

Discrimination against older women in Uganda



July 2010

Parallel report submitted to the 47th session of the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) in relation to Uganda's *Combined fourth, fifth, sixth and seventh periodic report of States Parties*, CEDAW/C/UGA/7, May 2009



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Introduction

HelpAge International, Uganda Reach the Aged Association (URAA), Action for Development (ACFODE), and the Foundation for Human Rights Initiative are submitting evidence to highlight the experience of older women's realisation of rights in Uganda.

The *Combined fourth, fifth, sixth and seventh periodic report of States Parties, CEDAW/C/UGA/7*, May 2009 (hereafter the report) fails to sufficiently address the discrimination faced by older women or their rights in relation to implementation of the articles of the Convention. Data disaggregated by age is only presented in one instance, in relation to reasons for not accessing a government health facility in paragraph 197 of the report.

The CEDAW Committee requested information on the situation of older women in its list of issues and questions with regard to the consideration of periodic reports, CEDAW/C/UGA/Q/7. The Government's response was not available at the time of submission of this parallel report.

This submission sets out the context in which poor older women live and highlights the discrimination that they experience. It then focuses on Articles 2, 10, 11, 12 and 14. Recommendations for Government action are made under each of these articles.

Recommendations

We recommend that the CEDAW Committee:

Article 2: All forms of discrimination against women

- Urge the Government to formally recognise age as a prohibited grounds for discrimination. The Government should also recognize the intersection between age and gender-related discrimination in the *National Policy on Ageing*, which it should adopt and allocate resources for implementation as soon as possible.
- Urge the Government to speed up the operationalisation of the 2007 Equal Opportunities Act.
- Urge the Government to ensure that national surveys and censuses collect, analyse and disseminate data disaggregated by age and sex.

Article 10: Education

- Urge the Government to put in place measures to enable older women to access opportunities for further education, adult and functional literacy programmes and vocational education, including increased budget allocation to adult literacy programmes in rural areas.
- Urge the Government to ensure that the education needs of older women are addressed while developing the training regulations to guide the implementation of the Business, Technical, Vocational Education and Training (BTNET) Act, 2008.

Article 11: Social security and employment

- Urge the Government to abolish the mandatory retirement age of 50 so that older women may continue working if they choose to or need to.
- Urge the Government to address the gender and age discrimination faced by older women workers in the informal sector including in the National Employment Policy which is presently being formulated.
- Urge the Government to introduce a universal non-contributory pension within the framework of a broader strategy that expands social protection measures for different categories, as outlined in the 2010/11 – 2014/15 National Development Plan¹.

Article 12: Health

- Urge the Government to ensure affordable and accessible healthcare to all older women through the elimination of any user fees for older women; training of health workers in geriatric illnesses; provision of medicine to treat age related chronic and non-communicable diseases; provision of long term health and social care, including care that allows for independent living, and palliative care.

Article 14: Rural Women – Displaced older women in Northern Uganda

- Urge the Government to ensure that return and reintegration programmes should reflect the special requirements of older people, particularly older women. The rights of the unaccompanied old should be addressed as energetically as those of unaccompanied children, with priority placed on strengthening reunification and on family and community based solutions.
- Urge the Government to develop cash-transfer programmes as a recovery initiative for extremely vulnerable individuals, including older women. These should be linked into broader Government country-wide social protection plans to reach the poorest, which should include a non-contributory pension.

¹ The Government of Uganda, National Development Plan, 2010/11 – 2014/15, April 2010, paragraph 666. vii

Older women and discrimination in Uganda

The experience of HelpAge International and its partners over the last 15 years has been that older women in Uganda face discrimination on the basis of gender, age and poverty.

As women tend to live longer than men, there are more older women than older men in Uganda. In 2009, the life expectancy at 60 for women was 17 years, compared to 15 years for men². In 2009 there were 81 men for every 100 women over 60 in Uganda but only 74 men per 100 women over 80³. The UN predicts that by 2050 the number of older people in Uganda over the age of 60 will have dramatically increased from 1.3 million in 2009 to just under six million in 2050⁴. As the population ages, the number of older women will increase.

