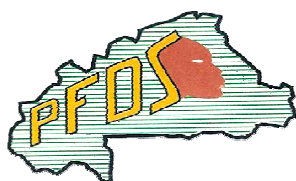


Discrimination against older women in Burkina Faso



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 Burkina Faso's *Sixth periodic report of States parties, CEDAW/C/BFA/6, October 2009*



**HelpAge
International**

age helps

Contents

- 2 Introduction**
- 3 Recommendations**
- 4 Older women and discrimination**
- 5 Older women and the implementation of CEDAW**
- 5 Article 5: Measures to combat social and cultural behaviour conducive to discrimination against women**
- 7 Article 11: Social security**

Introduction

HelpAge International, Association de la Promotion de la Femme et de l'Enfant (APF), Promo Femmes Développement Solidarité and Association le TOCSIN are submitting evidence to highlight the experience of older women's realisation of rights in Burkina Faso.

The Government of Burkina Faso's *Sixth periodic report of States parties, CEDAW/C/BFA/6* (hereafter the report) fails to address the discrimination faced by older women or their rights in relation to implementation of the articles of the Convention.

This submission sets out the context in which poor older women live and highlights the discrimination that they experience. It then focuses on Articles 5 and 11. Recommendations for Government action are made for each of these articles.

Recommendations

We recommend that the CEDAW Committee:

Article 5: Measures to combat social and cultural behaviour conducive to discrimination against women

- Urge the Government to allocate increased resources to the Ministry of Social Action and National Solidarity (MASSN) to promote understanding and awareness of the underlying causes of witchcraft accusations and to provide support to effectively resolve individual cases of witchcraft accusations.
- Urge the Government to investigate, prosecute and punish acts of violence towards older women and other offences, including accusations of witchcraft, committed as a result of traditional beliefs in witchcraft under appropriate criminal laws, for example, murder, assault, damage to property, incitement and libel.
- Urge the Government to train law enforcement officials and the judiciary in dealing with alleged crimes related to witchcraft accusations.
- Urge the Government to provide free legal advice to older women affected by accusations of witchcraft so that they may seek redress through the legal system.

Article 11: Social security and employment

- Urge the Government to include the introduction of a universal non-contributory pension as part of the social welfare policy which is presently being drafted (paragraph 181 of the report).

Older women and discrimination

The experience of HelpAge International and its partners has been that older women in Burkina Faso 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 Burkina Faso. In 2009, the life expectancy at 60 for women was 14 years, compared to 13 years for men¹. In 2009 there were 70 men for every 100 women over 60 in Burkina Faso but only 59 men per 100 women over 80². The UN predicts that by 2050 the number of older people in Burkina Faso over the age of 60 will have dramatically increased from just over half a million in 2009 to just under three million in 2050³. As the population ages, the number of older women will increase.

Older women and men experience ageing differently in Burkina Faso. Older women are less likely to remarry after the death of a partner and are more likely to be divorced or abandoned by their partner. In 2009 only 41% of older women were married compared to 90% of older men⁴.

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. The majority of older women have no access to formal social security in a country where only 10% per cent of the total population are covered by social welfare (paragraph 177 of the report).

In terms of access to health care, the Government recognises in paragraph 154 of the report that “although a health programme for the elderly has been theoretically prepared”, there is insufficient provision for their sexual health in medical establishments. It includes a health programme for the elderly in paragraph 156 as one of the new strategies to address present inadequacies.

82% of women over the age of 60 live in rural areas⁵. Older women are very unlikely to have received any education. According to the most recently available statistics from UNESCO, the literacy rate for women over 65 is only 5% compared to 12% for men over 65 and women make up 61% of those over 65 who are illiterate⁶. This literacy rate of 5% for older women is well below the 21% rate for all women as cited in Figure 6 (paragraph 108) of the report. This level of illiteracy seriously limits older women’s access to information on their rights and their ability to participate in development and community activities.

Lack of data on older women in Burkina Faso is a major challenge to assessing the extent to which their rights are being realised and a major barrier to ensuring that appropriate programmes are designed and sufficient funds allocated to addressing poverty and the health service and social protection needs of older women and their families.

Widowhood profoundly changes the status of women in Burkina Faso and undermines their security. Customary laws deny women and widows the right to inherit land and assets. Widows can be inherited by their deceased husband’s brother and must abide by these laws or risk being ostracised and left without income and assets at a time of trauma and bereavement.

