



The National Gender and Equality Commission (NGEC) is a Constitutional Commission established pursuant to Articles 59 (4) and (5) of the Constitution and operationalized through the National Gender and Equality Commission Act, 2011 with overall mandate to promote gender equality and freedom from discrimination as per Article 27 of the Constitution by auditing, facilitating, monitoring and advising on the integration of these principles in all national and county policies, laws and administrative regulations. NGEC's target groups include women, youth, persons with disabilities (PWDs), children, the elderly, and minorities and marginalized groups.

Additional specific functions of the Commission are presented in NGEC Act of Parliament (section 8a-p) of 2011.

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The views and opinions expressed in this report are those of the author and do not necessarily reflect the views of the funding agencies or their associates.



Whipping Wisdom

Rapid assessment on violence against older persons in Kenya



2014



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2014

Foreword

The National Gender and Equality Commission (NGEC) is a constitutional commission established by an Act of Parliament in August 2011. Article 27 of the Constitution of Kenya 2010, gives the Commission mandate to promote gender equality and freedom from discrimination among all Kenyans and in all spheres of life with particular focus on Special Interest Groups (SIGs) consisting of women, persons with disabilities, children, the youth, the elderly and the minority and marginalized groups and communities. To date, the Commission has continued to lay a foundation for state, non-state actors and the private sector in Kenya for the integration of the principles of equality and inclusion in national and county policies, laws and administrative regulations.

In February 2014, the commission with financial assistance from the Government of Kenya and United Nations Development Program in Kenya designed and executed a rapid assessment on violence against older persons in Kenya to inform programs intended to promote rights and privileges of older persons at national and county levels. The activity was conducted in Kisii, Murang'a, Narok and Tharaka Nithi counties.

The rapid assessment comes at a defining phase in our country's devolved system of governance and therefore the need to inform the county governments of their role in protection of the special interest groups especially the elderly who are largely overlooked. The report takes into account emerging issues of the unique and specific drivers of violence against the order persons such as land and deteriorating community and family values.

The report recommends operationalization of the National Social Assistance Act 2013 and the expansion of the National Social Security Fund as the institutional and infrastructural framework for management of social protection for the older persons. The report further recommends that county governments legislate and effect social protection laws and regulations towards protection of the elderly persons.

The commission strongly believes that with a firm legislative framework at national and county levels, it will be possible to protect the vulnerable persons and ensure an inclusive and just society as envisaged in Vision 2030.

We acknowledge the financial and technical support from the government, the Transition Authority and development partners including UNDP and Ford Foundation who supported the commission's intervention. It is my hope that this report will be useful to all stakeholders in designing policy and interventions programs that promote general welfare of older persons of this nation.

Comm. Winfred Lichuma, EBS


Chairperson



NGEC Staff during the Report Writing Retreat on 01/05/2014
at Izaak Walton Inn, Embu Town

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Acknowledgement

NGEC would like to express gratitude to all stakeholders who made valuable contributions towards the development of this report many of whom we are not able to list their names in this page.

To all governors and their deputies who supported this assessment; the County Commissioners, Deputy County Commissioners, County Secretaries, Deputy County Secretaries, OCPDs, Chiefs, Assistant Chiefs, Prosecutors, Magistrate, religious leaders, members of civil society who provided information about the extent, type and responses to violence against older members of society in Kenya. We salute you!

Special gratitude goes to older persons and caregivers contacted during the assessment for their cooperation in providing some personal information and experiences.

Many thanks go to the Commissioners and staff of the National Gender and Equality Commission for their dedication in conception, data collection and preparing this report. The commission is grateful to Transition Authority for allowing county transition coordinators to facilitate and coordinate data collection activities at the county level.

Finally, we would like to thank Government of Kenya, UNDP, Government of Finland, and Government of Sweden for the financial support towards this assessment.

Prof. Rose Odhiambo, HSC



Commission Secretary

List of Abbreviations

HSNP	Hunger Safety Net Program
KNBS	Kenya National Bureau of Statistics
MIPAA	Madrid International Plan of Action on Ageing
NGEC	National Gender and Equality Commission
OPs	Older Persons
OPCT	Older Persons Cash Transfer
PFPA	African Union Policy Framework and Plan of Action on Ageing
UFS-CT	Urban Food Subsidy Cash Transfer
WHO	World Health Organization

The Ministry of Labour, Social Security and Services should fast track the completion of National Policy on Older Persons and Ageing of 2009 and its adoption to provide guidelines on programming around social security interventions at national and county levels. The private sector should consider using this policy to identify plausible corporate and social investment programs targeting older persons and their care givers.

The county governments have the opportunity to increase resource allocation in their medium term development and investment plans through policy frameworks for activities and programs geared towards social protection and safety for older persons.

The National Gender and Equality Commission should ensure compliance with international and regional treaties that Kenya is a signatory to that relates to older persons. Further, the commission should facilitate Kenya to ratify additional treaties and protocols available that promotes the rights and social protection of older persons.