Older women and men experience ageing differently in Uganda. Older women are less likely to remarry after the death of a partner. In 2009 only 36% of older women were married compared to 73% of older men⁵. According to a study on Equal Opportunity and Diversity in 2006, 75% of older women were widowed compared to only 23% of older men⁶. Widowhood profoundly changes the status of women in Uganda and undermines their security. For older widows, discrimination and being subject to traditional practices such as property grabbing, compounds the effects of a lifetime of poverty and gender discrimination. This can result in extreme impoverishment and isolation, both for the widows and any dependents they care for.

The Government states in paragraph 177 of the report that *“31% of the Ugandan population lives below the poverty line - the majority of whom are women.”* However, further disaggregated analysis has shown that older people and children have a higher incidence of poverty and a higher poverty gap than the population as a whole⁷. The Chronic Poverty Research Centre cite both being unemployed in old age and being discriminated and neglected as a widow as additional factors that make poor women particularly vulnerable to chronic poverty⁸. Lack of poverty data by age and sex is a major barrier to ensuring that appropriate programmes are designed and sufficient funds allocated to addressing poverty and realising the rights of older women and those with whom they share a caring relationship.

93% of older women live in rural areas⁹.

Older women are playing a vital role in caring for both adults and children affected by HIV and AIDS. The Uganda Household Survey Report 2005-6 reveals that 2.1 million vulnerable children are being cared for by older people¹⁰. Many of these households are headed by widows and older women. However, the Government itself has recognised that limited economic activity and the demands of caring for vulnerable children has put significant stress on older women and men and resulted in their impoverishment, almost to the extent of destitution¹¹.

Older women are also affected by domestic and sexual violence. According to a recent Amnesty International report older women are also vulnerable to domestic violence when their partners take younger women, if they seek to negotiate safe sex, or when their children seek to take their property¹². They may also provide support to their married daughters who have been forced out of their marital homes due to domestic violence and return to the home of their older parents with no income and often with young children who need care whilst they look for new livelihoods.

² UNDESA, *Population Ageing and Development Chart*, UNDESA, 2009, <http://www.un.org/esa/population/publications/ageing/ageing2009.htm>

³ UNDESA, 2009

⁴ UNDESA, 2009

⁵ UNDESA, 2009

⁶ Equal Opportunity and Diversity in Uganda, 2006, cited in the draft *National Policy for Older Persons*, Ministry of Gender Labour and Social Development, April 2009. www.mglsd.go.ug/.../National%20Policy%20for%20Older%20Persons.pdf

⁷ Ministry of Gender, Labour and Social Development, *Design of a cash transfer pilot for Uganda, Final Report*, May 2007

⁸ Charles Langwa-Ntale, Policy Brief No. 1 2006, *Does Chronic Poverty Matter in Uganda?* Development Research and Training and Chronic Poverty Research Centre, http://www.chronicpoverty.org/uploads/publication_files/CPRC-UG_PB_2006-1.pdf

⁹ United Nations Statistics Division, *Demographic Year Book*, 2007, Table 7

¹⁰ Cited in The Republic of Uganda, *National Development Plan, 2010/11 – 2014/15*, April 2010, paragraph 67

¹¹ The Republic of Uganda, *National Development Plan, 2010/11 – 2014/15*, April 2010, paragraph 646

¹² Amnesty International, *“I can’t afford justice” Violence against women in Uganda unchecked and unpunished*, April 2010, page 27

Older women and the implementation of CEDAW

Article 2: All forms of discrimination against women

Multi-dimensional discrimination based on gender and age

Article 2 commits states to adopting legislative and other measures prohibiting discrimination against all women and taking measures to eliminate discrimination against women by any person, organisation or enterprise. Discrimination against women is often multi-dimensional and compounded by other factors, including old age.

Age is not recognised as a prohibited grounds for discrimination in either the Constitution of Uganda (1995) under Article 21 (3)¹³ or the Equal Opportunities Commission Act of 2007 under its interpretation of discrimination in paragraph 1¹⁴.

