

THE OPEN-ENDED WORKING GROUP ON AGEING

IDENTIFICATION OF POSSIBLE GAPS IN THE PROTECTION OF THE HUMAN RIGHTS OF OLDER PERSONS AND HOW BEST TO ADDRESS THEM

QUESTIONNAIRE

RESPONDENTS

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BACKGROUND

Botswana does not have a national policy addressing ageing and the needs of older persons yet. However, issues of ageing and older persons are mainstreamed into relevant sector plans which are strategically guided by the National Development Plans, for example, the current National Development Plan 11 refers to the need for resilience ageing. The previous one, the Botswana Long Term Vision 2016 emphatically stated that no-one should be discriminated on any basis, be it gender, age, ethnicity, or any background and the National Development Plan 2036 has reiterated the non-discriminatory virtue and judiciously maps out an inclusive development path for the country. This background is important as we attempt to respond to the practical implementation for the protection of human rights of older persons. Visible and clearly coordinated practices may be impossible to pull together.

Notable perhaps is an on-going attempt to come up with Policy on Ageing led by the Ministry of Health and Wellness as informed by the 2019 inter-sectoral project, 'Situation Analysis of Ageing and Health of Older Adults in Botswana.' The study was conducted with technical and financial supports from the World Health Organization, Regional Office for Africa. The study made 10 recommendations among them: the Development of an Older Persons' Act; Establishing a policy on ageing to guide healthy and active ageing agenda; Developing a system of long-term care for older adults at primary health care level; Developing capacity for and integrating old age in existing national policies and strategies; Enhancing the economic capacity of older adults to live decent lives as well as to access health care services through, among other things, employment support for workers' investment for post-retirement and others. These recommendations provide a basis on which an enabling environment for the

protection of the human rights of older adults can be created. Based on the background given above, we attempt to answer the questions.

However, it must be noted that the government of Botswana classify those aged 65 years and above as the older persons, evidenced from the census and other national surveys/reports and eligibility for the universal old age pension. Nonetheless, 60 years is the retirement age for public servants, suggesting that those aged 61 to 64 years do not receive old age pension even though by WHO standards 60 years and above fall in the category of older adults.

QUESTIONS

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically regarding older persons. (500 words)

Because Botswana as a country has not yet developed an explicit policy on ageing or older persons, there are no explicit mechanisms for addressing the protection of the human rights of older persons, for example, there are no institutional frameworks for addressing neglect, abuse, violence, lifelong learning and other needs. Furthermore, the literature yielded little in terms of how the government of Botswana engages with international and regional human rights treaty bodies on the needs of older adults. However, every year, Botswana celebrates International day of older adults and the senior citizens are usually given an opportunity to discuss their needs and challenges and ways of addressing these. Some international engagements may be taking place and if yes, these are not documented for the public to access and learn from.

At an organization level, that is, Ageless Inspiration Charitable Organization, founders are making attempts to engage with regional and international organizations addressing issues of older adults. To be noted is the fact that Ageless Inspirations is a young registered Charitable Organization, having been registered end of 2022. It has however made notable efforts to engage with others. Ageless Inspirations, for example, is a valued member of Pass It On Network (PION), a global recognized advocacy based in France that offers a worldwide peer-learning network for active aging, sharing best practices, and shaping positive expectations for meaningful work and lifelong learning for older adults. Ageless Inspirations is also a member of Southern Africa network of organizations addressing Age with Rights issues under the aegis of PION. Furthermore, Ageless Inspirations was granted accreditation to the UN general Assembly Open-Ended Working Group on Ageing at a meeting held on 3-6 April 2023 at the United Nations Headquarters in New York. It also made its first appearance at the International Federation on Ageing (IFA) 16th Global Conference held at Bangkok, Thailand, 27-30 June 2023 as one of the partners with IFA and the two founders presented two papers each on Aging. Ageless Inspirations was also represented at Commonage Canada GAN Conference in Glasgow, Scotland 6-8 September 2023 in which its representative made commitment for Ageless Inspirations to form and lead a Healthy Ageing task force of like-minded supporters in Botswana; to support and promote the goals of CommonAge in Botswana

and advocate to improve the lives of older people throughout the Commonwealth and in Botswana. This year 2023, Ageless Inspirations celebrated the International Day of Older Persons and mentioned PION and Commonage as affiliates with similar goals.

Although Ageless Inspirations is relatively young and has not yet made itself known in Botswana, founders are vehemently finding platforms for networking especially with government entities with similar mandates of addressing the needs of older adults such as Ministry of Health and Wellness, Local Government and Rural Development, Department of Social Services, Department of Community Development, Ministry of Presidential Affairs (Poverty Eradication Office and National Disability Office), etc. Ageless Inspirations is in the process of forming partnerships with professional Associations of Retired Persons (Retired Teachers, Nurses, Police Officers, Social Workers, etc.) and Private care services for older persons. Progress is slow as Ageless Inspirations has no financial support, thus funding activities remain problematic. However, it will continue to engage with regional and international networks virtually to learn how to grow.