In collaboration with other agencies, NGEC should coordinate and advice on public education program for the creation of a culture of respect of rights of older persons. The first phase of the educational program should target the youth to impart knowledge on value and importance of protection and safety for older persons in Kenya.

In order to deliver comprehensive programs on empowerment and social protection for older persons, the commission recommends:-

- ✓ Implementation of the National Social Security Fund Act 2013 Amendments to cushion working Kenyans in both formal and informal employment from old age poverty in accordance with Vision 2030
- ✓ The county governments to develop policy frameworks for social protection of elderly persons and invest in homes for older persons to take care of individuals neglected and abandoned by their family members and caregivers in order to safeguard.
- ✓ The national government through the judiciary to establish special courts or court sessions to adjudicate on legal matters affecting rights and safety of older persons.
- ✓ The Ministry of Labour, Social, Security and Services, the Ministry of Lands and the National Land Commission to design and execute continual public education promoting succession for property through formal wills.
- ✓ All the implementing agencies to build the capacity of administrators, judiciary, police, and health care providers, and family members on rights of older persons, strategies for detecting and responding to different forms of elderly abuses.

3.0 Conclusions, program and policy implications

This section presents conclusions and suggests some policy and programmatic implications.

3.1 Conclusion

There is generally high levels of prevalence and incidence of abuses against older persons. Much of the abuses against older persons are unreported and unattended to. Older persons therefore continue to be at risk of abuses. Most of the violence happen at home and are committed by persons known to them that include children, family members, friends, and care givers.

Older persons experience different forms of violence that include; physical, financial, emotional, psychological, and sexual. Poverty, idleness, deteriorating family and community values, land, migration of family members to other areas, excessive use of alcohol are some of the key factors identified in this study responsible for driving violence against older persons.

3.2 Policy and programmatic implications

There is need for continued discussions and conclusions on scope and content of proposed UN Convention on older persons. The convention will go a long way to strengthen protection of rights of older persons in the member states. When put in place, Kenya should take leadership in ratifying the convention. At the African level, Kenya should support African Union in establishment of African Protocol on Aging.

The national and county governments have the opportunity to establish infrastructural framework to manage social protection for older persons. This will involve operationalization of the National Social Assistance Act 2013 and its domestication at county level.

Similar to the Children Act of 2012, Kenya should enact a law on older persons to create legal mechanism and frameworks for protecting the rights of older persons in accordance with the provisions of the 2010 constitution. It is anticipated that such law will promote the rights and social welfare of older persons at family and other levels and in all spheres of life.

The National Social Security Fund, the retirement benefits authority and the Ministry of Labor, Social Security and Services to conduct continuous public education on need for saving for towards retirement for both the formally and informally employed persons for protection towards retirement poverty.

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Executive Summary

In February 2014, the commission designed and executed a rapid assessment on violence against older persons in Kenya to inform legal and programmatic interventions by the National and County governments towards protection of the rights and privileges of older persons in the new devolved governance structures. The assessment was limited to four counties; Kisii, Murang'a, Narok and Tharaka Nithi Counties to provide a synopsis of an account of violence against the elderly persons.

The sampling of the counties was based on older person's population distribution, regional diversity and level of occurrence of violence against older persons. Information on personal characters, awareness of and experiences with violence against older persons was collected from the older persons and their caregivers using questionnaires and observation schedules. Additional information was collected from opinion leaders' drawn from police, judiciary, religious leadership, county governance and administration, civic societies and village elders on types of violence, perpetrators, drivers and common places of violence.

The objectives of the assessment were:-

- To document prevalence of abuse of the elderly in Kenya
- To examine the different forms of violence meted against older persons in Kenya
- To identify emerging drivers of violence against older persons in Kenya
- To examine opportunities county governments, private sector and non-state actors have in promoting rights of older persons

The assessment reveals high prevalence of violence against older persons that is rarely reported. This violence occurs at all levels of social economic status, among the poor and also the rich.

The key forms of violence, perpetrators and drivers identified during the assessment include:-

1. Forms of violence

- Psychological harm manifested directly or indirectly
- Hindrance from use and disposal of property in addition to pressure in connection with Will and inheritance,
- Social stigma and suspicion due to deterioration of community and family values,
- Neglect and abandonment influenced by movements(rural urban migration)



A Chief in Narok County help with translations of a conversation between an elderly lady and staff of NGECC

d) Migration

Physical mobility is associated with desire to improve livelihood. Young persons who are traditionally the main care-givers of older persons often move from one place to another in search of livelihoods. Older persons are left behind in the ancestral land or move from urban to rural areas on retirement. When older parents are left behind without care and support, their vulnerability to violence increase. In some cases, children and family members submit financial support to the older members of the society but their physical absence makes them vulnerable to exploitation, theft and denial of essential services by entrusted care givers.

e) Idleness, alcoholism and drug abuse

Low self-worth among younger population and increasing sense of hopelessness often lead to alcoholism and drug abuse. Older persons living with care givers and family members who use and abuse alcohol and drugs are more likely to suffer violence and abuse. Older persons who suffer from low self-esteem and powerlessness are likely to suffer violence. Older persons who take excessive amounts of alcohol, tobacco, or other drugs are more likely to engage in physical violence, commit crimes and provoke care givers and family members to commit different forms of abuses. When drunk for example, older persons insult younger members of family who may retaliate through beatings or psychological abuse.