However, Article 32 (1) of the Constitution of Uganda does state that: "Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them." Similarly, the Equal Opportunities Commission Act of 2007 does include age and gender in its interpretation of treatment with regard to "equal opportunities". The operationalisation of this Act must be sped up to address age and gender related discrimination.

Despite this, the report is silent on the issue of gender and age. In addition, discrimination based on age and the intersection between gender and age-related discrimination are not adequately reflected in the draft National Policy for Older Persons, which tends to treat older people as a homogenous group, paying only minimal attention to gender inequalities¹⁵.

Women are not a homogenous group. Lack of data on older women in Uganda is a major challenge to assessing the extent to which their rights are being realised. For example, no data is available on the number of older women who experience violence. The Government recognised in paragraph 51 of the report that there is limited availability of gender disaggregated data for effective programme design and as a result many programmes do not necessarily address women's priority concerns. Data must also be disaggregated by age so that programmes can be designed and resources allocated appropriately and the multi-dimensional nature of discrimination against women tackled effectively.

Article 10: Education and lifelong learning

The Government has made significant progress towards equalizing the percentage of females and males at most levels of education, however, the gap still exists among older people who never benefited from the current programs.

Older women have rarely received any education. Older women themselves say that it was common for them to either start school late (around age 10) or received very little education because of domestic duties or because limited funding was available for school fees and boys

¹³ Constitution of the Republic of Uganda, 1995, available 10 April 2010 at http://www.ugandaonlinelawlibrary.com/files/constitution/constitution_1995.pdf ,

¹⁴ Equal Opportunities Commission Act 2007, available 10 April 2010 at <http://www.mglsd.go.ug/wp-content/uploads/2010/03/EOC%20Act%202007>

¹⁵ Ministry of Gender Labour and Social Development, National Policy For Older Persons, *Ageing with Security and Dignity*, April, 2009, available 10 April 2010 at <http://www.mglsd.go.ug/wp-content/uploads/2010/04/National%20Policy%20for%20Older%20Persons.pdf>

were prioritised over girls¹⁶. According to the most recently available statistics from UNESCO, the literacy rate for women over 65 is only 15.5%, compared to 45% for men over 65, and women make up 65% of those over 65 who are illiterate¹⁷. These literacy rates are significantly below the national rates of 63% for women and 76% for men¹⁸. This illiteracy level seriously limits older women's access to information on their rights and their ability to participate in development and other community activities.

Article 11: Social Security and Employment

The fact that older women live longer and are less likely to remarry than older men tends to leave more older women living in vulnerable conditions, relying on the goodwill of relatives and neighbours for economic security.

Employment

Many older women, by choice or necessity, continue working despite the statutory retirement age of 50 years for both women and men. According to UN statistics, 55% of women over 60 are still in the labour force¹⁹, and the vast majority of these work in the informal sector.

Focus group discussions conducted in 2008 by Uganda Reach the Aged Association (URAA) revealed that women face discrimination in employment in the formal and informal sectors based both on their age and sex. For example, older women renting properties for their businesses felt intimidated and were often threatened by their landlord if a payment lapsed. Group participants agreed that this would not happen to men because people have more respect for them²⁰.

In terms of hours worked, the Ugandan Bureau of Statistics reports that on average women spend nearly 15 hours a day on economic and care work, whilst men spend only 9²¹. While this data is not disaggregated by age, focus group discussion responses showed that women continue to spend longer hours on economic and care work in old age²².

In terms of a gender pay gap, even in the informal sector older women usually earn less than older men. Wages for labouring, cooking or cleaning of any kind are paid on the basis of how hard the work is rather than the number of hours worked. As men are usually given what is considered heavier work, women usually end up with less pay for and longer working hours²³. The Government itself recognises in paragraph 127 of the report that the Employment Act (2006) is unable to provide adequate protection to women in employment as it does not apply to the informal sector, where the majority of women work and where incidences of exploitation are common.

Paragraph 129 of the report states that the National Employment Policy, which is presently being formulated, should provide a comprehensive framework for employment in the country. Given the high numbers of older women working, if the National Employment Policy is to meet this goal, it must include older women workers in both the formal and informal sector.

