

West Africa Expert Meeting on the Rights of Older Women

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Panel: The value and importance of the Protocol on the Rights of Older Persons

Topic: Challenges for Elderly People: The Sierra Leone Context

The country has endured devastating physical occurrences which compounded the challenges for older persons; the decade-old rebel war (March 1992- 2002), the Ebola Virus outbreak (2016) and the recent **mud slide and flash flood** in the Capital Freetown, culminating into the death of many people, leaving several older persons who depended on them without shelter, food and medicines.

Besides, the economic down-turn has repressed the zeal of younger family care-givers in many families in the country. In the absence of formal or official support systems older folks, most of them women have been left at the mercy God and philanthropist.

The major challenge constraining advocacy campaign in Sierra Leone is the absence of legal framework that supports advocacy activities. Older people (60 years and over) make up 7% of the Sierra Leonean population. With most elderly folks having little or no access to services that support them beyond pensions for those very few who retire from pensionable employment. The Safety Net Cash Transfers does not specifically target the extremely vulnerable older people in hard to reach areas; rather it has targeted vulnerable people, not necessarily the aged, in selected communities on an irregular basis.

Supply side interventions for the aged have been enveloped in the National Social Protection Policy and Strategy with no specific policy initiative or statutory instruments that guarantee the fundamental rights of people over 60 years; as is the case with children, youth, women people with disability and prisoners for whom statutory instruments and policies guarantee their rights and also ensure policy initiatives are funded to ameliorate the socio-economic problems faced by these groups in Sierra Leone. Even the current 1991 constitution is discreet on the rights of older persons.

It was this evident gap or imbalance in the human rights and social protection systems in Sierra Leone, skewed against the aged that our organization **Salone Organization for the Welfare of the Aged (SOWA)** was established to redress.

In a bid to ameliorate the current 1991 constitutions' reticence on the rights of older persons, SOWA in November 2016 spearheaded an assignation with the then Constitutional Review Committee (CRC) for space on the rights of the aged in the draft

constitution which the committee was drafting. This appeal was granted. When the draft constitution is approved by a referendum and passed into law, the aged will have a dedicated Section/ clauses in the National Constitution that guarantees the protection of older persons' rights, the first time ever in the history of Sierra Leone.

Another challenge restraining advocacy with older people in my country Sierra Leone is the absence of a dedicated Policy to inform state actors on strategies for the promotion, protection and preservation of older person's human rights. However (SOWA) my organization in February 2017, SOWA prompted the urgent need for a dedicated policy on ageing in Sierra Leone. In collaboration with the Ministry of Labour and Social Security we were able to secure a draft National Ageing Policy in June 2017. Unfortunately, this document could not be finalized because of stakeholder's involvement with the past Presidential, Parliamentary and Local Government electioneering activities. Now that there is a change of government and state machinery is back on track, this policy will hopefully become law during the early part of 2019.

SIGNIFICANCE

The value and importance of the AU Protocol to the African Charter on Human and Peoples' Rights, on the Rights of Older Persons in Africa cannot be overemphasised. The objects of the Protocol which are geared toward addressing some of the fundamental concerns of modern day Africa in relation to the anticipated surge in population, ageing and promoting the rights of older people are conceivably appropriate. Africa's older persons' human rights have been compromised for far too long due to ageist and traditional harmful practices; more so by African Governments' inattentiveness or neglect of ageing matters.

If one asks any older person in Africa, from Addis Ababa to Cape Town; from Mogadishu to Freetown, what their most pressing concerns are, they would tell you, age discrimination, marginalization, rights denial, abuse, poverty and poor health. These diminishes their participation in development and political activities. And these are the very critical issues the Protocol aims to address; elimination of inequalities, exclusion, and discrimination to ensure prosperity and equality for all. When ratified, the Protocol will benefit and improve the well-being and quality of life for all older persons now and in the future.

Ratification of the Protocol will afford human right campaigners the leverage to hold both state actors and non- state actors accountable for their action or inaction. In the same vein. NGOs, Civil Society organizations and other campaign groups will find the Protocol a useful tool for programming and advocacy.