Older women are more likely than older men to suffer violations of their rights in the form of violence and abuse, for example as a result of witchcraft accusations often levelled at older women. Nevertheless, older women continue to contribute to their families and households.

¹ UNDESA, *Population Ageing and Development Chart*, UNDESA 2009, <http://www.un.org/esa/population/publications/ageing/ageing2009.htm>

² UNDESA, 2009

³ UNDESA, 2009

⁴ UNDESA, 2009

⁵ UN Statistics Division, *Demographic Yearbook 2007*, 9 October 2009 <http://unstats.un.org/unsd/demographic/products/dyb/dyb2007/Table07.pdf>

⁶ 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

The statutory retirement age for both women and men is 55 years old. Despite this many women over this age either choose to or have to continue working. According to UN statistics, 43% of older women over 60 are still in the labour force⁷, the vast majority in the informal sector.

Older women and the implementation of CEDAW

Article 5: Measures to combat social and cultural behaviour conducive to discrimination against women

Burkina Faso ratified the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2006⁸, Article 22 of which commits States to protecting older women from violence and abuse, whereby States Parties undertake to:

b. ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Accusations of witchcraft

The belief in witchcraft is widespread in Burkina Faso and older women are often the subject of accusations. Accused women are subjected to psychological trauma, physical harm, social exclusion, impoverishment through loss of property and assets, and ultimately banishment from their communities.

Very little quantitative data exists on the number of witchcraft accusations made and their impact. The data presented here is from a 2006 study conducted by HelpAge International and the Ministry of Social Action and National Solidarity (MASSN)⁹. Interviews were conducted in 7 provinces with people in the community and those who had been banished and were living either in or outside reception centres (refuges). The research showed that 90% of the people who had been banished had suffered rejection and banishment from their community as a result of witchcraft accusations. 51% of those accused of witchcraft felt that their lives were in danger. All of them suffered humiliation and insults before being forced to leave their homes and communities.

Underlying causes of accusations

The causes of these accusations are deeply rooted in cultural beliefs and gender and age based discrimination. The majority of the those interviewed who had been banished were women (88%), illiterate with no education (97%), belonging to the Mossi tribe (82%) and 70% had been over 40 years old at the time when they were accused of witchcraft and banished from their homes. 58% of those who had been banished lived on less than one dollar (425 francs CFA in 2006) per month.

⁷ UNDESA, 2009

⁸ African Union, *List Of Countries Which Have Signed, Ratified/Acceded To The Protocol To The African Charter On Human And People's Rights On The Rights Of Women In Africa*, 3 February 2010, Available 22 April 2010 At [Http://www.Africa-Union.Org/Root/Au/Documents/Treaties/List/Protocol%20on%20the%20rights%20of%20women.Pdf](http://www.Africa-Union.Org/Root/Au/Documents/Treaties/List/Protocol%20on%20the%20rights%20of%20women.Pdf)

⁹ HelpAge International & the Ministry of Social Action and National Solidarity, *Etude Exclusion Sociale des Personnes Agees au Burkina Faso*, 2006

Older, disabled, poorer women, widows and those unprotected by male relatives are vulnerable, frequently stigmatised and subjected to witchcraft accusations. Surviving a husband is regarded with suspicion. Longevity itself can also be regarded with suspicion. Since many women marry much younger than men and widow inheritance is common, in reality they can survive two or even three husbands. 56% of the women who had been banished were married, 29% widowed and 2% remarried.

About 80% of witchcraft accusations are instigated by close family members, due to the low value placed on older women in Mossi society and within polygamous families. The majority of the accusations were made by men. Husbands, in-laws and fellow-wives often use witchcraft as a pretext to banish women no longer considered economically or biologically productive to the household. As a result, 95% of victims attribute their accusation to ulterior motives.

Polygamy is very common. Of the women who had been excluded in the research, 67% were in polygamous marriages. 49% were first wives in polygamous marriages, 31.4% were second wives and 7.8% were third wives. When women reach menopause and stop having children they are considered to no longer be of any worth. Older women in a refuge in Delwende said they had been sent away because they were an economic burden to their husbands.

Research showed that child morbidity and mortality are key underlying factors for witchcraft accusations. 61% of the excluded people living in reception centres were accused of causing death or sickness¹⁰. Limited access to health provision leads a large proportion of the population to depend on traditional healers who not only misdiagnose illnesses but also accuse and perpetuate the stigmatisation of vulnerable women.

