



**A toolkit to fast-track
the protection of the human rights of
OLDER PERSONS IN AFRICA**

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Background

The magnitude of human rights violations against older persons in Africa continues to grow unabated and the rapid expansion of population ageing and people living longer will further exacerbate the human rights situation of older persons. The number of older persons aged 60 years and older is expected to increase from 69 million in 2017 to 226 million in 2050 (UNDESA World Population Ageing, 2017). Hence, there is an urgent need for a concerted effort by States to redress the current human rights violations against older persons through enforceable obligations.

**It is estimated that in Africa,
there will be
226 million persons
aged 60 years and older
by the year 2050.**

Older persons experience violations of their rights at family, community and institutional levels due to multiple forms of discrimination as a result of accumulated inequalities across their life and the intersectionality of age with disability, ethnic origin, literacy levels, gender and poverty amongst others.

Consequently, in most parts of Africa older persons experience high levels of poverty and violence as well as difficulties accessing information and education, financial services and employment. Other violations include the infringement of their right to property and inheritance, especially land, access to justice, the right to housing, privacy and access to adequate health care. Ageism is also widely tolerated, resulting in negative perceptions and attitudes towards older persons which are rarely challenged.



Experiences of ageing are not uniform. Older women are disproportionately affected by these inequalities as they live longer than older men and face a triple jeopardy of sexism, disempowerment and ageism.

Older women are therefore more likely to be poor, widowed, without pension or health care, socially ostracised and abused, experience generational conflict and suffer violence in old age compared to their male counterparts. Accusations of witchcraft because of age and gender stereotypes are rife, wherein older women are sometimes forced out of their homes or even killed. In addition, older women are burdened with the care of grandchildren and sick family members (Doron *et al* 2016 and Schartz 2007). These factors impact on their overall health and wellbeing in old age.

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What are older persons saying about their rights?

[My pension] is so little, it's impossible to survive on it.

*81-year-old man,
Kenya*

[My grant] is not enough as I have to buy disposable incontinence pads because sometimes urine just drips out and my trousers become wet. I feel very embarrassed.

*86-year-old man,
South Africa*

I'm not able to pay the grandchildren's school fees and the children have dropped out of school.

86-year-old man, Lesotho

I'd like to have writing and reading lessons. I tried but they said it could be hard for me because of my age.

*60-year-old woman,
Rwanda*

Why is it always older women that are pointed out [for witchcraft]? Because they think we are not useful in the community, they don't value us; they think we have no benefit. Older men are never pointed out, because no-one believes older men use harmful medicines.

70-year-old woman, Tanzania

Decent work takes into account your health and suits your ability. I, for example, can supervise the doctors and monitor their performance, and carry out some treatments that do not need physical strength.

73-year-old man, Egypt

Documented quotes of what older people say on their rights (HelpAge, 2019)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa

On 31 January 2016, Member States of the African Union (AU) adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (Protocol on the Rights of Older Persons).

It aims to ensure respect and protection of the rights of older persons. The Protocol on the Rights of Older Persons accelerates the progressive advancement of older persons' rights in many spheres of their lives.

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The Protocol on the Rights of Older Persons is a transformative legal instrument providing norms and standards in protecting the rights of older persons in Africa. The Protocol provides an opportune moment to ensure that older persons enjoy their full rights and freedoms on equal basis with other population groups. When older persons' rights and entitlements related to social, economic, political and cultural spheres are protected, families and society are able to benefit from the potential and talents of older persons. Therefore, it enables the continent to fully realise its demographic dividends.

However, the Protocol on the Rights of Older Persons will only come into force as a legal instrument when 15 of the 55 AU Member States have ratified it.



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When this happens, it will be mandatory for every African Member State to design and implement action plans, policies, programmes and services that address the needs and vulnerabilities of older persons, and report on progress made in the implementation of the Protocol.

Countries who have ratified

As of 31 October 2019, only two countries have signed and ratified the Protocol: **LESOTHO** (2018) and **BENIN** (2019).



Countries who have signed

Fourteen countries have signed the Protocol. They are Benin, Central African Republic, Chad, Comoros, Gabon, Ghana, Guinea, Lesotho, Mali, Mozambique, Rwanda, Sierra Leone, Togo and Zambia.



Hence, there is an urgent need for Member States to ratify and implement the Protocol on the Rights of Older Persons.

Potential impact of the Protocol

- The Protocol promotes **equal participation** of older persons in decision-making processes, ensuring that their potential and talents are utilised and their needs and concerns are addressed to ensure the wellbeing of millions of older persons across Africa.
- The Protocol serves as a tool for the development of **age-friendly policies, laws, programmes and services that address the challenges** faced by older persons in order to fully exercise their human rights in Africa's increasingly ageing societies.
- The Protocol provides standards and guidelines to **help remove the stigma associated with ageing**, while perpetuating more positive images of ageing and creating awareness of the contribution of older persons to the society.
- The Protocol **helps hold governments to account** for their actions towards the protection of the rights of older people and to bring all countries to a similar level and standard of protection of older persons.



The Protocol promotes equal participation, supports age-friendly public policy environments, provides guidance on destigmatising ageing and helps to hold governments accountable.



Rights covered in the Protocol

The Protocol enjoins AU Member States to enact legislation and take other measures that provides for:

- the elimination of discrimination against older persons,
- access to justice and equal protection before the law,
- access to employment without discrimination,
- social protection,
- access to health care services,
- access to education, information and communication technology, as well as
- accessibility to infrastructure for older persons.

The Protocol further protects the rights of older persons to express opinions and participate in social and political life within their communities.



African member states must commit to the **Africa We Want** where people of all ages prosper, including older persons.