2. Have those engagements resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. (500 words)

As stated above, Botswana as a country does not have any concrete mechanisms to address or strengthen the protection of human rights of older persons, however, studies have been done by the government to address socio-economic status and living conditions of older persons. Examples are Number of Older Adults by Age Groups: Statistics Botswana 2014; Percentage age distribution by gender and type of residence: Statistics Botswana (2014), Older Persons (Females and Males') Marital Status: Census 2011; Distribution of Economic Activities by Type of Residence: Census 2011 (Older Persons); Older adult living arrangement by Residence: Census 2011 and 2019; Older adult's relationship with helper: the situational analysis survey 2019; Older adults with disabilities: Statistics Botswana 2018; Older adults' freedom of mobility 2019; Older adults' memory problems: 2019 Survey; Water Supply for Population aged 65 years and older: Census 2011 and Statistic Botswana 2018; Lighting Mode for 65-Year-Old: Statistics Botswana 2018 and others. Some of these studies have been used to inform services provided to older persons such as the provision of free medical services to older adults, community-home based care (provided to very ill individuals); National policy on destitute persons (all-encompassing including older persons – poor and destitute individuals who are unable to work); Vulnerable group feeding (e.g. adults at nutritional risk but all-encompassing, including older persons).

In as far as Ageless Inspirations is concerned, its engagements mentioned in 1 above, are contributing to the growth of the organization. Founders continue to engage with PION, IFA, Common Age, the Ministry of Health and Wellness and eSeniors 55 Network. Ageless Inspirations current research interest is in gerontechnology and looking into the possibility of engagement with advanced gerontechnology centers. Founders have done research on mental health, needs and challenges of the geriatric population

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)

Based on its non-discrimination and equality principles as encapsulated in Vision 2036, Botswana can strengthen its protection of older persons through the following

- Completion of its robust policy of ageing and older persons
- Engaging in comprehensive consultative processes ranging from traditional gathering at the village meeting places (dikgotla) in which the villagers are made conscious of the needs, rights and protection of older adults. Older persons' voices should be loud and uninhibited.
- Use existing structures for consultation and commitment to adhere to the rights of older persons like village development committees (VDCs) and village health teams (VHTs), which in most cases are led by older people (50+). The Ministry of Health has already cleaned the instrument for Integrated Care for Older people (ICOPE) to assess the physical and mental health needs of older people to apply effective prevention and early intervention strategies to prevent origination and progression of health issues.
- Research partnerships between government entities dealing with issues of older persons, non-governmental organizations and private institutions should be encouraged to avoid a piecemeal approach but encourage a multi-disciplinary approach to addressing the rights and protection of older persons.
- Government funding support for non-governmental and private organizations addressing the needs and rights of older persons should be easily accessible.
- Every Year, when Botswana celebrate International day on older adults, non-governmental and private institutions like Ageless Inspirations should be involved.

At an organizational level, Ageless Inspirations should continue seeking support for income generating projects to be self-sustainable and drive its activities which include among others inclusion of older persons in developing activities that have direct impact on their lives; contributing to the national policy, strategies and activities geared at addressing the needs and protection of older persons; engaging productively in activities and events that are meant to empower them, to make full use of their skills, abilities and talents; to partner with others like the government in developing frameworks or strategies for addressing neglect, abuse, violence against older persons; mechanisms for engaging in discussing and developing frameworks for older persons' right to work, access to justice, equality and non-discrimination.

4. *If applicable*, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

Referring to Protocol of the African Charter on Human and Peoples' Rights on the Rights of Older Persons (Adopted 2016), all articles from 1-21 have been included in the situational analysis forcing stakeholders to pose at implementation (Article 22). At the European Union Level, the Charter of Fundamental Rights and the European Pillar of Social Rights and American Convention on Protecting the Human Rights of Older Persons (2015), recognizes a right to education. However, these instruments do not clearly recognize age discrimination, where discrimination is mostly associated with employment, abuse and other serious issues

like inequity. They also do not include how to intervene in the foregoing, which impact the wellbeing of older adults and is also a violation of their rights. Although the commonwealth has several instruments on older people (e.g., Charter of aged care in Australia), these are not used in Botswana because we do not even have the care homes. Thus, addressing the rights of older people becomes a mammoth task. Existing laws are also said to leave gaps in legal protection as mentioned by stakeholders (e.g., Helpage international, 2023), therefore the need for an international legal instrument. In Botswana, a few instruments/policies that benefit older adults although not specifically targeting them, are available, for instance, Ministry of Health and Wellness Strategic Plan, National Eye Health Programme, Strategy for the Prevention and Control of Non-communicable Diseases etc. An instrument that targets older people is essential to seek legal remedies for cases of abuse, neglect, or discrimination without encountering barriers. In African settings, traditional beliefs, cultural norms and practices may contribute to the marginalization of older people and help influence perceptions of aging, reinforcing stereotypes and obstructing efforts to promote healthy aging, equality and inclusion.

The socio-political environment of Botswana and the rest of sub-Saharan Africa also follows the patriarchal system originating from customary law which becomes a gender issue as women are segregated against, from access of education to health, affecting their quality of life and wellbeing more than men. A convention is expected to succinctly clarify lawful responsibilities towards older persons; improve understanding of equality concepts such as ageism, older people abuse, marginalization, and age discrimination; therefore, enabling legal reforms at national levels. However, African countries have been found to have the propensity of formulating policies and fail when it comes to implementation. It is hoped that Botswana is going to be an exception. The mantra is let us fight for Aging rather than ageism. Grouping people according to age is no problem but discriminating because of age should not be condoned.

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