

INPUTS: GENERAL ASSEMBLY RESOLUTION 67/139 – TOWARDS A COMPREHENSIVE AND INTEGRAL INTERNATIONAL LEGAL INSTRUMENT TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF OLDER PERSONS

Definition of old age and older persons in Africa

There is lack of basic, agreed upon definition of old age and older persons in Africa. This has implications on a number of things including determination of the population size and characteristics, and the type of policies on aging that can be put in place. For example, in some African societies, old age depends on certain attributes that have nothing to do with years – such as wealth and marital status. Most Africans believe that old people can be identified in a variety of ways: by their physical attributes or appearance (e.g. grey hair, wrinkles or obvious frailty); by their life experiences (e.g. their reproductive history) or by the roles they sometimes play in their community. As a result, chronological age, which may not even be known in Africa- may be a poorer indicator of aging or being elderly – than social standing.

Equality and non-discrimination as applied to older persons

Despite the lack of longitudinal studies and evidence in Africa, many observers believe that older persons are worse off than they were in the past. There are a number of reasons why this might be the case, although there is currently very little empirical research that document whether older persons are worse off on most measures of welfare. Three dimensions of change that have bearing on the well-being are: demographic change, modernization and development and the impact of HIV/AIDS. The ECA conducted the review and appraisal of the Madrid International Plan of Action on Aging in Africa and one of the major findings was that there is rampant discrimination against older persons in many ways: in the labour market, older persons are often denied job opportunities despite the wealth of experience they possess. They are also discriminated against when they go to get medical services. Priority in accessing medical personnel and medication is often given to younger groups of people. There is also discrimination in the political arena, where certain rules and regulations prohibit older persons from participating. This discrimination is also evident in government policies and budgets, in which very little resources are allocated to addressing issues specific to older persons. As a result, information on aging and older persons remains scanty in many African countries. However, this is now changing and a number of countries including Uganda, Ghana and South Africa have set up well-funded institutions, and passed legislation to protect the interests of older persons.

Specific rights to be included

As in other regions of the world, older persons must enjoy the same rights that other age groups enjoy. This include the rights to adequate nutrition, access to basic health services, participation in economic activities and their fruits; to political participation, all forms of social security schemes, government assistance as care givers, especially to children orphaned by HIV/AIDS, the right not to be tortured or treated in an inhuman or degrading way; the right to respect for private and family life home and correspondence; and the right to life. Though multitudes of older persons experience situations that

involve human rights, there is little information available about human rights and how they related to older persons. Many times they do not realize that they can do something about their situation, or even that there is something wrong with the way they are being treated. Therefore it is important that older persons are able to access information about their human rights so they can challenge poor treatment and demand better services.

National and international supervisory mechanisms

In Africa, there is a prevailing culture aimed at youth and older persons have gone through a progressive exclusion and marginalization. As a result, there is no specific instrument which relate to human rights of older persons. What exists refers to the universal human rights treaties that do not include older persons as a specific segment of African society. Another important gap to be covered with respect to the rights for older persons refers to social security coverage. This will worsen in the future if no action is taken. It is estimated that the number of older persons in Africa could reach 25% by 2050. It is important for all African countries to sign up to the various international human rights treaties and to domesticate and implement the resulting legislation protecting the rights of older persons.