**A Report on Violence, Abuse and Neglect of Older Persons in Ethiopia**

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***Legal, Policy and Institutional Framework***

There is no sufficient legal protection in Ethiopia that explicitly and particularly prohibits discrimination based on age. The [Federal Constitution](https://ehrc.org/download/%e1%8b%a8%e1%8a%a2%e1%89%b5%e1%8b%ae%e1%8c%b5%e1%8b%ab-%e1%8d%8c%e1%8b%b4%e1%88%ab%e1%88%8b%e1%8b%8a-%e1%8b%b2%e1%88%9e%e1%8a%ad%e1%88%ab%e1%88%b2%e1%8b%ab%e1%8b%8a-%e1%88%aa%e1%8d%90%e1%89%a5/) does not explicitly prohibit discrimination based on age; however, it recognized the rights of older persons to be assisted and cared for.[[1]](#footnote-1) The [Criminal Code](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf) has a few provisions containing circumstances that may aggravate or extenuate the punishment of a criminal act committed against a victim deserving special protection by reason of his/her age.[[2]](#footnote-2) It also clearly criminalizes an act of rape on a woman incapable of understanding the nature or consequences of the act, or of resisting the act, due to old age.[[3]](#footnote-3)

The Federal Constitution acknowledges that all [international and regional instruments ratified by Ethiopia](https://ehrc.org/download/ethiopias-ratification-status-of-human-rights-treaties/) are an integral part of the law of the land.[[4]](#footnote-4) In this regard, the Convention on the Elimination of All Forms of Discrimination against Women[[5]](#footnote-5), the Convention on the Rights of Persons with Disabilities[[6]](#footnote-6), the African Charter on Human and Peoples’ Rights[[7]](#footnote-7) and its Protocol on the Rights of Women[[8]](#footnote-8), and the Kampala Convention[[9]](#footnote-9) have relevant provisions on the right to equality and non-discrimination of older women and older persons in different settings. Although there is a [Protocol on the Rights of Older Persons in Africa](https://au.int/sites/default/files/pages/32900-file-protocol_on_the_rights_of_older_persons_e.pdf), which Ethiopia has ratified and explicitly prohibits all forms of discrimination against older persons[[10]](#footnote-10) and recognizes other fundamental human rights, [the protocol has not yet entered into force](https://au.int/sites/default/files/treaties/36438-sl-PROTOCOL_TO_THE_AFRICAN_CHARTER_ON_HUMAN_AND_PEOPLES_RIGHTS_ON_THE_RIGHTS_OF_OLDER_PERSONS_0.pdf) since it did not get adequate number of ratifications.

The [National Social Security Policy](https://www.social-protection.org/gimi/gess/RessourcePDF.action;jsessionid=DADNVeWFjjDNU6J3oiO8g33-JJumoUxQp1L5zxsAFoiytfe6yC-c!1750948109?id=55759) addresses the issue of older persons adjusting to changing situations in the country; reinforcing all positive elements in the culture and society, especially the integrity of the family. Providing legal protection and support for citizens exposed to abuse, exploitation and violence is one of the five focus areas of the National Social Policy. The National Population Policy also encourages and emphasizes the need to introduce social services and educational programs to promote the family as an integral unit for supporting the elderly.

The implementation period of the National Plan of Action on Older Persons has expired two years ago and it has not been replaced since. The plan of action had two main objectives which envisaged protecting older persons from any form of violence, abuse, neglect and discrimination.

The [Ministry of Women and Social Affairs (MoWSA) is mandated to](https://pocketadmin.abyssinialaw.com/uploads/1263.pdf) devise policies, strategies, and laws for older persons and evaluate, follow up, and supervise the implementation through various ways including receiving complaints.[[11]](#footnote-11) Regional Women and Social Affairs Bureaus have similar mandate in their respective jurisdiction. A specialized independent body that can be mentioned with a [mandate of receiving complaints of human rights violations](https://ehrc.org/download/%e1%8b%a8%e1%8a%a2%e1%89%b5%e1%8b%ae%e1%8c%b5%e1%8b%ab-%e1%8d%8c%e1%8b%b4%e1%88%ab%e1%88%8b%e1%8b%8a-%e1%8b%b2%e1%88%9e%e1%8a%ad%e1%88%ab%e1%88%b2%e1%8b%ab%e1%8b%8a-%e1%88%aa%e1%8d%90%e1%89%a5-2/), which include discrimination based on age among other things, is the EHRC, a NHRI with the mandate for promotion and protection of human rights.[[12]](#footnote-12)