¹⁶ Alice Livingstone, Decent Work for All, Uganda Evidence Gathering Findings, October 2008, HelpAge International, unpublished.

¹⁷ UNESCO Institute for Statistics, Education Indicators and Data Analysis, Ageing Population (65+) Literacy Rates and Illiterate Population by Country and Territory, pre April 2010 data release

¹⁸ Uganda National Household Survey of 2005-6 and Cited in the *Combined fourth, fifth, sixth and seventh periodic report of States Parties*, CEDAW/C/UGA/7, May 2009

¹⁹ UNDESA, 2009,

²⁰ Livingstone, 2008

²¹ Ugandan National Household Survey 2003 and 2005/6 in Uganda Bureau of Statistics Report on the Labour Market Conditions in Uganda, December 2007, cited in Livingstone, 2008

²² Livingstone, 2008

²³ Kamala Truelove, Working for Life: making decent work a reality for older people, May 2009, HelpAge International

Social Security

There is no universal non-contributory pension in Uganda. This particularly disadvantages women as very few have access to a formal sector, contributory pension. According to Government figures, only 7.1 per cent of the total labour force, 60% of which are men, has access to a pension under the Uganda National Pensions Scheme and the National Social Security Fund (NSSF)²⁴. These schemes also have problems in terms of administration and regular payment. For the few women whose husbands were in receipt of a pension, they may also collect their deceased husband's pension for a statutory period. In reality, however, the practice of property-grabbing from widows by male relatives is often extended to income as well as other assets.

The Government recognises that women in the informal sector are not covered by the social security system in paragraph 125 of the report and states that efforts are underway to "transform the entire system to increase coverage". The Government has also recognised that the majority of older people are living in abject poverty and require pension or social assistance²⁵.

The Independent Expert on the question of human rights and extreme poverty concluded in her report to the Human Rights Council at its 14th session in June 2010²⁶ that "*Non-contributory pensions are the only means by which universal pension coverage can be achieved and gender imbalances redressed*" (paragraph 106).

The Independent Expert also recognised that "*Non-contributory pensions are the most efficient means of ensuring the right to social security for older women, and compensating them for their years of unpaid or inadequately paid work. However, to ensure equal access by women to a social pension, special measures must be implemented to overcome possible barriers to older women caused by structural discrimination, such as lack of access to adequate documentation and identification; difficulties to approach administrations or lack of gender sensitive social services*" (paragraph 95).

Introducing a non-contributory state pension would be a gender-sensitive social-protection response that would increase this coverage and give all older women and men a guaranteed minimum income. This would allow older women to have more choice about the type of work they do and enable them to care and provide for their dependents. Non-contributory pensions are affordable. Providing a pension of just over 14,100 Ugandan shillings (US\$6.5) a month to all people over 60 would cost around 0.77 per cent of gross domestic product (GDP). Assuming that Uganda achieves growth rates similar to the last 15 years, the cost of the pension would fall significantly as a percentage of GDP²⁷.

Article 12: Older women's access to health services

The Government recognises in paragraph 197, Table XI, of the report that gender disparities still exist with regard to accessing health care. This is the only instance in the report that they present data disaggregated by age and sex, yet they fail to analyse the data based on both of these factors. The data shows that older women have the greatest difficulty in accessing health services due to the health facility being too far away, the high cost of treatment and other reasons which are not elaborated on. The fact that older women and men both cite the highest percentage of negative attitudes of health workers preventing them from accessing health is reflected in the experience of older women in the IDP camps in Northern Uganda where they

²⁴ Cited in the draft *National Policy for Older Persons*, 2009

²⁵ The Republic of Uganda, National Development Plan, 2010/11 – 2014/15, April 2010, paragraph 645

²⁶ Report of Independent Expert on the question of human rights and extreme poverty, A/HRC/14/31, 18 March 2010

²⁷ Truelove, 2009

were treated as worthless and told that their problems were just to do with old age and there was nothing that could be done²⁸.