The AU Protocol will provide an obligatory continental legal instrument within which Africa's older peoples' human rights can be promoted, protected and preserved. A ratified AU Protocol would also be used to inform Governments and non- state actors- NGOs, Human Right campaigners, and civil society at large on policy interventions and programming. This makes the Protocols' urgent ratification by State Parties an imperative.

OBLIGATION OF STATE PARTIES

Article 2 of the Protocol sets out the obligation of State Parties. It states, and I quote;

“State Parties shall:

1. Recognize the rights and freedoms enshrined in this Protocol and shall undertake to adopt legislative or other measures to give effect to them.
2. State Parties shall ensure that the 1991 United Nations Principles of Independence, Dignity, Self-fulfilment, Participation and care of older Persons are included in their national laws and are legally binding as the basis for ensuring their rights.”(Quote closed.)

By its adoption, African leaders only expressed their intents to adhere to a comprehensive body of rules and principles that will guarantee the promotion, and protection of the human right of older persons in Africa.

Apparently, the waning goodwill of majority State Parties to ratify the protocol is watering down the importance and value of the Protocol. Intentions that are not matched by corresponding positive concrete actions remain as mere wishes. The Gem or Gold in this Protocol would only be manifest when State Parties ratify, Domesticate, Popularize and Implement it.

Lamentably, ladies and gentlemen, you may want to recall that this important Protocol was adopted by The Assembly of Heads of States in its 26th Ordinary Session in Addis Ababa, Ethiopia on 31st January 2016. Two and half years down the line, and as we deliberate here in Accra Ghana, only five countries namely; Sierra Leone, Ghana, Zambia, Comoros and Benin have signed but have not ratified it. It should be noted that The Protocol shall only come into force when at least 15 countries shall have signed and ratified it for it to become operational as a legal instrument promoting and protecting the rights of older people in Africa. Again, this questions the commitment of African leaders and governments to the Protocol they have adopted.

MOVING FORWARD

The way forward, what should we do toward the acceleration of the signing, ratification, domestication, popularization and implementation? This is what I think.

It behoves all of us to intensify our campaign actives by marshalling our strategies to mount robust collaborative campaigns at both regional and national levels to ensure our individual governments commit themselves to speeding up the ratification and implementation of the Protocol. Collaborating as National Platforms or National Committees and developing harmonized National Strategies that targets key stakeholders (The Presidency, Parliament, Focal Ministries, Ministries of Justice, and the Press, not forgetting older persons themselves). This kind of strategy will create a powerful, coordinated voice on older person’s issues.

SIERRA LEONE'S RATIFICATION OF THE PROTOCOL

Sierra Leone is among the five countries which have signed but not ratified The Protocol to the Africa Charter on Human and Peoples 'rights on the rights of older persons in Africa. Besides, there are other International Treaties or Protocol on older persons' rights which Sierra Leone has not ratified. Moreover, the country does not have a dedicated national legal framework on ageing issues.

In Sierra Leone, my organization, **the Salone Organization for the Welfare of the Aged (SOWA)** with technical support from Help Age International is the only organization that has been involved with advocacy for the acceleration of the ratification of the AU Protocol on the rights of older persons.

We opened communication with government line ministries' focal persons early 2017 to establish a road map for the ratification, domestication and implementation of the Protocol. The then Minority Leader in Parliament / Vice President of the Pan- African Parliament, and the Director of Compliance and Human Rights in the Ministry of Foreign Affairs and International Cooperation were magnanimous enough in outlining for us the processes and procedures. Unfortunately, we were not able to get the desired attention from key decision makers as they were all gearing themselves up for the national elections.

Elections are over and a new government is in place. My personal observation is that there is a high level of political will from the Presidency to Cabinet towards addressing ageing issues.

