

VIOLENCE AGAINST OLDER WOMEN IN TANZANIA

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The context

Most older women in Tanzania live in poverty and face problems of age discrimination, low incomes, poor health, and limited access to healthcare services.

Due to illiteracy, lack of awareness about their rights and available support systems, marginalisation, lack of voice and representation, and as a result of their already limited ability to take care of their daily needs, older women easily become vulnerable to rights' violations and abuse.

In addition widowhood profoundly changes the status of women in Tanzania and undermines their security. Customary laws deny widows the right to inherit common matrimonial assets. For older widows, discrimination compounds the effects of a lifetime of poverty and gender discrimination. This can result in extreme impoverishment and isolation.

With the loss of their loved ones and their property, most widowed older women have an added burden of caring for their orphaned grandchildren. This situation can push them and those they are caring for into absolute poverty.

Violence related to witchcraft accusations

Older women are more likely than older men to suffer violations of their rights in the form of physical violence and abuse for example witchcraft accusations often being directed at older women

Among the extreme physical violence against older women are the killings of older women accused of witchcraft and widow's disinheritance. While belief in witchcraft is widespread in Tanzania, the situation in Sukumaland, located in the North Eastern part of the country, is particularly grave. Belief in witchcraft tends to result in isolation, rebuke, physical attack and killings of older women alleged to be witches in violation of their right to life.

Older women are targeted because of red eyes which are associated with a witch but are in fact the result of a lifetime of cooking in unventilated kitchens using smoky firewood and sometimes dry cow dung. Disputes over property ownership and inheritance have often led to accusations of witchcraft which in turn result in violence, abuse and killings of older women.

Reliable data on the number of witchcraft accusations and physical attacks is hard to come by. However according to the Legal and Human Rights Centre report (2009) there was a total of 2,585 killings of older women in 8 regions of Tanzania where the practise

is predominant for the last five years prior to February 2009. This means an average of 517 killings per year.

For example:

In Shinyanga region this year, a 72 year old woman narrowly escaped being buried alive after her grandchildren had tied her up and attempted to throw her in the grave in which her brother was to be buried, claiming that the old lady had bewitched their father (her son). It was the community members who attended the funeral who rescued her.

Nyamizi, who is 73, was also accused of witchcraft. This is what she had to say:

"I received a threatening letter which said, 'You must leave this village, move 15 villages away from here. If not, the sungu-sungu [a group of men, given the role by their communities of guarding the people and their property] from this village will do something that you will never, ever forget.' Some time later I was returning home at night. Suddenly, someone came running towards me – he struck me with a machete and chopped off my arm and slashed my head."

Widows' disinheritance

Widows' disinheritance is another serious violation of women rights' in Tanzania. Tanzania has three laws of inheritance: the Probate and administration of estate Act, the local Customary (Declaration Order) no 4, of 1963 and the Islamic (the statement Act) GN 222, 1967. This multiple system is by itself confusing as it is not clear to all which law applies where and when.

Qualification to any of the three laws of inheritance depends on the type of life the deceased lived. The majority of Tanzanians fall under the customary inheritance law of 1963. For a Tanzanian not to fall under the customary inheritance law it has to be proved beyond reasonable doubt that the deceased had completely abandoned his culture, traditions and practices. This is in practice not possible and it has always been a barrier for widows who attempt to have the inheritance of their deceased husbands to be determined by the Probate and Administration of Estate Act which, though discriminatory, gives a meaningful share of the property to the widow.

Under the customary inheritance law widows lose their right to inherit homes, land and assets after their husband's death. It is the sons of the deceased husband who take over the ownership of larger share of that property, leaving very little to the daughters. In most circumstances the sons that inherit the bigger portion of the inherited property tend to neglect taking care of their widowed mothers and the law is silent on this.

This is what happened to Mary Akyoo:

" Before my husband died we had bought a farm and decided that since it was not a clan land we would distribute it to all our five children (two sons and three daughters). My husband died in 2005 and our younger son died two months after his father.

Traditionally I was required to surrender all the property to my son who would then take care of me. I refused because I was still strong and could work.

The son took this land without my consent. Fortunately I had attended the community paralegals training hence I used the knowledge I had gained from that training to take the case to court claiming for my land rights and those of my daughters. In so doing the traditional leaders who had colluded with my son regarded me as a radical person. Despite the time the case took for the decision – 3 years, I won the case and the court ordered the traditional leaders to supervise the distribution of that land to all the children, leaving a portion for me where I am growing different crops. Though my winning of the case weakened my relationship with my son I am happy because my daughters and I got our right”.

This is Mdila's story, she is 60 years old.

“Just a week after the death of my husband one of my late husband's brothers was chosen by his family to ‘inherit’ me. I was totally against the idea for many reasons including the fact it seemed they didn’t consider the grief I was in, I had not been consulted, I hated polygamy as the man was married, and also feared increasing the chances of contracting HIV/AIDS. Imagine at my age of 60 years dying of HIV/AIDS”

“But nobody even paid attention to my reasons. Instead, and as a punishment, they decided to take away all the property/assets and distribute them among themselves – leaving me with nothing except my poor life and an old leaking house”

“That marked the end of my happy life and the beginning of a miserable life without support or means of earning income”

Widespread gender inequality means that government decision making structures are dominated by men who support the present practice of denying widows the right to inherit. This sometimes leads to bias while dealing with inheritance related cases presented by widows.

Being disinherited also affects older women's ability to access their entitlements. For example, while older people are entitled to free medical services most older women cannot afford to pay for transport to reach health posts nor any charges for services or prescriptions that may be demanded of them.

Policy context

According to the Tanzania penal code killing is a punishable crime. Hence the government is condemning the killings of older women accused of witchcraft. However, Government efforts to address this problem are hindered by the community's deep belief in witchcraft which makes some community members consider the killers of the older women as doing them good for having killed their 'witch'. The police do not get the required support from communities while investigating these killings.

Different stakeholders including human rights and women organisations, faith based organisations, civil society organisations and sensitised community members are

combining efforts in challenging the traditional beliefs and traditions that lead to the killings of older women accused of witchcraft, and also the practice of grabbing widows' property when their husbands die.

Civil Society Organisations are advocating for the enacting of the supreme law of inheritance.

Another intervention is the awareness creation about the importance of men writing wills which would spell out the distribution of property hence assuring the widow's share of the matrimonial property.

Recommendations

I urge the Open-ended Working Group to encourage governments in Africa, around the globe and in particular the Government of Tanzania to do the following:

- Legislate the National Ageing Policy for it to be effective;
- Ensure that killings related to witchcraft are investigated, prosecuted and punished as murder by the police and judiciary.
- Review all the laws dealing with inheritance matters as all of them have elements of discrimination though at different levels.
- Treat widow property grabbing as a criminal offence.

Thank you.