The assessment found out that in the traditional set ups there was a designated individual in the family responsible for taking care of older members. In some communities, it was the responsibility of either the first born or last born son to take care of their ageing parents. However, the responsibility has since been shifted to non-designated members of the family.

Taking care of older persons was traditionally equated to blessings. Those who failed to take care of older parents suffered a curse. In the modern communities, younger generations do not believe in curses and therefore are likely to take risks and commit abuse against older persons or are less concerned about vulnerability of older persons. The high sense of individualism and market economy promotes personal wellbeing and is likely to impact negatively on less productive members of family such as the older persons.

c) Land

Like other members of the society, older persons are affected by land related issues. Those with little knowledge on land adjudication process, are owners of prime or large pieces of land, and in polygamous unions, are more susceptible to violence perpetuated on the basis of land. Almost one half of older persons interviewed had no formal education. The inability to read and write exposes older persons to unscrupulous land dealers and insincere children who fraudulently transfer and sell land and other properties. The case is complicated by the fact that older persons are unlikely to suspect their own children. Even when older persons sell or transfer land and other property through genuine processes, the children have opportunity to defraud of money earned. In Kisii County, the “*emonga*” which is the last piece of land left for the parents after subdivisions to sons is a potential source of conflict and driver for violence against parents. Children sometimes conspire and plan to kill their parents to inherit and dispose of the ‘*emonga*’.

Generally, older persons own larger pieces of land compared to the younger persons. This disproportionate ownership of land is a major driver for violence against older persons and a source of generational conflict. The interviews conducted with opinion shapers indicated that some older persons were not willing to share land with their children. They hold land as security and motivator factor to influence children to continue supporting them as they wait to inherit the land. On their part children use forceful means to inherit the land a process that exposes older persons to high risks of different forms of violence.

2. Perpetrators of violence:-

- Family members constitute the majority
- Others close to the older persons at community level

3. Drivers of violence:-

- land succession with regard to inheritance
- Poverty and related pressure for responsibilities towards care for older persons
- Degrading family and community values due to disintegration of traditional social fabric

High levels of elderly abuse exists and goes unreported due to the places of violence and profile of the perpetrators making it difficult for the older persons to report the vice or access social justice.

The report 'whipping wisdom' enumerates the main recommendations towards the protection of the rights and privileges of older persons, mechanism for guaranteeing social security, infrastructure for promoting legal obligations at the national and county levels and influencing family members and private sector to increase their attention and investment towards aging.

The report makes the following recommendations:-

- Operationalization of the National Social Assistance Act, 2013 and the National Social Security Fund Act, 2013 amendments to secure the lives of older and vulnerable
- Intensive public education on succession for property through formal will to reduce the conflicts between the youth and the elderly persons
- County governments to invest in care programs including homes for older persons
- The National government through the judiciary to establish special courts or court sessions to adjudicate on legal matters affecting rights and safety of older persons

Introduction

1.0 Background

Abuse of older persons is a major societal problem that often goes undetected. Although not a new phenomenon, the speed of population ageing worldwide has given rise to fears that abuse of older persons may increase in its incidence, prevalence and complexity. Globally, the number of cases of elder maltreatment is projected to increase as many countries have rapidly ageing populations whose needs may not be met easily due to resource constraints (WHO, 2011).

Abuse of older persons is often associated with multiple consequences, at individual and society level. Survivors experience distress and may never fully emotionally recover from trauma. The individual suffers increasing sense of insecurity, illness, anxiety or depression. The shame and fear of getting institutionalized may cause older persons reluctance to seek help. Victims of elder abuse are typically torn between the feelings they have for their abusers and desire to speak up about the abuse especially when they are dependent on the perpetrators. Despite older persons having well known rights and privileges, they lack an avenue and voice to exercise those rights. Older persons suffering any form of violence are hindered by cultural and traditional values from disclosing the vice and therefore hardly receive social justice.

Elder abuse, neglect and abandonment is correlated to higher dependence in performing activities of daily living, and self-destructive behaviors. The maltreatment of any form among older persons is also associated with higher risks in health. At the societal level, abuse is related to higher direct costs in health care, high expenditure in the intensive care and nurturance, and loss of productivity for both abled elderly persons and the care givers. According to World Health Organization's (WHO) abuse of older persons also referred to "elder abuse" is defined as; *a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.*" (WHO 2008)

1.1 Population

The population of older persons defined as those of ages 60 and above is increasing at an alarming rate. In the 1950's there were 205 million older persons worldwide and by the year 2000, the number tripled to 606 million. In 2012, there were approximately 810 million older persons. It is projected the population will reach 1.2 billion and 2 billion in 2025 and 2050 respectively (GOK 2009). In Africa, the population of this group is estimated at 59.7 million representing about 6% of the whole population.

