

PRESENTATION ON HARMFUL TRADITIONAL PRACTICES AGAINST OLDER WOMEN

VENUE: UNIVERSITY OF PRETORIA

DATE: 30 MAY 2018

PRESENTER: MS NAOMI MALOBA

Building a Caring Society. Together.

www.dsd.gov.za



OUTLINE OF THE PRESENTATION

- Purpose
- Introduction
- Background
- Definitions
- Rights of Older Women
- Discriminations against older women
- Services and programmes for victims of elder abuse
- Way-forward
- Recommendations
- Closure

PURPOSE

The purpose of the presentation is:

- To clarify and give background on harmful practices that older persons (older women) endures;
- To give an overview of Department's approach and commitment in protecting older persons (older women in particular);
- To outline the services that older persons (older women) can access when in distress;

INTRODUCTION

- South Africa, in its efforts to create opportunities and addressing the challenges facing its older persons developed an older persons Policy and Legislation based on the priorities of the Madrid International Plan of Action on Ageing, as well as the African Union Policy Framework on Ageing.
- The three pillars of the Madrid International Plan of Action on Ageing are; older persons and development, advancing health and well-being into old age and ensuring enabling and supportive environment.
- Policy for Older Persons developed in 2005 in line with the MIPAA
- Older Persons Act enacted in 2006 (Act 13 of 2006) and aims at protection of Older Persons, promotion and maintenance of their status, rights, well-being, safety and security of Older Persons
- The Act and its Regulations came into effect on the 1st of April, 2010 and calls for a developmental approach in dealing with ageing issues.
- DSD as the lead department has a responsibility of creating awareness on legislation and issues impacting on the lives of older persons. Raising awareness is a fundamental prevention strategy that involves not only teachings on information but helping to change attitudes and behaviour.

BACKGROUND

- The Department of Social Development's mission is to ensure the provision of a comprehensive social protection services against vulnerability and poverty within the constitutional and legislative framework.
- The Department derives its core mandate from the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996)
- The Older Persons Act 13 of 2006 mandates that services to older persons should be rendered in a comprehensive, coordinated, integrated and standardized manner by all organs of state and other service providers.
- The Department as the custodian and a lead department for provision of services to older persons has a responsibility of ensuring that the objectives of the Act are adhered to and that older persons receives services in line with the Act.

BACKGROUND CONT...

Chapter 5 : Protection of older persons:

- Chapter 5 is about protection of Older Persons and aimed at combating abuse of Older Persons
- Objectives of Chapter 5 are:
 - ✓ Define OP in need of care
 - ✓ Define an OP in need of care
 - ✓ Identify abuse of an OP
 - ✓ Define procedure for dealing with the abuse of an OP
 - ✓ Define procedure for dealing with the perpetrator
 - ✓ Emphasize a need to keep the register of perpetrators of abuse
- Section 31 is about keeping of register of persons convicted of abusing an Older Persons
- The department developed the Protocol on management of elder abuse in line with Chapter 5 of the Act
- The Protocol is used as a guide to assist govt officials, key stakeholders and the community who are involved in the services to older persons to take appropriate action to protect older persons from abuse
- The Protocol can be used in conjunction with supporting acts and policies

BACKGROUND CONT...

- Older persons become more vulnerable to abuse if they suffer from dementia, serious illness or death of a spouse. Older persons suffering from Alzheimer's disease in some Provinces (Limpopo, Eastern Cape and KwaZulu-Natal) were accused of witchcraft and burned to death.
- Furthermore, it has been established that 51 percent of abuse incidents are committed by a partner or spouse, 49 percent by a family member, 13 percent by a care worker, and 5 percent by close friend or neighbour. Within the family, the abusers tend to be the adult children, spouses, and grandchildren. Within the broad field of elder abuse, economic abuse is one of the frequently reported type of abuse followed by sexual, neglect, psychological or emotional, and finally physical abuse.

DEFINITIONS

- Harmful traditional practices are forms of violence which have been committed primarily against women in certain communities and societies for so long that they are considered, or presented by perpetrators, as part of accepted **cultural** practice.
- Abuse (older women) refers to intentional actions that causes harm or create a serious risk of harm (whether intended) to a vulnerable older person either by a care giver or other person who stands in a trust relationship. Abuse includes physical, sexual, psychological and economic

RIGHTS OF OLDER WOMEN

- Older women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
- These rights include the following:
 - ✓ The right to life;
 - ✓ The right to equality;
 - ✓ The right to equal protection under the law
 - ✓ The right to be free from all forms of discrimination
 - ✓ The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

DISCRIMINATION AGAINST OLDER WOMEN

Types of Discrimination

1. Wife Inheritance and Maltreatment of Widows

- The term 'wife inheritance' refers to the expectation within certain cultures that a widow marry or enter into a sexual relationship with the brother or kinsman of her late husband.
- The practice occurs worldwide, including in countries such as South Africa, Kenya, Malawi, Zimbabwe, India, and Siberia. Refusal by a widow to be 'inherited' typically leads to her being disinherited, ostracized, and expelled from her home. In some versions of the practice, the widow is forced or coerced to first have sexual intercourse (often without use of a condom) with a social outcast in order to cleanse her husband's evil spirits.
- Widows are also frequently evicted from their homes, or the marital property seized by in-laws upon the death of a woman's husband.

DISCRIMINATION AGAINST OLDER WOMEN CONT...

Types of Discrimination continues

2. Witchcraft

- The belief in witchcraft is still widely held in South Africa, across different socio-economic groups and happen both in urban and rural areas. The high prevalence is in the following provinces: Eastern Cape, KZN and Limpopo.
- The classification of people as witches originates from misinterpretation of translation of the word “umthakathi” and similar other African words.
- The issue of witchcraft in South Africa gained prominence in the 1980’s when male youth called “ comrades” were targeting members of communities; older women in particular especially when misfortune happened in those communities. Those “witches”, were either stoned or burned with tyres called “necklace”.
- The killing of witches is treated as murder in South Africa.

