

Third Session of the UN Open-ended Working Group on Ageing

Panel presentation on violence and abuse against the elderly

23 August 2012 at the UN Plaza New York

Prepared by:
Prof. Bem Angwe
bemangwe@yahoo.co.uk

OPEN-ENDED WORKING GROUP ON AGEING, THIRD
WORKING SESSION;
PANEL 4 PRESENTATION ON ABUSE AND VIOLENCE AGAINST
THE ELDERLY

Introduction

Mr. Chairman,

I would like to be allowed at the outset to express my sincere appreciation for this opportunity to participate as a panellist at this third session of the Open-ended Working Group on ageing.

I must commend the initiators of the working group for providing this platform for the international community to share information about the increasing challenges the Aged are facing across the globe today. This will no doubt enable the international community to come up with the appropriate framework aimed at addressing the identified challenges.

My presentation will be centred on the nature of violence and abuse meted out to the elderly in Africa and with particular emphasis on Nigeria.

The Context

Globally, the elderly and children constitute the most vulnerable, weak and poorest members of the society. In most situations, the elderly like children, depend on other members of the society for their survival, and indeed for the enjoyment of their rights. In the past, the attainment of old age was considered in African societies, as a blessing with the younger generation striving to revere and place the elderly on the highest strata of the family structure. Thus the popular African proverb, “what an old man can see lying down a young man cannot see on a tree top”. Today, emerging trends have however shown that ageing is fast becoming a curse and a

burden with older persons suffering from increased exposure to violence and abuse.

A report submitted by the United Nations High Commissioner for Human Rights identifies Africa as the region with the fastest increase in older persons. The report estimates that by 2050 the population of people over 60 years old would have increased fourfold to about 11% of the continent's population. Despite this growing number of older persons in Africa, their Human Rights challenges do not feature prominently in regular discourse because they are considered 'non-emergency' in the face of 'visible' challenges such as inter-ethnic and religious conflicts, economic, social and health concerns.

The African Commission on Human and People's Rights through its Working Group on Older Persons and People with Disabilities in Africa about 2 years ago adopted a resolution that aims to create a Protocol to the African Charter on Human and Peoples Rights to address gaps in the protection system for older persons and people with disabilities. It is hoped that the report will be submitted and a decision made by the Commission before the end of the year. Other African states have adopted legislation protecting the human rights of older persons, notably South Africa which enacted the Older Persons Act in 2006.

In Nigeria, the Constitution requires that the state direct its policy towards ensuring "old age care and pensions." Regrettably, that section of the constitution as laudable as it is, is non-justiciable, thus it cannot be enforced. Since its return to civilian rule in 1999, the Nigerian National Assembly at various times considered bills aimed at protecting the rights of older persons. For instance:

- a. The 2002 Bill for “An Act to establish the National Council on Aging so as to provide social welfare services for elderly Nigerians and for related persons”;
- b. The 2009 Bill for “An Act to establish the National Agency for Elderly persons for the general purpose of designing development programmes and activities for the advancement of elder persons in Nigeria”;
- c. The 2010 Bill for “An Act to provide social security for the aged and persons with disabilities”;
- d. The 2012 Bill for “An Act to establish the National Social Security Agency charged with the responsibility for among other things providing financial assistance to elderly persons in Nigeria; and related matters”

The 2002, 2009 and 2010 Bills were not passed by both houses of the parliament before the effluxion of their respective legislative terms. The 2012 Bill is still making rounds in the National Assembly, and efforts are being made to ensure it passes through so as to establish the appropriate structures for the protection of the specific rights of the ageing population in Nigeria. The National Human Rights Commission (NHRC) has the specific mandate of promoting, protecting and enforcing human rights in Nigeria, has taken up the challenge of adapting the protection of human rights of the elderly as one of its core thematic areas of focus. With its enforcement powers, the NHRC is poised to protect and provide remedies for the violation of the rights of the elderly. The Commission is currently collaborating with the International Federation on the Ageing in Nigeria (IFAN) to create public awareness on the specific rights of the ageing. It also supports the efforts of the African Commission on Human and People’s Rights to create an additional protocol to the African Charter that would entail obligations among the state parties to ensure the protection of their ageing populations.

I. Elderly women as a vulnerable group

A good portion of the African society places the care responsibility of orphaned and grand-children on the grandmothers. The WHO estimates that about 50% of the world's 15 million AIDS orphans, the majority of whom are in Africa are being cared for solely by their grandparents. This places a great physical strain on the older women who are also made to use their limited resources to provide care for the children and thus leaves them open to violence and abuse from members of the community.

In many African communities the mourning rights for widows include cruel practices like forced levirate marriages, physical torment (including shaving the head), and in some cases expulsion from homes.