Considering the immensity of the challenges older persons in Sierra Leone face on daily basis, coupled with lack of both human and material resources to ameliorate those challenges and recognizing the need to have the AU Protocol and the National Ageing Policy pass into law as early as possible, SOWA has mobilized other Elderly Serving Organizations under **the Sierra Leone Platform for the Welfare of the Aged (SiLPWA)** which I serve as National Coordinator to mount concerted pressure on government to ratify the Protocol. We have also in communication with the Human Right Commission Sierra Leone, the Coalition for Human Right, Human Right Defenders and Women's Groups, such as the 50-50 Group and the Women's Forum to join the campaign on 1st October 2018, International Day of Older Persons (IDOP).

Coincidentally, just before I flew out here to Accra, the Sierra Leone Platform for the Welfare of the Aged on Wednesday the 1st of August 2018, held a meeting with the Minister of Social Welfare Gender and Children's Affairs (MSWGCA) where wide ranging ageing issues were discussed. Key among which were the ratification of the AU protocol and the finalization of the draft National Ageing Policy. She assured us that she will do all in her power to ensure that the process of ratification of the Protocol is brought up in cabinet as early as possible. I have no reason to doubt her commitment to move the process forward. Nevertheless, the Platform is determined to do all it will take to make government pay the requisite attention to older person's issues in Sierra Leone this time around.

In combating another challenge hindering the promotion, protection and preservation of older persons rights in Sierra Leone, that is, the lack of awareness, education and sensitization on the part of the public as well as on the part of older persons themselves; our platform has mapped out an elaborate nationwide community awareness raising and sensitization campaign (Code named **Operation be Aware**) which will target the House of Parliament- the law makers, Ministry of Justice, the International Community, traditional and tribal leaders, Paramount Chiefs, civil society and older persons themselves to raise awareness and consciousness at all levels. This nationwide campaign, which will form part of our commemoration of the International Day of Older Persons, will be launched on 1st October 2018.

FUNDING CONSTRAINTS

Advocacy without finance is a nonstarter. It is generally agreed that many laudable initiatives in third world countries remain only on paper if they lack the requisite funding to finance them. Lack of funding is a huge challenge not only to our campaign for the ratification of the AU Protocol but also for all other ageing issues. If we were required to foot the bills to come to Accra for this meeting, some of us would have turned down the invitation because of lack of finance. What does this suggest? It suggests that fledging ageing campaign partners at country level need technical as well as financial support. Except for Help Age International, all funding for SOWA's advocacy activities are financed from the contribution of benevolent friends who believe in what we are doing. This of course is not a reliable and sustainable source of funding. Smaller but vibrant and credible campaign organizations across the continent need external support as most of them do not benefit from government budgetary support in their home countries.

OLDER WOMEN'S RIGHTS

Ladies and gentlemen, my invitation to this meeting also requested me to share my thoughts on advocacy for and with older women. The under mentioned are my thoughts on the issue.

In times of humanitarian crisis; war, epidemics and natural disasters women, children and older women in particular suffer the most. Sierra Leone's past decade long rebel war, followed by the Ebola outbreak and the recent mudslide and flash flood in Freetown, saw older women taking the brunt of these occurrences.

Besides, the economic down-turn in the country has taken away the enthusiasm in younger family care-givers. In the absence of formal or official support systems, older folks, most of them women have been going to the street, particularly in urban settings begging to eke out a living in very de-humanizing circumstances.

Protection of older women

Article 9 of the Protocol to the African Charter on human and peoples' rights on the rights of older person's deals with the protection of older women. It states, and I quote."

State parties shall:

1. Ensure the protection of the rights of Older Women from violence, sexual abuse and discrimination based on gender;
2. Put in place legislation and other measures that guarantee the protection of older Women against abuses related to property and land rights and
3. Adopt appropriate legislation to protect the right of Older Women

If all state parties who adopted the above Protocol were anxious about ageing, the plight of older person on the continent then they should have by now ratified the protocol and put in place the legislations and measures Article 9 is calling for. I refer to this scenario as double tragedy for the older mothers of Africa because they practically do not have sufficient laws to protect their human right. The laws that exist at international level cannot be used at national level to hold anyone accountable for any abuse of the rights of older people simply because those legislations or treaties have not been ratified to become domestic laws.