***Forms and Settings of Violence, Abuse, and Neglect***

Older persons in Ethiopia are exposed to abandonment, and physical, psychological, sexual, and financial abuses based on various variables and depending on their residence. Although it is difficult to define the scope, there are reports of domestic violence against older persons. On the other hand, while there are recommendations for improvement and sustainability, [EHRC’s recent monitoring report](https://ehrc.org/download/%e1%8b%a8%e1%8a%a0%e1%88%a8%e1%8c%8b%e1%8b%8d%e1%8b%ab%e1%8a%95-%e1%88%98%e1%8a%95%e1%8a%a8%e1%89%a3%e1%8a%a8%e1%89%a2%e1%8b%ab-%e1%88%9b%e1%8a%a5%e1%8a%a8%e1%88%8b%e1%89%b5-%e1%8b%a8%e1%88%b0/) on charity based non-governmental care centers has shown that the human rights situation of older persons in this setting is good.

In the context of conflict and drought, investigation and monitoring reports of EHRC revealed detail account of serious human rights abuses against older persons. Extensive investigations carried out in [Tigray](https://ehrc.org/download/ehrc-ohchr-joint-investigation-report-on-tigray-conflict/)[[13]](#footnote-13), [Afar and Amhara](https://ehrc.org/wp-content/uploads/2022/03/English-Executive-Summary-AAIR.pdf)[[14]](#footnote-14) regions revealed that older persons were disproportionately affected by the two years long conflict which started in Tigray in November 2020 and later spread to Afar and Amhara regions. Older persons faced physical barriers to flee any kind of threat and at times, they were reluctant to leave their homes and escape to other unfamiliar places. They were exposed to abuse and ill-treatment; including extrajudicial killings, beatings, arbitrary arrests, psychological injury, trauma, looting and destruction of private properties, and other socio-economic challenges. Older women were exposed to widespread sexual harassment. Parties to the conflict took no measures to assist older persons, such as by evacuating safely from conflict areas, ensuring civilian protection or ensuring access to medical treatment and medicine.[[15]](#footnote-15)

In cases of internal displacement, [EHRC’s Annual Report on the Human Rights Situation of IDPs documented](https://ehrc.org/wp-content/uploads/2022/12/Annual-Report-on-the-Human-Rights-Situation-of-Internally-Displaced-Persons-in-Ethiopia.pdf) various instances of abandonment of older persons by their children and relatives or the persons they are fleeing with since they are considered a burden. Protracted displacement is another serious issue that takes place in conflict-affected areas where they are forced to move and settle in other areas more than once which is physically and psychologically tormenting and draining. Older persons in camps or out of camp settings are not adequately provided with humanitarian assistances that address their special needs.[[16]](#footnote-16)

Moreover, due to poor documentation, where the number of older persons is not recorded well, older persons are excluded from different humanitarian assistances and durable solution schemes. Another EHRC monitoring report on the drought that occurred in Oromia and Somali regions revealed that humanitarian assistances such as food, clothes, health, and other much-needed services do not take the health conditions of older persons into consideration. The food for example is uncooked wheat or other raw ingredient which requires further processing to be edible and lacks vital nutrients critical for survival of older persons. Older persons without teeth for example require special attention to their meals where they can only consume soft foods that do not require chewing; nevertheless the food is far from being soft.[[17]](#footnote-17)

Older persons in drought-affected areas of Oromia and Somali regions are still continuing to be exposed to severe health complications and death. They are unable to resist severe hunger due to weak immune systems, old age-related diseases, special meal preferences, and lack of inclusive humanitarian access.[[18]](#footnote-18)

***Intersectionality***

Older persons are exposed to multiple forms of discrimination on account of their gender, ethnic origin, disability, poverty, social status, IDP and refugee status, marital and family status, financial status, and literacy status. Older women and older persons with disabilities who are fleeing their homes due to conflicts and natural disasters are especially exposed to various forms of abuse and neglect. Moreover, high cost of living recorded in the recent periods in Ethiopia mostly affects older persons without pension and older persons who are not included in the social security packages. Their economic capacity to fulfill basic needs and cover healthcare costs has been greatly affected.