Older persons living with non-family members were more susceptible to violence perpetrated by care givers and non-family members. The older members are accused of consuming resources, a burden to society, and nonproductive. They are regarded as 'failures' in life.

2.6 Key drivers of violence against older persons

Drivers of violence against older persons are dynamic multi-faceted and multi-dimensional, although they converge in the community perception that older persons are frail and have nothing more to offer in family and larger society. Lack of respect, values for older persons, changing traditions, modernization, inadequate awareness about rights of older persons, lack of public education about rights of older persons, obligations of family members and the state, unpreparedness of younger generation to take care of older persons, unprepared health and social systems to respond to needs of older persons are major factors that drive high levels of violence against older persons in Kenya.

a) Poverty

The increased cost of living with diminishing resources puts a lot of pressure on families who have older members in their units. Consequently the children and relatives of older person even when they are willing to support have limited resources and options. When family members of ageing persons lack meaningful ways of earning an income, they prefer abandoning, neglecting, dispose of land without consent of older persons, result to alcoholism and drug abuse. Such behavior exposes older member in the family to violence.

In the study areas, poverty was commonly cited as a driver of abuse and violence against older persons. The low income level among older persons where a majority earns below Ksh 1,000 per month is an indicator of poverty levels among older members of society. The assessment revealed that those aged 76 years and above were more prone to poverty and neglect because they were not engaged in productive activities. Family members perceive such older members of family as a burden.

b) Deteriorating family and community values

Information from key informants and community members indicates that older persons are considered as non-beneficial to some members of contemporary society. Older persons are perceived to have lived to their full term that they should not receive or own property. The increasing breakdown of family and traditional values, the preference for nuclear families to extended families, collapse of strong neighborhood networks, entrenched greed and sense of individualism among younger generation, and weak social systems have contributed to increased vulnerability of older persons to violence. The amount of social security extended to older persons is limited and unpredictable.

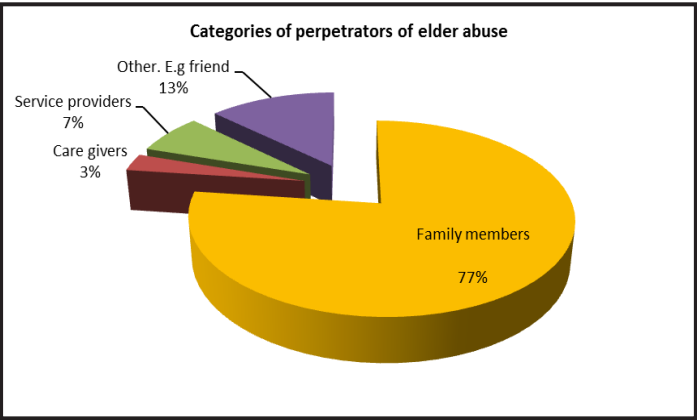
2.4 Common spots of violence

Nearly 90 percent of violence against older persons occurs in their own homes. Other places include institutional settings and homes of their care givers. Social and public places are becoming common places where violence takes place. During political campaigns and other public occasions older persons are exposed to higher risks of physical violence especially when different camps differ on agenda.

2.5 Key perpetrators of violence

This assessment revealed that family members are the main perpetrators of elder abuse. As family ties continue to disintegrate, older persons in the society lose primary source of moral and social support. Rogue members of family, particularly sons, grandchildren and daughters in-law were cited as the main perpetrators of violence against older persons. This profile of perpetrators coupled with 'place of violence' leads to low reporting rates of violence against older persons. Further, older persons have little knowledge of what amounts to abuse and therefore may exonerate children and close relatives from the crime. Other categories of perpetrators include care givers, friends, and service providers as shown in figure 2.5

Figure 2.5 Categories of perpetrators of elder abuse



According to testimonies from elderly persons interviewed during the assessment, their vulnerability is correlated with dependency on family members or care givers. In Narok, the elderly and ageing men were beaten and mistreated by younger wives who connived with husbands (sons of older members/victim). Sometimes a family member would conspire with a community member to violate rights of older members. For example, a son would hatch a plan supported by the community for the council of elders to declare his father senile and therefore incapable to head the extended family. The son would be declared the head of extended family to take advantage to acquire and dispose land of his father (the victim). Elderly women revealed that daughters in-law neglect them.

According to the Kenya population and housing census reports, the population of older persons grew exponentially from 270,000 in 1949 to 1.9 million in 2009 and is likely to reach 2.6 million in the year 2020 (KNBS, 2009). Kenya has made available estimates of older persons in each of the county for use in programming.

1.2 Legal and policy frameworks

Issues of older persons have attracted attention of international conventions and treaties as well as regional legal instruments. Many countries have also acknowledged the importance of developing specific legal and policy frameworks to protect the rights and social welfare of older persons.

a) International Level

The Vienna International Plan of Action on Ageing is the first international instrument on ageing. The instrument was endorsed by the United Nations General Assembly in 1982 (resolution 37/51), having been adopted earlier at the World Assembly on Ageing in Vienna, Austria. The instrument provides a basis for the formulation of policies and programs on ageing for many countries.