A 76 year old woman from a reception centre for women excluded from their communities in Passore told researchers that *"the last wife to my husband gave me a sick child with a high fever to hold for her as she went to fetch water. I put cold water on the child to cool the temperature and immediately the child died in my hands after convulsing. I was sent away immediately. There was no need to call the local healers to find the victim. I admitted that I was the cause of the death. Since then I have been here for 17 years."*

Structural barriers to redress

Lack of awareness and protection perpetuates persecution and abuse of women's rights. Older women are often reluctant and afraid to seek protection or report violations. The study in 2006 showed that less than 10% of people accused of witchcraft were able to request that their guilt be established and 75% said they would rather have died than undergo such humiliation. Accused women have no support, access to legal advice or redress and therefore no option but to leave the community. 55% of those interviewed said their immediate thought on being accused was to commit suicide.

Customary laws perpetuating inequality and human rights violations and the absence of clear legal and policy frameworks lead to the State's inability to enforce legislation such as the family and penal codes. Structural obstacles limit the capacity and mandate of the authorities to address the issue and duty bearers such as the gendarmerie, prefects, judges and civil servants often lack knowledge and resources to provide protection or are unwilling to engage in 'domestic' issues.

Discussions with the director and staff of the Ministry of Social Action and National Solidarity in 2009 revealed that the biggest challenge they face is the inability to follow up on cases that come to their attention due to lack of resources such as transport vehicles and staff. Another challenge is lack of awareness amongst those accused of witchcraft that they can get support from the Ministry¹¹.

There is a lack of reliable data on the scale of witchcraft-related rights abuse. Institutional and cultural barriers hinder the systematic collection of data relating to witchcraft accusations and rights violations and the reporting of cases to the authorities. Police in Arbolles department in

¹⁰ HelpAge International & the Ministry of Social Action and National Solidarity, 2006

¹¹ HelpAge International, *Baseline Survey Report on Social-Economic and the rights of older people in Passore Province, Burkina Faso*, April 2010, unpublished, page 27

Passore province estimated in 2009 that only 20% of cases were reported to them and the gendarmerie in Yako, the provincial capital of Passore, recorded only 3 cases in 2009¹².

Finally, civil society's capacity to defend older people's rights and advocate for policy development and implementation is weak. While a range of civil society organisations have emerged in response to widespread chronic poverty and rights violations, they frequently lack the capacity to challenge deep-rooted traditional practices, customary laws and state inertia.

A holistic approach is necessary to prevent accusations of witchcraft, provide redress for those who have been accused and address the underlying causes of such accusations. The Government has an important role to play in challenging cultural beliefs and practices that result in discrimination against women, building the capacity of the judiciary to investigate, prosecute and punish offences committed as a result of accusations of witchcraft under appropriate criminal laws (for example, murder, assault, incitement, or libel) and to build the capacity of civil society to work more effectively with communities on these issues.

Article 11: Social security

The Government states in paragraph 177, Table 8 of the report that only 1.7% of women (compared to 4.8% of men) are entitled to a pension and recognises the challenges in extending coverage to those in the informal sector. Although the rates for both women and men are low, the fact that coverage of these contributory pensions is over double the rate for men as it is for women shows that contributory pensions can exacerbate and reinforce gender inequalities.

The Independent Expert on extreme poverty and human rights concluded in her report to the Human Rights Council at its 14th session in June 2010¹³ 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).

A non-contributory pension is affordable. A universal pension to everyone over the age of 60 of 8,159.47 CFA Fr (\$16.74 in July 2010 and equivalent to the international poverty line) would only cost 1.18% of GDP¹⁴.

The positive impact that pensions have on the nutrition, well being and poverty of older women and men and those with whom they have a caring relationship, as well as access to services and entitlements, is now well established. Given the extremely low coverage of contributory pensions, high administrative costs and targeting problems that come with means testing, and the fact that the majority of the population live in poverty, with 46.4% below the absolute poverty line (paragraph 14 of the report), introducing a universal non-contributory pension would be the most gender sensitive, cost effective and efficient way of extending and realising the right to social security in old age to all.

¹² HelpAge International, 2010

¹³ Report of Independent Expert on the question of human rights and extreme poverty, A/HRC/14/31, 18 March 2010

¹⁴ HelpAge International online Pension Calculator, forthcoming