Article 14: Rural Women - displaced older women in Northern Uganda

The Government of Uganda recognises in paragraph 9 of the report that women and children have borne the brunt of the conflict in Northern Uganda and that women have been at the forefront of sustaining the community in conflict affected areas. It does not, however, draw attention to the particular contributions that older women make as mediators, advisors and educators to young children, carers and traditional healers²⁹. The situation of older displaced women and the barriers that they in particular are facing in return to their villages of origin and resettlement were also not addressed.

HelpAge's research in the camps in 2007 and 2008 showed that community and family support and respect for older women and men had been lost or eroded by experience of displacement and camp living³⁰. Researchers also witnessed anger and frustration. A displaced older woman in Olwal camp said, *"Our livelihoods have been removed by the army and by the LRA"* and asked, *"Who do we sue? Our animals were stolen by the army and the LRA. Who do we sue? Our children and families have been killed by the army and the LRA. Who should we sue? Who will compensate us?"*³¹

As more able-bodied people are able to return to villages of origin, older women left behind represent a dramatically increasing percentage of the camp population. Many of those who do not return experience multiple disadvantages though isolation, abandonment, mental and physical disability, psychological trauma, malnutrition and poverty³².

Data from assessments of extremely vulnerable individuals (EVIs) eligible for UNHCR support in 2010 shows the high proportion of extremely vulnerable older women. In 4 sub-counties, 56% of all those identified as EVIs were women over 60, compared to only 19% who were older men³³. This is an extremely high proportion relative to the total population in terms of both gender and age.

Older women cited lack of shelter and concern over their physical capacity as the main reasons for not returning to their villages of origin. In Kirombe, Madi Opei in Kitgum, for example, a group of vulnerable mobility-challenged older women who were widows, single grandmothers caring for orphans, and isolated older women without families, told researchers that they wanted to return home but they had no one to help them: *"We sleep under the trees: without shelter, it is difficult to return permanently."* Older women said that when they asked for assistance with constructing shelters, younger people demanded cash in payment. For those without relatives, other members of the community would not help them. Similarly in Bobi Camp in Gulu, older physically-compromised widows were especially noted as not having the strength or resources to build shelters³⁴. Access to land during the resettlement process can be especially problematic for older women, as many cannot prove they once owned land or were entitled to it through a husband or father. As a result they remain in the camps³⁵.

Many of the extremely vulnerable older women are facing severe food insecurity. With no other reliable source of income or livelihood, they are dependent on World Food Programme food aid and are extremely concerned about what will happen when humanitarian aid is

²⁸ HelpAge International and IASC, *Strong and Fragile: learning from older people in emergencies*, Nov 2007 available at <http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Age/IASC%20full%20length%20report%20Feb%202008.pdf>

²⁹ Susan Erb, *The Protection of Older People in Northern Uganda: Needs, Contributions and Barriers to Return*, June 2008

³⁰ HelpAge International and IASC, 2007 and Erb, 2008

³¹ HelpAge International and IASC, 2007

³² Erb, 2008

³³ UNHCR EVI assessments for 2010 phase one support in Bibia, Alero, Koch Goma and Atiak sub-counties, unpublished

³⁴ Erb, 2008

³⁵ Fiona Samuels and Jo Wells, *The loss of the middle ground: the impact of crises and HIV and AIDS on "skipped-generation" households*, Project Briefing No 33, November 2009, Overseas Development Institute

completely phased out. This dependence on food aid is a barrier to returning to villages of origin.

Another barrier to return is concern for dependants. Older women caring for grandchildren are reluctant to take them out of school and fear that they will lose the support they receive in the camps for school fees and materials³⁶.

The rights of the unaccompanied old should be addressed as energetically as those of unaccompanied children, with priority placed on strengthening reunification and on family and community based solutions. It is clear that many of the older displaced women, particularly those without family support will be unable to return to their villages of origin without significant assistance. Those left behind will quickly become destitute in the decaying IDP camps unless return and reintegration programmes explicitly address their requirements. Cash-transfer programmes should be developed as a recovery initiative to provide the extremely vulnerable, including older women, with the support they need to return and reintegrate into their communities of origin.

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³⁶ HelpAge International "Enhancing the protection and inclusion of older people in humanitarian crisis and disaster response," Final Report, July 2009, unpublished