The United Nations Principles for Older Persons were adopted by the UN General Assembly (Resolution 46/91) on 16 December 1991. Governments were encouraged to the greatest extent possible, to incorporate these principles into national programs for older persons. There are 18 principles, which can be grouped under five themes: independence, participation, care, self-fulfillment and dignity.

Another critical instrument is the Proclamation on Ageing adopted by the UN general assembly at its 42nd plenary meeting, 16 October 1992.

In 2002, delegates representing more than 160 governments attended the United Nations Second World Assembly on Ageing to revise the Vienna Plan on Ageing (1982) and establish a long-term strategy for tackling ageing world populations. The meeting resulted in the adoption of the Madrid International Plan of Action on Ageing (MIPAA) and its call to action to 'build a society for all ages'. The plan of action call for commitment to the understanding that; "People as they age, should enjoy a life of fulfillment, health, security and active participation in the economic, social, cultural and political life of their societies". The plan of action further emphasized on the following; the determination of member states to enhance recognition of the dignity of older people and to eliminate all forms of neglect, abuse and violence.

There are numerous efforts and discussions towards establishment of the UN convention on older persons with object of strengthening protection of rights of older persons. Similar discussions have been going on at regional levels for example at the African Union.

b) Regional Level

In Africa, the African Union Policy Framework and Plan of Action on Ageing (PFPA) represents the regional response to tackling the challenge of ageing populations. Established in 2002, the PFPA commits all AU member countries (Kenya included) to develop policies on ageing:

'Government has responsibility to provide leadership on the development of National Policies and to challenge discriminatory practices.'

PFPA further recognizes the resource implications in programming around ageing and recommends that; *'the rights and needs of older people should be included in national budgets and Governments should advocate the allocation of resources for programs to address ageing issues from the international donor community.'*

Article 22 of the protocol, African charter on human and people's rights, provides for the protection of elderly women.

Most importantly is that although the regional and international instruments prohibit the neglect, abuse and violence against the older persons, a few studies conducted in Africa show increased conflict between older persons and their societies.

c) Domestic

The government of Kenya has taken policy, legal, programmatic and administrative actions towards improving the welfare of older persons and protection of their rights. The Constitution of Kenya 2010, Articles; 27 (4), 29 (c), 43 (3) and 57 (c) provide for protection and promotion of rights for older persons. The constitution also provides the definition for an older person (Art. 260) and states multiple provisions such as on freedom from discrimination, equality, full participation in the affairs of the society, personal development, respect, dignity and freedom from abuse.

The Vision 2030 provides a framework for social protection amongst older persons in Kenya. The blue print envisages a broad and effective social security system that harnesses, utilizes talents and wisdom of older persons. It recognizes that retirees, in this context, older persons, are capable of making a contribution to the development of the society and further provides for savings for the older persons. This commitment is re-emphasized in the second Medium Term Plan 2013- 2017. The social protection package is one of the prioritized areas in the 2014-15 budget allocation. The government intends to increase the number of beneficiaries of older persons cash transfer program by 50% from 500,000 persons in 2013/2014 financial year to 1 million (GOK, 2014).

In Narok County a senior government officer reported having received **three** cases of older persons being deprived of their land between December 2013 and February 2014. In one case, a chief was depriving her elderly mother 170-hectares of land, while in another case an older woman was being deprived land by her brothers-in-law.

Similarly in Chuka, Tharaka Nithi County, cases of land boundaries resulted in violence against the ageing persons. Where cases had persisted in formal land adjudication processes, members of society resulted in perpetuating psychological abuse against the older person holding the land in question.



A chief in Kisii County translates for the NGEK staff the narrations of an abandoned old lady

Sexual

The non-consensual physical contact involving among other acts unwanted touches or kissing are some of the ways perpetrators use to administer sexual violence and abuse among older persons. Where older persons especially women were abandoned, they increasingly became prone to sexual exploitation. This form of violation occurred in areas where the perpetrators were largely idle. During a meeting with community leaders in Muranga, a case of a 90-year old elderly woman who was abducted, kidnapped and raped was reported. The case occurred in December 2013 and reported in the national media.

Cases of rape are rarely reported because family members and the elderly persons opt to solve the matter at family level to avoid embarrassment, fear of disbelief, and protect family image and retaliation from the perpetrators and their allies. Such mechanisms of solving these crimes denies survivors justice, and opportunities for healing and reconciliation. Elderly persons rarely talk of matters affecting their families and themselves especially cases around sexual abuse. Security agencies across the counties noted that older persons and their kins only reported matters and crimes they felt are worth investigations from police. During this study, respondents and opinion leaders agreed about the increasing levels of sexual violence against older persons in the recent times.

