts aimed at addressing older peoples’ issues since the mid 80’s.[[36]](#footnote-36) Catalysing that situation was the United Nations Plan of Action on Ageing, developed at the first Assembly of Ageing in, Vienna, Austria in 1982. For example, in 1982, over 15 countries from sub Saharan Africa converged in Kenya to discuss ageing issues, the first time that such a meeting was taking place.[[37]](#footnote-37) HelpAge Kenya, an organisation championing issues of ageing in Kenya was established that same year. In 1986, a national workshop aimed at addressing various issues facing older people was held at the School of Social Work in Zimbabwe and the first ever plan of action on ageing in that country was developed.[[38]](#footnote-38) HelpAge Zimbabwe, a national organisation for older persons was established in 1988. HelpAge Ghana followed in 1989 and the Sudanese Support in Care of Older Persons followed a few months after.[[39]](#footnote-39) This trend heralded a situation where older people’s organisations sprang up in various African countries. Today, HAI works with over 60 organisations, some of them quite small from all over the continent.

Also, the African Union made effort to protect the rights of all women in Africa by enacting the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Maputo Protocol defines “women” as any persons of female gender, including girls.[[40]](#footnote-40) This therefore shows that the protocol protects all women despite their age. However, Article 22 of the protocol specifically protects elderly women against all forms of discrimination and protects their social needs.

Moreover, the African Union on 31 August 2016 adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons (Older Persons Protocol). African Union member states should ratify the Older Persons Protocol given that older women and men in Africa continue to experience discrimination, abuse, neglect and violence in all spheres of life. However, five years later, merely 14 countries have signed (Benin, Central African Republic, Chad, Comoros, Gabon, Ghana, Guinea, Lesotho, Mali, Mozambique, Rwanda, Sierra Leone, Togo and Zambia), and as of February 2021 only three states Benin, Ethiopia and Lesotho[[41]](#footnote-41) have ratified it. The Protocol provides an opportune moment to ensure that older persons enjoy their full rights and freedoms on equal basis with other population groups. When older persons’ rights and entitlements related to social, economic, political and cultural spheres are protected, families and society are able to benefit from the potential and talents of older persons. Therefore, it enables the continent to fully realise its demographic dividends.

The Older Persons Protocol will only come into force as a legal instrument when 15 of the 55 AU Member States have ratified it.[[42]](#footnote-42) When this happens, it will be mandatory for states that would have ratified it to design and implement action plans, policies, programmes and services that address the needs and vulnerabilities of older persons, and report on progress made in the implementation of the Protocol.

The Older Persons’ Protocol has a particular focus that addresses challenges that older women face. This was put into themes:

* Theme 1: Violence Against Women & Harmful Traditional Practices - Article 8
* Theme 2: Property, Land and Inheritance - Article 9
* Theme 3: Sexual and Reproductive Health - Article 15
* Theme 4: Pension and Social Insurance - Article 7
* Theme 5: Impact of HIV/AIDS-preamble

The Older Persons Protocol provides standards and guidelines to help remove the stigma associated with ageing, while perpetuating more positive images of ageing and creating awareness of the contribution of older persons to the society.

The followings are recommended to ensure a better protection of the rights of older women in Africa:

* Ratification of the Older Persons Protocol by African countries;
* Sensitisation campaigns on older women’s rights;
* African countries need to adopt laws and policies to criminalise violations of the rights of older women;
* There is need to protect of the socio-economic rights of older women
* African governments should Strengthen their public policy services, programmes and projects which ensure protection of the rights of older women.