DISCRIMINATION AGAINST OLDER WOMEN CONT...

Witchcraft continues

The following Legislative framework can be used to address witchcraft :

- The Witchcraft Suppression Act of 1957: the Act criminalises the use of charms, professing knowledge of witchcraft, pretending to practice witchcraft and advising anyone how to bewitch a person or thing and supplying anyone with the pretended means of witchcraft (*the Act has been Repealed in South Africa*).
- The Traditional Health Practitioners Act of 2007 regulates traditional healing in South Africa. It defines traditional healing and establish a national register of traditional healers. Once registered, traditional healers are able to practise legally.

SERVICES AND PROGRAMMES AVAILABLE THAT OLDER PERSONS AS VICTIMS OF ABUSE CAN ACCESS

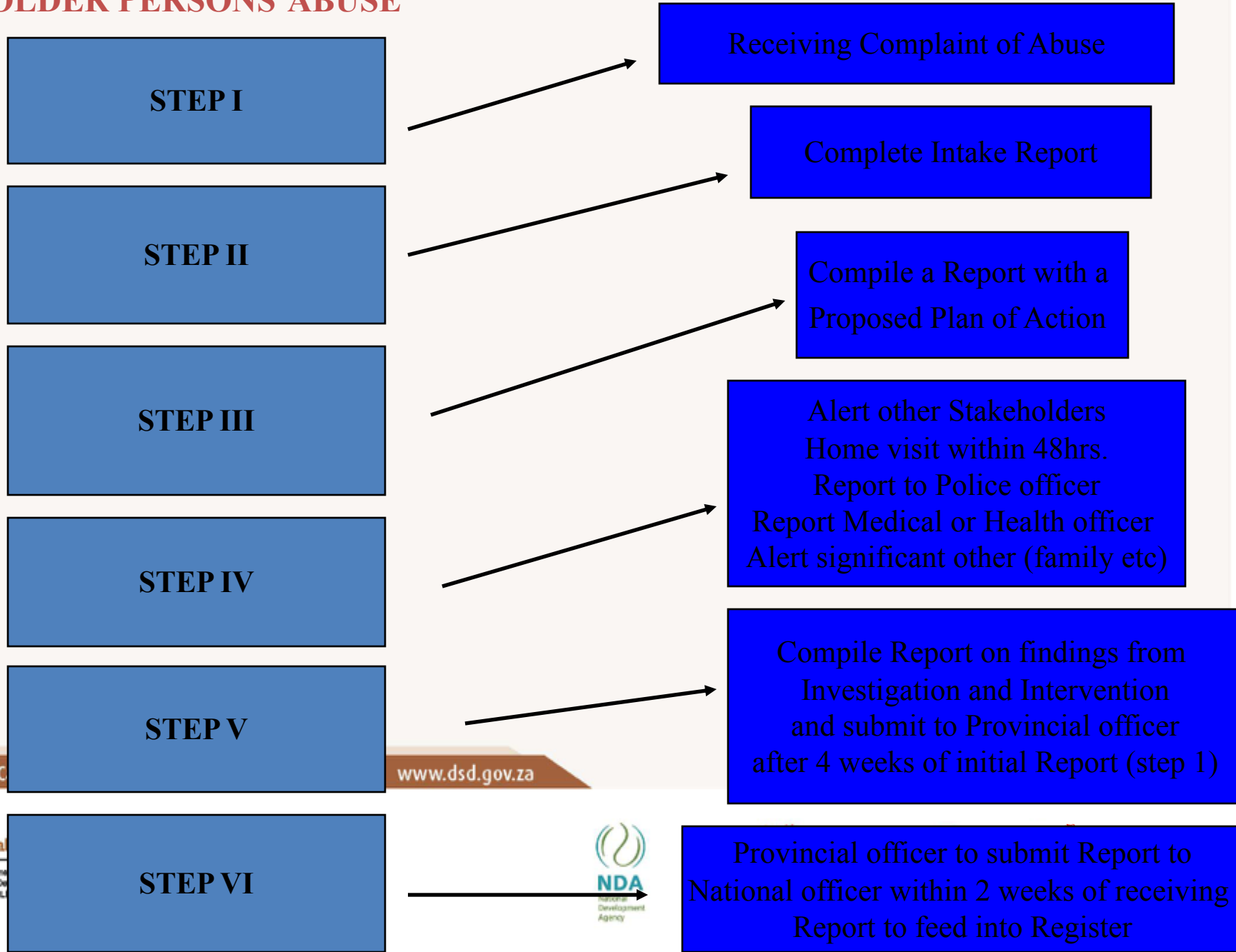
Programmes within the VEP sector

- Every Day Heroes-
- Orange Day, Say No
- GBV command Centre
- White Doors
- Funded Shelters
- One Stop Centres

Programmes within the Older Persons sector:

- Residential Facilities
- Community Based Care and Support Services
- Awareness campaigns to commemorate World Elder Abuse Awareness Day for promotion and protection of the rights of older persons

CHART ON PROCEDURE / PROTOCOL ON MANAGEMENT OF OLDER PERSONS' ABUSE



RECCOMENDATIONS

- To continuously dialogue in order to address the abuse of older women.
- To continuously raise awareness in communities;
- To research and write more on issues of abuse including abuse of female older persons.

CONCLUSION

- Elder Abuse is a multiple responsibility that needs to be addressed by all.
- Although each sector has a specific interest, the common goal, is prevention of abuse and neglect of Older Persons.

Thank you

Building a Caring Society. Together.

www.dsd.gov.za