In Nigeria older women who are childless face an increased risk of abuse. Children are considered insurance for old age and older women who do not have children are left exposed to abuse from the community. Accusations of witchcraft for unexplained occurrences in local communities including deaths and crop failures are often directed at isolated older women as will be discussed further below.

In Mozambique, a study carried out by HelpAge, an NGO found out that in the southern province of Maputo, 6 out of 10 elderly women had at some point been victims of violence while at least 4 out of 10 have had their property stolen.

In Enugu state in Nigeria, there has been a recent surge in incidents of gang-rape and raping of elderly women for ritual purposes. It is curious that some of these acts of criminality have only been developed recently and feed on the growing heinousness that poverty and illiteracy in many areas is causing. Recently, a major Nigerian Newspaper (Thisday) in its reaction to the surge in raping of older women stated, "the society must be ready to stand up to fight this menace of raping elderly women by youngsters which

violates the dignity of our older women.” Decrying the challenges faced by the elderly in Nigeria, the Minister of health, Professor Onyebuchi Chukwu remarked that the elderly are “seriously threatened by poverty, wants and needs, deprivation, abuse, Ill-health, social exclusion, loneliness and sufferings.”

II. Cultural misconceptions including accusations of Witchcraft

In most African countries today, there still exists cultural misconceptions and interpretations in relation to the causes of death and ailments, with the belief that elderly persons are responsible for such occurrences. The popular western depiction of witches as older women with pointed hats flying on broomsticks is a portrait that transcends fiction in many African communities including Nigeria and Tanzania.

In Nigeria there have been reports of violence against older persons, particularly women accused of witchcraft. This situation is worse in respect of those elderly women who do not have male children or close relations to protect them. These reports include instances of torture, mutilations and even murder. Accusations of witchcraft are a common tool to forcefully deprive women of rights of inheritance at the death of their husbands or even children as they are often alleged to be responsible for such deaths. The perpetrators of these crimes are often not held culpable but rather hailed for being courageous and as rendering community service.

Incidences of abuse and violence against older persons accused of witchcraft in Tanzania are well reported. About 500 older women are murdered each year as a result. This occurs predominantly in Sukumaland in the north of Tanzania. Although this has been practiced for centuries, reported incidences have sharply increased recently as a result of increased poverty and the overall lack of education in the region.

In Mozambique, witchcraft and other superstitious allegations are the leading cause of the increased violence against elderly persons. For instance, about 20 elderly people were reportedly killed between 2010 and 2011 over witchcraft allegations. This scenario is not limited to the countries mentioned as such practices occur in many other African countries.

III. Physical and Psychological Abuse

There have been incidents of stoning to death and physical abuse of aged persons in Nigeria and some other parts of Africa, particularly those alleged to be involved in witchcraft. In some circumstances, the elderly are denied shelter and allowed to wander the streets, especially those without children or relatives to care for them. In the rural areas of Nigeria, the elderly are often starved

In Nigeria and many African societies, it is considered a waste of resources to take the aged to the hospital when they fall sick. In Nigeria, there is only one functioning Geriatric medical centre. This is not just because of scarce resources, but because it is often considered an unnecessary luxury and a misuse of resources to treat ailments that are lifelong and sometimes terminal.

IV. Financial Abuse

It is sad to note that in many African societies, the elderly are perceived to have limited use for financial. This includes the illegal or improper exploitation of resources belonging to older persons for reasons other than their individual welfare. It might take the form of theft of property or misappropriation of pension money.

In Zambia it is reported that older women especially those who are widows are often deprived of their assets and support stemming from customary practices. In some instances, the customary practice dictates that a man's property reverts to his birth family upon his

death, with the older women treated as children under the control of the male leaders of the community.

In Benin and parts of Togo, older women are subject to harsh economic violence and in some cases are forced to change wills and title documents, control of their personal assets and the depletion of their savings by being forced to care for younger persons.

A good number of older persons in Nigeria and most of Africa do not have basic education. They are therefore susceptible to being financially exploited by new property laws and reforms that require some level of comprehension to secure legal interest. In Nigeria there have been many reports of older persons having their property confiscated under the pretence of new regulations. Their vulnerability, which derives from their ignorance of the law, is often abused by local government officials and willing collaborators. In addition to ignorance of the law, most elderly persons lack the capability and capacity to fight and protect their proprietary interest. In some cases, children and relations of aged persons, compulsorily appropriate their property. Many elderly persons in Africa (particularly those without an education) find it difficult to make testamentary dispositions.

The government in Mpumalanga, South Africa has reported several incidents of financial abuse of older persons especially from loan sharks. It was reported that 17% of older persons make use of the loan sharks, pending the payment of their pensions and are subjected to unreasonable interest rates and are subjected to physical abuse for non-payment. The government also reports that the lack of skills to count money or read receipts leave older people open to abuse.