Before the Three Gender Acts, Sierra Leone operated under three sets of law: formal law, customary law and Muslim law. The three Gender Acts- the Domestic Violence Act, the Devolution of Estates Act and the Registration of Customary and divorce Act provide protection to women under all the three types of law but not necessarily older women

Despite the Three Gender Act, older women in Sierra Leone still suffer from deprivation, abuse, right denials, discrimination, and neglect at multiple levels. Honour, Care and respect for elderly women by especially youth in 21st century Sierra Leone and Africa at large are noticeably diminished. In the prevailing circumstances, even grown-up children consider older mothers and grandmothers as social and financial burden.

Sadly, in the rural areas the Three Gender Act has not been effective because childless, uneducated, poor, widowed older women are still victims of harmful traditional practices. Usually, women in such circumstances are accused of witchcraft culminating in the claim that they are witches or responsible for the death of husbands. Furthermore, they are most often deprived of land and property after death of husband. They could also be subjected to forced marriage within the family after death of husband or face banishment. They are also the ones who have little or no access to financial services. Financial service providers perceive older women too old are frail to do business with.

Unfortunately, the existence of several women's organizations in our countries is not helping the situation. The leaderships of some of these organisations focus heavily on girls, younger women and space in politics and governance. Sad to say many older women of influence in African countries pay little or no attention to the plight of their disadvantaged compatriots.

Even in the absence of strong laws and prohibitive measures, the involvement of influential women leaders in Africa in advocacy for older women will tip the balance in favour of older women.

The passing of the Three Gender Laws in Sierra Leone is a very good example. Like I mentioned elsewhere, African leaders fear the wrath of women especially older women. The women of Sierra Leone piled in much pressure on late President Tejan Kabba, that he had issued an executive order so that the bills could be automatically passed by Cabinet. He also had to issue a certificate of urgency so that Parliament would be obliged to hold all three readings of the bills in one sitting. During the debate on the bills in Parliament, hundreds of women mobilized across the country came to Parliament wearing white, showing MPs that it was an issue close to the heart of women throughout Sierra Leone. This show of solidarity put a lot of pressure on the MPs to pass the bills.

In my few years of advocacy with older persons, I have witnessed different kinds of discrimination against older women. Here is a personal testimony of my experience with discrimination against an elderly woman during a survey we conducted for the rehabilitation and reintegration of elderly street beggars in Freetown.

It was at Eastern Police, in Freetown, in my very presence when a conductor of a commercial bus stopped an elderly woman from boarding a bus because she was carrying a walking stick. "No walking stick on board", he said, obviously referring to the elderly woman. I decided to stand with the old woman trying to help her board the vehicle to her destination. When the young man insisted on not allowing her to board the bus, I jumped into the bus to give the driver an ultimatum that if the elderly woman is not allowed on board the bus then no one else was going to board it, including his conductor. The driver sensing that I was bent on creating trouble for him, apologized and the old woman was allowed to get into the bus. I then took the opportunity to sensitize the passengers on the need to accord our elderly persons respect.

Such incidents are common place in Africa. But one may want to ask why? Am very sure that the young bus conductor in my testimony would not have behaved the way he did if he was aware of the existence of laws against such behaviours; he would have respected the law even though he has no respect for elderly persons.

Can the ratification of the Protocol on the rights of older persons help? Yes it may. Here is a pragmatic suggestion. Many older people including older women in Africa are not aware of their basic rights or the existence of an instrument that can protect their rights to ensure that they lead fulfilled and dignified lives. Ratifying the Protocol is one of several issues. Another key issue is getting older people to own the Protocol through education. We need to let older persons particularly older women be aware of laws that protect their rights. Much of what some of us have been doing so far has been without them.

Advocacy with older women should start with raising their awareness and consciousness levels, which empowers them to take on their own hands issues that matter to them. Educating older women on their rights is giving them voice to stand up and demand their rights, from state authorities and society in general.