1. UNDESA, Population ageing wallchart, 2006, [www.un](http://www.un) .org/esa /population /publications /ageing/ ageing 2006.htm (13 March 2021). [↑](#footnote-ref-1)
2. As above. [↑](#footnote-ref-2)
3. As above. [↑](#footnote-ref-3)
4. As above. [↑](#footnote-ref-4)
5. D Israel, S, Benny and L Ori, 2016, The Rights of Older Persons within the African Union, The elder law review. 10. 1-44 [↑](#footnote-ref-5)
6. HelpAge International, Protecting the rights of older people in Africa <https://www.google>. com/url? sa= t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwigjMKQ-rHvAhVaU RUIHY8ZClk QFjABegQIAh AD&url= https%3A%2F%2Fwww.helpage.org%2Fwhat-we-do%2Fri ghts%2Fr ights%2F &usg=AOv Vaw1tR6b \_2ZuqyAq LxcOCZDad (Accessed on 13 March 2021) [↑](#footnote-ref-6)
7. As above. [↑](#footnote-ref-7)
8. Sample survey by HelpAge International, June 2006 [↑](#footnote-ref-8)
9. HelpAge International, Protecting the rights of older people in Africa, <https://www.google>.com/url?sa= t&rct=j&q=&esrc =s&source=web&cd=&ved=2ahUKEwjtz9fXiLzvAhXNQhUIHWQKAJYQFjAAegQ IAhAD &url=https%3A%2F%2Fwww.helpage.org%2Fsilo%2Ffiles%2Fprotecting-the-rights-of-older-people-in-africa.pdf&usg=AOvVaw3o8EsooZGgjT80TnZn2I2t [↑](#footnote-ref-9)
10. As above. [↑](#footnote-ref-10)
11. As above. [↑](#footnote-ref-11)
12. O Duff, ‘Tanzania suffers rise of witchcraft hysteria’, The Independent, 08 November 2005 and S Mesaki, ‘Vulnerable lives: witch-killing and the tragedy of ageing in Sukumaland, Tanzania’ in L Brandt (ed.), Cultural analysis and the navigation of complexity: influences of Gerlach’s anthropology on studies of environmental policy and resource management, University Press of America, 2007 [↑](#footnote-ref-12)
13. E. Miguel, ‘Poverty and witch killing’, Review of Economic Studies 72 (4), 2005 p1153-1172 [↑](#footnote-ref-13)
14. As above. [↑](#footnote-ref-14)
15. S. Ngalomba and P harper, 2016, Long lives aren’t necessarily happy ones in Africa, particularly for women, https://theconversation .com/long-lives-arent-necessarily-happy-ones-in-africa-particularly-for-women-66140 (Accessed on 12 March 2021) [↑](#footnote-ref-15)
16. As above. [↑](#footnote-ref-16)
17. As above. [↑](#footnote-ref-17)
18. https://www.actionaid.org.uk/sites/default/files/publications/condemned\_without\_trial\_women\_and\_witchcraft\_in\_ghana\_report\_september\_2012.pdf [↑](#footnote-ref-18)
19. As above. [↑](#footnote-ref-19)
20. As above. [↑](#footnote-ref-20)
21. As above [↑](#footnote-ref-21)
22. As above. [↑](#footnote-ref-22)
23. As above. [↑](#footnote-ref-23)
24. T, M Nhongo, 2006, Age Discrimination in Africa, Ageism – towards a global view A series of 3 seminars. Seminar 1 Age Discrimination in 5 continents: real issues, real concerns. [↑](#footnote-ref-24)
25. As above. [↑](#footnote-ref-25)
26. Understanding poverty and development, <https://www.etu.org.za/toolbox/docs/development/poverty.html> (Accessed on 13 March 2021) [↑](#footnote-ref-26)
27. As above [↑](#footnote-ref-27)
28. I, Doron, B, Spanier and O,Lazar, O, 2016, ‘The rights of older persons within the African Union’ 1 Elder Law Review1-44 [↑](#footnote-ref-28)
29. “Orphans”, UNICEF, https://www.unicef.org/media/orphans [↑](#footnote-ref-29)
30. E, Samman etal, 2016, Women’s work Mothers, children and the global childcare crisis. [↑](#footnote-ref-30)
31. Foster and Williamson, 2000, A review of current literature of the impact of HIV/AIDS on children in sub-Saharan Africa, 14 (suppl. 3): S275-S284 [↑](#footnote-ref-31)
32. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2830102/ [↑](#footnote-ref-32)
33. Ministry of Gender Equality and Child Welfare, 2007, Government of the Republic of Namibia, Namibia National Plan of Action for Orphans and Vulnerable Children [↑](#footnote-ref-33)
34. As Above [↑](#footnote-ref-34)
35. Mutemwa and Adejumo, 2014, Health challenges of elderly people caring for children orphaned by AIDS in a community setting in South Africa, 4African Journal for Physical Health Education, Recreation and Dance October (Supplement 1.2):336-347 [↑](#footnote-ref-35)
36. T, M Nhongo, 2006, Age Discrimination in Africa, Ageism [↑](#footnote-ref-36)
37. As above. [↑](#footnote-ref-37)
38. As above. [↑](#footnote-ref-38)
39. As above. [↑](#footnote-ref-39)
40. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, <https://au>. int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa. Accessed on 18 March 2021) [↑](#footnote-ref-40)
41. List of countries which have signed, ratified/acceded to the Protocol on Older Persons as of https ://au .int/sites/default/files/treaties/31391-sl protocol \_to\_ the\_ African\_ charter\_ on human \_and \_ peoples \_ rights\_on\_the\_rights\_of\_older\_persons.pdf (accessed 12 March 2021). [↑](#footnote-ref-41)
42. As above. [↑](#footnote-ref-42)