RECOMMENDATIONS

At the international level, the enactment of “effective legal framework” is often cited as a solution to most of societal challenges. Although some African countries including South Africa have enacted laws that seek to protect the rights of older persons, most countries do not have comparable legislation. However in Nigeria, there exist numerous human rights legislation like the Constitution, the National Human Rights Commission Act, the African Charter and various States’ Criminal Acts that protect the rights of all persons including the elderly. While the lack of legislation may not constitute a bar to the protection of older persons, it is however pertinent to have an international instrument that would ensure the provision of care, attention and protection of the rights of elderly persons as is the case with the rights of the child. Such an instrument is required to strengthen the existing institutional framework that would give effect to protecting the rights of older persons not only in Nigeria, but in Africa and other parts of the world.

I. ‘Re-criminalisation’ of abuse

Many African countries and authorities have not paid much attention to the criminal aspect of elder abuse even where the criminal codes, the African Charter and other local legislation contain provisions that impute criminal responsibility on perpetrators of elder abuse. Prosecuting authorities should therefore be encouraged to prioritise the prosecution of such crimes. In Nigeria and many African countries the number of proceedings against perpetrators of elder abuse is disproportionate to the reports of elder abuse. Increased oversight by human rights organizations and Ombudsmen would be necessary to ensure perpetrators do not carry on in impunity.

II. Creation of Elder forums/Community programs

As discussed above, the illiteracy rate of the elderly in Africa is high. The implication of this is that most of the elderly are ignorant of their rights under the law. Creating forums will give older persons the opportunity to consult with social workers and other older persons on issues of abuse reporting and prevention. With the communal living that characterises many African societies, the forums would serve as informal resolution centres where older persons can discuss issues including abuse that affect them without fear of reprimand.

Older persons can also be recruited and trained to serve as a support system for victims of elder abuse. Community programs would encourage the building of social networks of older people. Volunteer groups will also help to keep vigilance and provide physical support for the elderly.

III. Ending Abusive Traditions

Ending abusive traditions would require a social and legal approach. Advocacy groups and institutions like National Human Rights Institutions should carry out campaigns and advocacy exercises that directly focus on ending harmful customs like the branding of older persons as witches. From a legal perspective, publicised prosecutions of perpetrators of violence against the elderly should be carried out. Government protection should also be given to persons branded as outcast and witches. The risk of this however would be preserving the stereotypes by isolating the victims. The concentration camps built for 'confessed' witches in the Gambaga region of Ghana is an example of how separating older persons branded as witches can actually catalyze abuse.

The National Human Rights Commission of Nigeria (NHRC) has taken up the challenge of educating citizens through enlightenment campaigns and advocacy exercises. Only last week (16/8/12) the

NHRC hosted a national dialogue to fashion out strategies and programs to protect the rights of the ageing.

IV. Elder Medi-care initiatives

Good health is very important for older people to maintain their independence and prevent vulnerabilities. In most African countries there is no equivalent of government sponsored 'Medi-care' or 'Medi-caid' programs. Older persons without a pension or adequate savings have to depend on the benevolence of others to provide for basic health-care. A government driven initiative providing low cost and basic medical care to older persons including diabetes screening, malaria treatment, eye care, blood pressure screening, HIV/AIDS screening would be effective in satisfying the basic health needs of the elderly and leaving them less vulnerable to violence and abuse.

V. National Abuse-Alert System

By combining the mandate and resources of existing agencies, an alert system can be created to alert relevant authorities to abuse incidents. In Nigeria, the National Human Rights Commission is working with local NGOs to create an alert system in collaboration with the Public Complaints Commission, Legal Aid Council and the Ministry of Justice. This would include emergency hotlines, and trained emergency responders and social workers. Vulnerable elderly persons would be identified, registered and be subject to periodic checks.

VI. Research/Educational initiatives

Although there is substantial literature on elder abuse there is need to support greater research to foster a better understanding of abuse factors and propose effective interventions. The research currently available is rather weak, as it does not reflect a satisfactory

understanding of factors of abuse including the relationship between the perpetrators and the victims. Invariably the recommendations from research on elder abuse has assumed an almost clichéd character without being particularly useful.

Curricula on elder abuse should feature in undergraduate learning and specialised graduate and short-term courses. The education of social workers to strengthen their understanding of abuse factors and indicators would also be useful in preventing abuse.

Nigeria and many African countries are deeply religious. Care for the elderly therefore is not just a constitutional requirement but also a moral obligation deeply rooted in customary and religious culture. The dwindling significance and influence of the traditional family care structure has left an increasing number of the elderly in Africa susceptible to violence and abuse. While a reverse to the bygone days is not necessarily being advocated, an effective support system that understands abuse factors and protects the elderly would be valuable. As people who would soon fit the 'elderly' designation, the effect of our work here will be imminent in real time.

Thank you