



POLICY AND REALITY: THE RIGHTS OF ELDERLY PERSONS



**PRESENTATION TO COMMUNITY LAW CENTRE, UWC, 22 FEBRUARY, 2011
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SET UP UNDER CHAPTER 9 OF CONSTITUTION TASKED TO UPHOLD CONSTITUTIONAL PROVISIONS WITHOUT FEAR OR FAVOUR MANDATED TO PROMOTE GENDER EQUALITY THROUGH RESEARCH, EDUCATION, MONITORING AND ADVISING ON LEGISLATION



WORK ON OLDER PERSONS:

- WITCHCRAFT CONFERENCE (1998)
- IMPACT OF HIV/AIDS ON GRANDPARENT-HEADED HOUSEHOLDS (2006)
- WIDOWHOOD RITES AND RIGHTS (2007)
- CEDAW SHADOW REPORT (2010)



SUMMARY OF RESEARCH FINDINGS. 1.

WHILE AFFECTING ALL GENDERS AND CLASSES, WITCHCRAFT MOST OFTEN SEEN AS WORK OF WOMEN

PARTICULARLY OLDER WOMEN AND WIDOWS – THEY ARE SEEN AS WEAK, DEFENCELESS AND THEREFORE EASY SCAPEGOATS IN CASES OF MISFORTUNE, ILLNESS OR DEATH, EG.

WOMEN ACCUSED OF KILLING THEIR HUSBANDS

YOUNG WOMEN TARGETED MOST OFTEN IN GIVING BIRTH TO DISABLED CHILDREN

FOR THIS REASON CGE CONSIDERS WITCHCRAFT PERSECUTION AS A FORM OF GENDER BASED VIOLENCE

YOUTH FOUND OFTEN TO BE IN THE LEAD OF ALLEGED WITCHCRAFT ATTACKS

ALSO ROLE OF TRADITIONAL HEALERS WHO ‘SNIFF OUT’ WITCHES

BUT WHO ARE SOMETIMES THEMSELVES THE TARGETS

1998 CONFERENCE CONCLUDED WITH CALL FOR UPDATED LEGISLATION

MPUMALANGA PASSED SUCH LAW IN 2007




SUMMARY OF RESEARCH FINDINGS. 2

- LACK OF SUFFICIENT DATA, ESPECIALLY GENDERED DATA
- MAJOR MATERIAL AND EMOTIONAL IMPACT ON OLDER PEOPLE, AT THE VERY AGE THEY LOOK TO THEIR CHILDREN FOR SUPPORT – INSTEAD THEY END UP CARING FOR SICK CHILDREN AND GRANDCHILDREN WITHOUT SUPPORT FROM STATE AND EXTENDED FAMILY
- SUDDENLY THEY BECOME PRIMARY PROVIDERS AT PENSIONABLE AGE, OBLIGED TO BECOME PARENTS TO ORPHANED GRANDCHILDREN
- LITTLE OR NO PUBLIC SUPPORT WITH HEALTH CARE REQUIREMENTS FOR PWAS, IN PARTICULAR WITH RESPECT TO MATERIAL SUPPORT AND TRAINING
- HOME CARE POSED SIGNIFICANT HEALTH RISK TO ELDERLY PEOPLE, EG. TB
- PREJUDICE AND STIGMA ADDED BURDEN
- COLLAPSE OF SUPPORT NETWORKS, PARTICULARLY RURAL AREAS
- NEED TO DEVELOP GREATER INTEGRATED RESPONSES TO HIV EPIDEMIC THAT INCLUDE OLDER WOMEN
- NEED TO SEE OLDER WOMEN AS RESOURCE AND SIGNIFICANT ASSET




SUMMARY OF RESEARCH FINDINGS.3

“WIDOWHOOD IS A CLEARLY DEFINED SOCIAL ROLE FOR WOMEN, WHICH IS ASSOCIATED WITH PRESCRIBED INSTITUTIONALISED CULTURAL AND RELIGIOUS NORMS AND CONCOMITANT SOCIAL SANCTIONS IF DEVIATION FROM SOCIAL ROLE EXPECTATIONS OCCURS. AN ALTOGETHER DIFFERENT SET OF NORMS APPLIES TO MEN UPON THE DEATH OF THEIR WIVES.”

- PARTICULARLY IN RURAL AREAS, BUT ALSO IN URBAN, A WIDOW MAY BE VICTIM TO FINANCIAL EXPLOITATION BY CHILDREN
- PHYSICAL LIMITATIONS BECOME AN ISSUE SINCE IT CAUSES DEPENDENCE
- WIDOWS OFTEN POORER THAN WIVES
- AND EXPERIENCE A DECREASE IN SOCIAL STATUS
- AND LACK LIFESKILLS TO MANAGE THEIR FINANCES
- WITH LITTLE OPTION TO LEARN
- ALSO SUFFER HIGHER RATES OF ILLITERACY
- AND LOWER RATES OF EDUCATION
- CULTURAL AND RELIGIOUS IMPOSITIONS, EG. LEVIRATE




SUMMARY OF RESEARCH FINDINGS. 3, CONT.

- CULTURE AND RELIGION ALSO AFFECTS INHERITANCE RIGHTS
- EG. BHE (2007), HASSAN (2009)
- STUDY CHARACTERIZES IT AS “PROPERTY GRABBING”
- AND REMOVAL OF CHILDREN
- PARTICULAR PROBLEM IN PATRILINEAL CULTURES
- BUT ALSO CASES WHERE THE PROPERTY IS GRABBED WHILE THE CHILDREN REMAIN SOLE RESPONSIBILITY OF WIDOW:
- “I TOOK MY CHILDREN AND RAN AWAY, FORFEITING THE ESTATE. I FELT THAT LOSING THE ESTATE WAS BETTER THAN BEING FORCED TO MARRY SOMEONE I DID NOT LOVE”
- LEVIRATE PRACTICE MAY EXPOSE WIDOWS TO RISK OF CONTRACTING HIV
- WITCHCRAFT ACCUSATIONS CONTINUE TO BE A PROBLEM
- LASTLY, DISCRIMINATION IN EMPLOYMENT – THIS DESPITE TRENDS IN THE WEST WHICH SHOW THAT WOMEN MUST EXPECT TO BE RETIRED FOR THIRTY YEARS OR MORE DUE TO LONGER LIFESPANS.