Neglect and abandonment

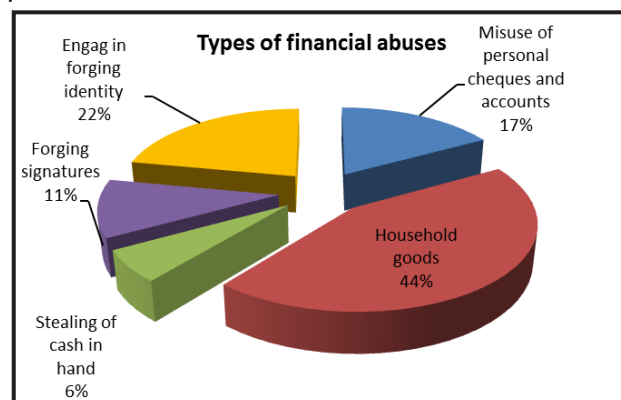
This is another form of violence reported in the study areas. Neglect is defined as intentional or unintentional refusal to fulfill a care taking obligation such as failure to give company. Abandonment is delivered inform of withdrawal of responsibility and duty. Older persons and opinion leaders in the study areas reported some incidences of neglect and abandonment from their immediate family members particularly children and daughters-in-law. Older persons are left alone without anyone to provide food, give company or offer assistance to get medical attention when needed. In order to cope up with this challenge, older persons result to begging. In Kisii for example, a case of a lady was narrated. Her house is located on top of a hill and she needed to walk to low lands to access services such as purchase food or receive medical care. Her children live in Nairobi and they do not visit or send any form of assistance. The survivor depends on well-wishers to deliver food and other needs uphill.

Economic

In the recent past, economic abuse is prevalent among older persons living in the study areas. The use of money or goods without consent of the older persons, taking advantage of older members of society, stealing from them, and pressure to endorse wills and inheritance are some of type of economic violence commonly practiced in Kenya. Some older persons are forced to sign off on sale of prime properties including land, forced to withdraw money from banks or mobile phones by children and relatives or issue cheques under duress.

In all counties, land was the most prevalent driver of financial abuse. Older persons are deprived of land through coercion, manipulation or forgery. Perpetrators of this vice were mainly family members particularly sons, in-laws and brothers. Both gender of older persons suffered equally from this kind of violence. Figure 3.3 presents a summary of the most common sub types of financial abuse reported in the study areas.

Figure 2.3 Types of financial abuses



Under schedule 4 of the 2010 constitution of Kenya, the county government is responsible for, among other functions, county health services, cultural activities, county planning and development which provide opportunities for programming and budgeting for interventions intended to promotion rights and welfare of older persons. The counties have avenues to plan and invest in social protection for older persons through the county development and investment and strategic plans.

In 2009 the government adopted a national policy on older persons and ageing that is currently under review. Social assistance programs such as the Older Persons Cash Transfer (OPCT), the Hunger Safety Net Program (HSNP), the Urban Food Subsidy Cash Transfer (UFS-CT) and adult education programs are all aimed at promoting the wellbeing of older persons in Kenya. The National Social Assistance Act 2013 creates an authority to manage the social assistance program. Lack of timely and full operationalization of the Act has hindered the comprehensive response to social protection for older members of society.

Through the National Social Security Fund Act of 2013, the government of Kenya has opened greater opportunities and value for investment for old age through coverage and benefits accrued from the scheme. A study by Kenya Retirement Benefits Authority shows that young and working Kenyans hardly prepare for old age with only a small fraction (400,000 persons) investing in retirement schemes. Kenya needs to design educational programs to change attitude and practices among younger population to recognize and prepare for old age.

Besides state intervention, the family remains an important institution in safeguarding social and economic security of older persons. However, with the rapid changes in the social settings breakdown of the extended families, and weak nuclear families managed by orphans, children married to older persons, female headed households, the older persons are exposed to multiple forms of violence.

1. 3 Perspective: Life of older persons in Kenya and preparation for Old age

More than 60 percent of Kenyans are young and do not prepare for old age (RBA 2007). In addition, the study forecasts that nearly 6.6 million working Kenyans will be retired by the year 2020 and thus a sad state of affairs for old age. About 73 percent of this population will be residing in the rural areas a majority of rural areas and informal urban settlements have underdeveloped social and economic infrastructure such as health and housing that is inadequate to take care of the ageing populations and therefore strain to those responsible for taking care of the older persons.

Separately, the Kenya vision 2030 recognizes saving for old age poverty. However, majority of people both in formal and informal employment do not to cushion themselves in old age with only 40 % saving for their retirement.

Older persons play a critical role in the general economy and livelihoods of families. For example they are custodians of knowledge and family memories, knit the social fabric of the family and communities, and are responsible for nurturing social cohesion. Older persons take care of grandchildren, orphans and vulnerable children, victims of crime and HIV/AIDS and persons with disabilities. In some communities, there are specific domestic tasks and chores reserved for the older members including fetching firewood, cooking, looking after animals, looking after young children, and providing day time security.