Older women need to know that no one is doing them favour- Government or service Providers alike. In Salone Organisation for the Welfare of the Aged (SOWA) our

Campaign Training Program is empowering our Older Peoples' Associations' members, majority of them older women to become a powerful, co-ordinated voice for our Age Demand Action (ADA) campaign. For the same reason SOWA is also encouraging the 50/50 Group, a leading Women's' Group for gender parity and Women's Forum Sierra Leone to join the campaign for older women's rights.

The history of success of women campaigners in Sierra Leone is phenomenal. Women orchestrated the arrest and imprisonment of the late Rebel Leader Foday Sebanah Sankoh. There was another time when the women of Sierra Leone issued an ultimatum to protest naked at the Cotton Tree (central point of the capital city Freetown) if a particular Bill (abortion bill) was approved by a seating President. That law has never been heard of since that time. When women in Sierra Leone take their stand on national, district, and chiefdoms levels, they have always prevailed. Women's standing together at village level in Sierra Leone is even more potent. Late President Mahmed Tejan Kabba had to rush the Three Gender Acts through Cabinet and Parliament due to pressure mounted by especially women.

To my mind our current advocacy strategies are too western. I firmly believe that customizing our advocacy strategies to make them sustainable and culturally appropriate will yield the desired results we all yearn for.

Let me rap up my thoughts on advocacy for and with older women in this true story. My late father in his reign as Paramount Chief of our Chiefdom was vexed with his subjects in one of the Sections of the Chiefdom. The best efforts of the people failed to pacify him. They even sought the help of a neighbouring Paramount chief to plead with his colleague on their behalf but to no avail.

An elderly woman, the head of the women's traditional society had the solution. After mobilizing, all the active elderly women in the section, she sent an emissary to my father the Paramount Chief, to inform him that she was coming to pay him a visit on a certain date.

On the eve of the appointed date, the old woman and her team travelled to our headquarter town to meet with the Paramount Chief in the morning. At the sound of the Bondo drum (a traditional female musical instrument) early that fateful morning; the elderly women flooded my father's palace.

On hearing the usual traditional songs, echoing lamentation, distress, and anguish, the chief came out to listen to what the elderly women had to say.

After the usual cultural curtsies and presentation of gifts appropriate on such occasions, the older woman presented her petition on behalf of her people. After her presentation, my father was troubled. He nearly went down on his knees to apologise to the women for his intransigence. "Mama" addressing the elderly woman," forgive me for troubling you to come all this distance on foot; you are my mother; you should have just sent requesting my presence instead of you coming to see me; for your sake this matter is

closed is closed forever” That was how the matter was settled followed by dancing and rejoicing.

No matter how hard a true Africa leader may be, reverence for our revered culture of **respect for the elderly** engrained in his/her DNA; will urge him/her to yield to the dictates of the custom, in defence of elderly women.

Ladies and gentlemen, giving credence to older person’s slogan, “**Nothing about us without us**” I submit that we empower our elderly women through awareness raising, sensitization and education. Let us make them know that they are important; have rights as everyone else even in older age: that no one is doing them any favour by providing services; as it is their right to be cared for and protected.

Putting older people especially older women at the centre of our advocacy would create a sustainable impact. But this could only be effectively done when they are empowered with relevant advocacy skills.

Ladies and Gentlemen, older women are the “Hanging Fruits for our Advocacy”. Let harvest them first.

I want to express my sincere thanks and appreciation to the organizers; the Center for Human Rights, University of Pretoria, South Africa, Help Age Global Network in Africa, Moremi Initiative for Women’s Leadership in Africa and others, for giving me this opportunity to speak at this august meeting. Respect to the women of Africa.

Thank you all.

BIO

I answer by the title and name Deacon Tamba Benedict Gbenda

I come from Sierra Leone. I am the founder and Executive Director of the Salone Organization for the Welfare of the Aged (SOWA). I am also the National Coordinator of the Sierra Leone Platform for the Welfare of the Aged (SiLPWA). I am a retired Accounts and Finance person, now Preacher and Teacher; Civil Society Activist.