



## Joint NGO Submission for the Initial Universal Periodic Review of the Republic of Kenya in May 2010

Submitted by HelpAge Kenya and HelpAge International, October 2009

### Key Words

Rights of older people, violence, witchcraft accusations, unwarranted killings of older people

### Introduction

1. This joint submission highlights the violence and abuse experienced by older women and men in Kenya as a result of witchcraft accusations. It examines the underlying causes for the accusations and existing barriers to protection. Finally it makes two recommendations for government action.

### Underlying causes of accusations

2. The discrimination that older people experience is multi-dimensional, often related to issues of poverty, gender, literacy, belief and ethnic origin. The media reinforces negative stereotypes of older people and rural-urban migration has left many older people isolated in rural communities where inter-generational relationships are being tested by poverty, pressures on natural resources and land. Disputes over property inheritance are inherent causes of witchcraft accusations. Older women and men are rarely aware of their rights and entitlements and there is a general lack of community awareness of issues affecting older people's lives. At present there is no national policy to safeguard older people's interests and protect their rights.

3. The belief in witchcraft is widespread in Kenya and is believed to be the cause of a wide range of negative events such as deaths, crop failure and loss of wealth. Both older women and older men are subject to accusations of witchcraft and subsequent violence but older women, especially those without adult male relatives to protect them, are particularly vulnerable to accusations. Older women and men accused of witchcraft have no support, access to legal advice or redress.

### Scale of witchcraft accusations and related violence

4. Older women and men are being accused of witchcraft and subjected to brutal beatings and, in the worst cases, being burnt alive by what are being described in the Kenyan media as angry lynch mobs taking the law into their own hands.

5. Reliable data on the number of witchcraft accusations and physical attacks is hard to come by. It has been reported in the media that an average of six people are lynched every month in Kisii district alone for allegedly practising witchcraft.<sup>1</sup> 22 killings have also been reported in Malindi since mid-2008.<sup>2</sup> A recent

<sup>1</sup>"Groups join war against lynch mobs", *Daily Nation*, Tuesday May 5 2009, page 14

<sup>2</sup>"Couple killed over witchcraft claims", *Daily Nation online*, April 20 2009, visited 30 June 2009  
<http://www.nation.co.ke/News/regional/-/1070/592792/-/75njqe/-/index.html>

assessment by HelpAge Kenya and HelpAge International found that there has an upsurge in the number of killings of older people accused of witchcraft. They estimate that 42 older people were killed in three districts in 2008 and 23 older people had been killed in three provinces in the first half of 2009.<sup>3</sup>

**District estimates for 2008:**

Year	District	Number of older people killed
2008	Gucha	12
	Kisii Central	25
	Nyamira	15
	<b>Total</b>	<b>42</b>

**Provincial estimates for January-June 2009:**

Year	Province	Number of older people killed
Jan – June 2009	Coast	7
	Rift Valley	6
	Nyanza	10
	<b>Total</b>	<b>23</b>

**Barriers to protection of older people’s rights**

6. 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.

7. The perpetrators of this violence are often young people, in some cases family members, are rarely arrested and are often encouraged by community members who think that they are carrying out a form of justice against the person accused of witchcraft. In the unlikely event of the suspects being arrested, witnesses are reluctant to come forward and the suspects are often released with no charges brought against them. This has perpetuated a culture of impunity around these attacks.

8. Structural obstacles limit the capacity and the mandate of the authorities to address the issue. Public authorities at all levels have failed to address the victimisation of older people, particularly older women. Duty bearers such as the police and the judiciary can be compromised by bribery and can be unwilling to engage in ‘domestic’ issues. Government policy instruments, such as the PRSP, fail to make specific commitments to meeting the needs of older people. The media highlights horrific pictures and video footage of the attacks but does not follow up to ensure justice is done.

9. The Kenya National Commission for Human Rights is based in the capital city and is understaffed. It is unable to respond quickly enough to accusations and attacks that take place outside of the capital. Localised human rights accountability mechanisms are urgently needed.

10. 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.

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<sup>3</sup> HelpAge Kenya and HelpAge International submission to the Kenyan Human Rights Commission, June 26 2009

**Recommendation 1**

11. That the Government of Kenya does all in its power to ensure that killings related to witchcraft are treated as murder and are investigated, prosecuted and punished accordingly by the police and judiciary.

**Recommendation 2**

12. That the Government of Kenya puts in place local human rights accountability mechanisms and trains the police and judiciary to ensure that older people are protected within their communities.

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