***Data***

There is a serious dearth of data on older persons in general and particularly on violence, abuse, and neglect of older persons. Despite the efforts of the MoWSA to establish a database system to collect, organize and analyze detailed information on the objective realities of older persons; more attention is needed from the Ethiopian government to bring concrete results.

***Access to Justice***

Apart from the provisions discussed broadly, the criminal justice system is generic and does not give distinct redress for older persons considering their specific needs. Per EHRC’s monitoring, the justice sector is influenced by charity based traditional norms, lacks age friendly procedures, and is physically inaccessible. Although older persons are given priority in services delivered by law enforcement institutions, these practices are not institutionalized and they solely depend on the goodwill of the service provider which jeopardizes and opens doors to abuse of rights. Recognizing this gap, EHRC is making advocacy efforts to ensure that the draft Criminal Procedure Code takes account of the rights of the elderly.

***Access to Information and Legal Assistance***

Generally, information is not designed and delivered to reach older persons; however, there is a good practice of house-to-house awareness-raising program led by MoWSA and Ministry of Health where designated workers go door-to-door to provide and register older persons for safety net program and to create awareness about healthcare systems and nominal contributory government subsidized health insurances respectively.

With regard to legal assistance, though not adequate, different National Universities provide free legal aid services for the elderly. Associations of older persons also work on creating awareness regarding different public services available for olderpersons by collaborating with relevant government and non- government stakeholders.

On the other hand, EHRC creates awareness on the rights of older persons through various consultations and validation workshops, publication of reports, engagements with stakeholders, media products, and providing training for right holders and duty bearers.

***Good Practice***

There are around 61 care centers in Ethiopia; 58 of them are established and run by volunteer individuals and organizations. Although the primary responsibility rests upon the government, the voluntary involvement has saved many older persons from being homeless. The fact that MoWSA has issued a [minimum standard](https://drive.google.com/file/d/1Ssi2wMUkDFHcaGI2CJiJ_ERlks8Jzn-7/view) that applies to all care centers within the country is a good practice worth mentioning. Having this uniform standard highly contributes to the promotion and protection of the human rights of older persons in institutional settings.

1. Article 41 *sub* 5 [↑](#footnote-ref-1)
2. Article 84 *sub* 1/e, Article 557 *sub* 2, and Article 565 [↑](#footnote-ref-2)
3. Article 620 *sub* 2/c [↑](#footnote-ref-3)
4. Article 9 *sub* 4, and Article13 *sub* 2 [↑](#footnote-ref-4)
5. Article 11 *sub* 1/e [↑](#footnote-ref-5)
6. Article 25 *sub* b [↑](#footnote-ref-6)
7. Article 18 *sub* 4, [↑](#footnote-ref-7)
8. Article 22 [↑](#footnote-ref-8)
9. Article 9 *sub* 2/c [↑](#footnote-ref-9)
10. The Preamble, Article 3 [↑](#footnote-ref-10)
11. Article 36 *sub* 1 of A Proclamation to Provide for the Definition of the Powers and Duties of the Executive Organs of the FDRE, Proclamation No. 1263/2021 [↑](#footnote-ref-11)
12. Article 6 *sub* 4 of FDRE Ethiopian Human Rights Commission Establishment Proclamation (As

    Amended) Proclamation No. 210/2000 (As Amended by Proclamation No. 1224/2020) [↑](#footnote-ref-12)
13. A joint investigation report by the Ethiopian Human Rights Commission (EHRC) and the UN Human Rights Office issued on November 3, 2021 [↑](#footnote-ref-13)
14. A Report on Violations of Human Rights and International Humanitarian Law in Afar and Amhara Regions of Ethiopia issued on March 11, 2022 [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. Annual Report on the Human Rights Situation of Internally Displaced Persons in Ethiopia issued on October 24, 2022 [↑](#footnote-ref-16)
17. EHRC’s Monitoring Report on the Draught Occurred in Oromia and Somali Regions of Ethiopia issued on July 26, 2022 [↑](#footnote-ref-17)
18. Ibid. [↑](#footnote-ref-18)