RATIFY and **IMPLEMENT** the Protocol on the Rights of Older Persons in Africa **NOW!**

How can you assist to increase the number of Member States ratifying and implementing the Protocol?

Older persons, human rights defenders and civil society organisations (CSOs) can do the following:

- **Lobby and advocate** for Member States to urgently ratify and implement the Protocol.
- **Use the Protocol as a tool** to challenge ageism and age discrimination at local, national and regional levels.
- **Join existing older persons organisations and platforms** established in your country that are leading the efforts of promoting the ratification and implementation of the Protocol.
- If there are no older persons organisations and platforms in your country championing the ratification of the Protocol and rights of older persons, **get in touch with us** – we can support you to initiate and champion similar initiatives.

- Use the Protocol to monitor the violation of older persons' rights, to **support activism** and **contribute to prevention** of violation of their rights, end age-discrimination and impunity.
- **Utilise the standards and norms** while participating in various public policy-making processes at local and regional levels, to guide demands for inclusion of older persons in all spheres of public policy decision-making processes.
- **Host awareness and capacity building sessions** on the Protocol and older persons' rights with all stakeholders to ensure understanding and an increased integration of older persons in all spheres of life.
- **Provide technical support** to Member States where it is needed to ensure the ratification and implementation of the Protocol.
- **Use the Protocol to encourage** Member States, human rights institutions and CSOs to participate and support **a UN treaty** on the rights of older persons.

Local governments and municipalities can do the following:

- **Provide leadership** in coordinating the ratification and implementation of the Protocol.
- Invest efforts in progressive and transformative **legal and policy reforms** by integrating standards and norms in the Protocol, adopting or revising national interventions (legal, policy, institutional, budgeting and programmatic interventions) to eradicate the exclusion, violence, abuse, neglect and discrimination of older persons.
- Guarantee **respect for decisions** rendered by the African Commission on Human and Peoples' Rights following complaints brought before this organ based on violations of the rights guaranteed by the Protocol.
- **Increase public and private investment** in ageing development.
- **Increase capacity** to generate, analyse and use data, information, knowledge and innovation.
- Establish and sustain a **multi-sectorial coordination**, partnerships and mutual accountability in all sectors to improve rights and mainstreaming of older persons in all levels and sectors in national and sub-national public policy processes and decisions.
- Increase investments in capacity building to **enhance protection and wellbeing of older persons**.

Government agencies, national human rights institutions and members of Parliament can do the following:

- Provide the necessary technical and advisory **support** to their government to ensure the government is making progress in ratification, implementation and reporting progress on the rights of older persons.
- Increase their efforts in **modifying structures, policies and strategies** in favour of older persons' rights.
- **Ensure** that the **implementation of the Protocol is in line with international human rights values and principles** to ensure older people have access to economic, social and economic rights, property rights and freedom from violence, abuse and neglect.
- Improve their **involvement and support** of the rights of older persons in various public processes and policy-making processes at local, national and regional levels.
- **Establish** national and regional human rights and parliamentary **mechanisms** to involve older persons and their supporting institutions in providing details on progress made on human rights of older persons including ratification and implementation of the Protocol.
- **Ensure protection from multiple discrimination** (intersectional and cumulative), namely the combined effect of age and any two or more other personal characteristics.
- **Ensure protection from structural and systemic ageism** including elimination of harmful ageist social norms and practices.
- **Provide** increased information, research and public **awareness** around equality and non-discrimination in older age.
- **Ensure formal and substantive equality**, considering the differential impact of all policy,



programmes and interventions and taking special measures to ensure equality and non-discrimination in practice and a genuine benefit to address disadvantaged groups.

- **Recognise** that those under 60 years of age can also be subject to discrimination and violence on the basis of age. Hence allowing for claims of discrimination on the basis of old age by persons below 60 years of age on a case-by-case basis.

Private sector can do the following:

- **Increase investment** for services and products to enhance the rights of older persons particularly in long-term care, health services, financial services, employment amongst others.
- **Increase support** for older persons in their social responsibility strategy.

Development partners, academia and donors can do the following:

- **Increase research and lead development efforts** on ageing and older persons' rights.
- **Join and contribute** to pushing Member States to improve legal, policy, programmatic and institutional frameworks in favour of the rights of older persons.
- **Provide technical and convening support** to Member States and CSOs on rights of older persons and their inclusion.



The **#AgeWithRights** Campaign is driven by a partnership between the Women's Rights Unit, Centre for Human Rights, HelpAge International and its network across Africa. The campaign focuses on the rights of older persons, specifically older women in Africa due to cumulated and intersecting vulnerabilities often experienced in old age.

The objectives of the campaign include:

- accelerating member states' ratification and implementation of the Protocol on the Rights of Older Persons
- stimulating sustainable conversations and initiatives among older persons, community of activists, researchers, scholars, governments, and other stakeholders to advance the rights of older persons.
- marshalling the support of human rights organisations and institutions in pushing for a rights-based agenda for older persons in Africa.

If you need more information on the **#AgeWithRights Campaign and on ratifying the Protocol, please contact:**

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Visit the **#AgeWithRights** website to read more about this campaign.

www.chr.up.ac.za/AgeWithRights

#AgeWithRights

This material was put together by the
Centre for Human Rights and HelpAge International, Africa Regional Office

About the Centre for Human Rights

The Centre for Human Rights is an internationally recognised university-based institution combining academic excellence and effective activism to advance human rights, particularly in Africa. It aims at advancing human rights through education, research and advocacy.

For more information about the campaign or the Centre's work on older persons,
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About HelpAge International

The secretariat to the HelpAge Global Network, which brings together a wide range of organisations and individuals working to promote the rights and meet the needs of older women and men, nationally and/or internationally.

For information about the campaign or HelpAge International's work on older persons,
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