A gathering of elderly persons in Kagea Sub-county, Muranga County, Feb 11, 2014

1.4 Prevalence of elder abuse

Generally there is scanty country and county specific data on the prevalence of violence against older members of society. In 2002, World Health Organization raised global attention about violence against older persons. WHO identified various forms of elder abuse that include physical, psychological/emotional, sexual and financial as well as, intentional and un-intentional neglect. Elderly abuse is recognized as a violation of human rights and a significant cause of injury, illness, lost productivity, isolation and despair and therefore requires multi-sectoral and multi-disciplinary response.

Over the years, government agencies and community professional groups, worldwide, have specified violence against older persons as a social problem. Although there are common themes of violence against older persons across nations, there are also unique manifestations based upon history, culture, economic strength, and societal perceptions of older people within nations themselves.

2.3 Prevalent forms of elderly abuse

Psychological

About one-tenth of respondents reported that they had not experienced any form of violence in the past six months. Among those who have suffered some violence, a majority suffered psychological abuse. This form of violence is the easiest to inflict to victims and most difficult for older members to prove of its occurrence to police and other authorities. This form of violence is exhibited in form of name calling, raising one's voice to the older person, shouting, bullying and issuing threats.

Physical

Another common form of violence is the physical harm. However, this form of violence is often executed in a manner to conceal physical impacts or visible bodily harm. Respondents cited hitting on body (18%), slapping on face (26%), pushing with aggression (31%), and inflicting pain (26%) as some of the strategies perpetrators use to deliver physical abuse. Others include forcing older persons to take medicines against their will. (Is this a form of abuse considering the consequences of not taking prescribed medicine)

The commission was informed of lynching of older persons alleged to be witches in Kisii and Tharaka Nithi Counties. For example in 2011, eight older persons were lynched in Kisii County. A similar attempt to lynch an elderly couple was made in January 2014. Perpetrators alleged witchcraft so as to have the older persons eliminated for personal gains such as acquisition of land. In such cases, the perpetrators are mainly family members who collude with community members to allege witchcraft. Once an individual is singled out as a witch, the community members lynch the suspect. Witchcraft is perceived as a very serious offence among communities in the two counties and is often punishable by death in the traditional courts.

In Tharaka Nithi County, few cases of attempted lynch were reported. In one of the cases, an elderly person alleged to be practicing witchcraft was forced to take an oath for cleansing. In a separate incident, data collectors were informed of an old couple who were engaging in physical fights over control of proceeds from a tea farm.



A burnt down home of an elderly couple in Kisii County: Act based on allegations of witchcraft



Participants with commission staff in a light moment in Murang'a County during data collection Feb 11, 2014

2.2 Prevalence of violence against older persons

Initial discussions at the counties of study revealed low levels of prevalence of elderly abuse. This indicates lack of consideration of elderly violence as a serious issue or crime in the communities and among administrators. For example, the police units though acknowledge occurrence of violence against older persons in the communities, there were no readily available estimates at the stations on number of cases reported, investigated and concluded. Such data however is reported to be available in the police headquarters.

In-depth discussions with elderly persons care givers and opinion leaders on the other hand points to high incidences and prevalence of elderly abuse in the recent past. However, very few incidences of abuses are reported to the authorities. Among those cases reported, a majority of them reach the local administration at the ward level. Few others reach health facilities when victims seek for emergency medical care. A small proportion of cases are reported to the police and only a few reach the formal judicial system. Most cases of abuse are reported after multiple occurrence and after victims feel at a greater risk. The prevalence by different forms of violence varies by factors influencing occurrence of abuse. For example, in Kisii suspicion for witchcraft promotes occurrence of physical abuse while this same form of abuse is largely influenced by other factors in other counties.

Key informants of the assessment revealed that much of violence against older persons goes unreported

In Kenya, violence against older persons has taken a gender based dimension such as 'killings of older men and women on suspicion of practicing witchcraft, domestic violence, rape particularly among older women, kidnapping for monetary gain, fraud to acquire property and money from older member of society engineered by children or in collusion between institutions and close family members, threats and emotional torture, and physical harm. Older persons especially women bear the brunt of abuse, suffering financial hardship and social isolation taking care of their orphaned grandchildren, blamed for every calamity that affects their societies and looked down upon with contempt (Mba, C.J 2007).

The true national incidence or prevalence of violence against older persons in Kenya is not known although the media has reported some cases. Several conditions and reasons make it hard for researchers to obtain accurate statistics on violence against older persons. It is largely a hidden problem and tends to be committed in the privacy of the older person's home, mostly by his or her family members. Another reason is the unwillingness of victims to report abuse for fear of; disbelief, loss of independence, being institutionalized, losing social support (especially if the perpetrator is a relative), and being subjected to future retaliation by the perpetrator(s). Cognitive decline and ill health also prevent reporting abuses. Lack of proper training of service providers, such as social workers, law enforcers, nurses, about elder abuse contributes to under reporting of crime. Abuses against older persons are perceived as less serious crimes by law enforcing agencies and are referred back to family dispute resolution mechanisms.

1.5 Methods

1.5.1 Objectives

- To document prevalence of abuse of the elderly in Kenya
- To examine the different forms of violence meted against older persons in Kenya
- To identify emerging drivers of violence against older persons in Kenya
- To examine opportunities county governments, private sector and non-state actors have in promoting rights of older persons

1.5.2. Expected outcome

The results of the assessment will be used to generate advisory to national and county government, and private sector on effective interventions for protecting the rights and privileges of older members of the society to mitigate the escalating incidences of abuses. The assessment will present to government agencies, civil societies, communities and faith leadership some strategies of main streaming issues of older persons in development agenda.

1.5.3 Coverage

The assessment was conducted in Muranga, Tharaka Nithi, Narok and Kisii counties. Data collection begun in February 2014 and the report validated in May 2014. The assessment was conducted by the National Gender and Equality Commission in collaboration with Transition Authority, county governments and the Ministry of Interior Coordination.

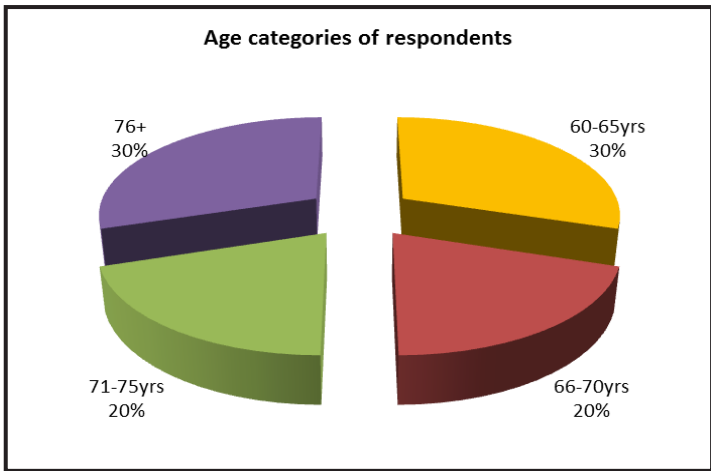
The counties were sampled on the basis of population distribution of older persons (High and low); media reports on incidences of violence against older persons, and regional diversity. The assessment applied mixed methods. Data was collected from older persons and their care givers using structured questionnaires and observation schedule. These tools were used to gather information on personal characteristics, awareness of and experiences with violence against older persons. Additional information was gathered from key opinion leaders and informants drawn from police, judiciary, faith leadership, county governance, county administration, civil societies and village elders. Opinion leaders provided data on gaps and opportunities existing in the legal and policy frameworks related to aging, crime, social protection, and family values and responsibility. They also provided information about types of violence, place of crime, profile of perpetrators, drivers of violence, access to justice, and responses to the vice.

2.0 Key Results

2.1 Characteristics of respondents

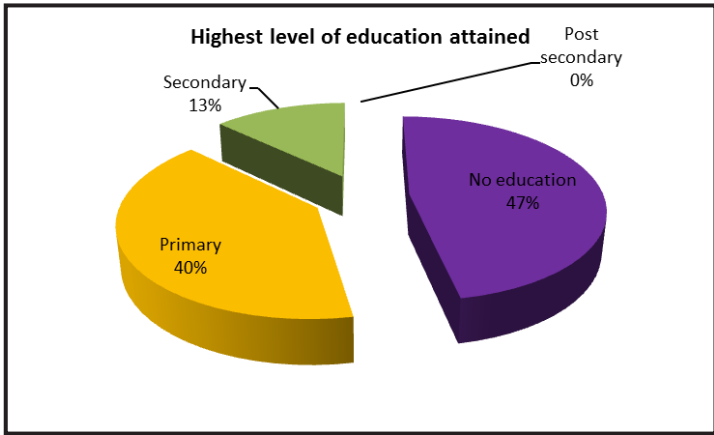
The assessment contacted 30 older persons, 20 care givers and made 12 home observations. Two thirds of individual-based interviews were conducted with men aged 60 and above. One third of the respondents were aged between 60-65 years and a similar proportion fell in ages 76 above as shown in Figure 2.1

Figure 2.1 Distribution of respondents by age categories



Almost one half of the respondents had **no formal** education while 40% had attained primary level education. Only about one-tenth of the respondents had attained some secondary education as shown in Figure 2.2

Figure 2.2 Level of education attained



A majority, (over 80%) of respondents earn below Kshs 1,000 per month while a small proportion, 13% earn above Kshs 5,000 per month. Informal discussions with the community and opinion leaders indicate a few older members of society earning Kshs 5,000 to make savings. In arable parts of Muranga and Tharaka Nithi, some of the older persons are able to take care of themselves from proceeds of farm produce such as coffee, tea and milk. In other counties, older persons depended on their immediate family members for care and support While the small savings reduces dependency to other family members, they are in some instances sources of conflict. A small proportion (5%) of older persons reported receiving direct support from institutions such as churches, state cash transfer program and community based organizations.