



Southern African Catholic Bishops' Conference
PARLIAMENTARY LIAISON OFFICE



SUBMISSION

to the

**Portfolio Committee on
Social Development**

on the

Older Persons Amendment Bill [11-2022]

19 May 2023

“Revelation opens up a way for reciprocating love by honouring those who have gone before us. This honour, intended for the elderly, is also sealed by God’s commandment to “honour thy father and mother.” In addition, dignity – the value of respecting and caring for the life of everyone – is essentially equivalent to honour...it is not just about one’s own father and mother. It is about their generation and the generations before, whose leave-taking can also be slow and prolonged, creating a time and space of long-lasting coexistence with the other ages of life. In other words, it is about the old age of life.”

Pope Francis

1. Introduction

The rights of older persons are an especial concern of the Catholic Church and an important area of focus for the Catholic Parliamentary Liaison Office. This brief submission sets out some of the issues which concern the Church, as well as some of the teaching of the Church regarding older persons.

The Vatican Council for the Laity noted and supported the United Nations resolution that declared 1999 the *International Year of Older Persons*, as well as its theme, “Towards a Society for All Ages”. As Kofi Annan, UN Secretary-General at the time, declared in his message for the 1998 World Day of Older Persons, “a society for all ages is a society which, far from caricaturing older people as retired and infirm, considers them on the contrary as agents and beneficiaries of development”.¹ This resonates with the Church’s own teaching which, far from considering the “question as a mere problem of assistance and charity, has always reaffirmed the primary importance of recognising and fostering the intrinsic value of persons of all ages. Church teaching has continued to remind everyone of the need to ensure that the human and spiritual riches, the reserves of experience and wisdom accumulated in the course of entire lives, be not lost”.² Accordingly a ‘society for all ages’ is a multigenerational society committed to creating the conditions of life able to fulfil the great potential that older people still have. Older persons can and must continue to play a role as mentors and role models, as well as functioning as mediators and contributing to the resolution of conflict.

2. Definitions

The insertion of new definitions is welcomed. This is particularly the case in those relating to the monitoring and evaluation of all services to older persons and for the removal of older persons to a temporary safe care without a court order, should this be in the best interests of the individual.

We are pleased to see that some of the concerns raised in our submission on the same statute in 2017 have been addressed. We welcome the extended definition (l) of ‘rehabilitation’, as there is a wide range of physical and occupational therapies which can do much to enrich the lives of the old. The definition of ‘care’ has been expanded to include spiritual care. This resonates with the Catholic Church as one of the works of mercy is to visit the sick and comfort those reaching the end of their lives. The recognition of the importance of the spiritual dimension in the care and comfort of older persons is a holistic and comforting approach. Furthermore, families should also have access to counselling and support. Support groups for families of those with particular conditions such as Alzheimer’s should be encouraged and facilitated.

3. Access to Health Care

Older persons, especially those with impaired mobility, chronic health conditions and advancing frailty, can become very isolated. Those particularly in the rural areas have difficulty accessing primary health care. Research conducted by Mtiya-Thimla and van der Merwe shows that “in South Africa older persons living in resource-poor settings do not always have access to quality care that includes safe environments, healthy food, exercise and care facilities”.³

The South African Human Rights Commission (SACHR), commenting on the many systemic issues that deny older persons their constitutional rights, points out that “as people get older, they become more vulnerable to several health conditions and as such they may need health care services more frequently than younger people. In the course of its monitoring and investigation work, the Commission has noted that older persons, particularly those who live in rural areas and those who are poor and ill, are most adversely impacted when they try to access health care. These challenges are noted in the inadequate number of available emergency vehicles, cost of transport from rural areas to urban health facilities, long waiting queues at public health facilities, and the possibility of medicine shortages. These issues are compounded when older persons are treated with a lack of respect by health care professionals”.⁴ The COVID-19 pandemic had a huge impact on the availability of and access to health care services, and the backlog in terms of surgery and oncology is extensive.

4. Section 5: Witchcraft

We are glad that attention is given to witchcraft in this Bill, as witchcraft-related violence continues to plague rural areas, predominately targeting elderly women. Since the fall of apartheid there has been a steady – but largely unremarked – stream of witch killings in rural South Africa. Press reports point to about “70 violent incidents since 2000, with about 100 people murdered, often gruesomely. Almost all were in the country areas of Limpopo, Mpumalanga, the Eastern Cape and KwaZulu-Natal”.⁵ Anthropologist Isak Niehaus has studied the evolution of witchcraft in Green Valley, near Acornhoek in the far northeast. In his book, *Witchcraft, Power and Politics*, he suggests that according to records the first contemporary witch killings took place in the 1970s⁶. Research shows that “the violence these women experience ranges from physical to psychological abuse. Regularly ridiculed and verbally abused, they are pushed into social isolation by members from their communities, living in constant fear of being beaten, maimed or even murdered because of witchcraft accusations”.⁷ Niehaus further argues that “the lawmakers are in a Catch-22 situation: if you construct witchcraft as superstition, you are un-African. If you affirm witchcraft as a reality, you condone violence against accused witches the heart of the matter is not African identity but the rampant poverty, insecurity and ill-health in the erstwhile Bantustans”.⁸ Older women are useful scapegoats.

Some villages in Eastern Cape were identified as witchcraft-murder hotspots by the DSD itself in 2021.⁹ Consequently, many of the older women in these villages “are living in fear and others are no longer sleeping in their houses They generally sleep in groups under one roof so that they may protect one another”.¹⁰ While some of these elderly women may have little choice but to stay in the area, many others have made the difficult decision to relocate to other parts of the province. “It is not easy being an old woman these days”, explained one elder.¹¹

The residents of Ezingqolweni in the Eastern Cape also said they were extremely concerned about the killings of older persons in the area because of a lack of understanding of Alzheimer’s disease and other forms of dementia.¹² Dementia is the loss of cognitive functioning, thinking, remembering,

reasoning and behavioural abilities to such an extent that it interferes with a person's normal daily life and activities.

The World Health Organisation suggests that, in terms of treatment and care, much can be offered to support and improve the lives of people with the disease, their caregivers and families. The WHO further advises on the importance of paying attention to the following in persons with Alzheimer's: Early diagnosis in order to promote early and optimal management; optimising physical health, cognition, activity and well-being; identifying and treating accompanying physical illness; understanding and managing behaviour changes; and providing information and long-term support to caregivers of persons with dementia. Psychiatric conditions and old age often intersect. In order to mitigate these old-age related illnesses, the DSD has a vital role to create awareness on issues impacting on the lives of older persons and to encourage all South Africans to protect, care for and support persons with Alzheimer's and dementia.¹³

There is clearly much to be done in the education of the public in this area and the DSD and the Department of Health should collaborate in promoting a greater understanding of the effects of old age as well as to include necessary measures to eliminate harmful traditional practices including witchcraft accusations, which affect the welfare, health, life and dignity of older persons.

5. The Keeping of the Register of Abuse of Older Persons

The incidence of older person abuse in South Africa is not clear. Furthermore, if "social workers know more about the possible experiences of the abused older persons, social work interventions can be refined to address such experiences".¹⁴ Unfortunately, elder abuse generally does not receive the same attention from researchers as other forms of interpersonal violence. In the broad context of global ageing, little is known about the experiences of abused older persons. Being exposed to trauma worsens their situation and aggravates resource loss.

Often, cases of elder abuse are not registered and, when reported to the police, such cases are classified under general or indecent assault or murder.¹⁵ Section 30 provides for the keeping of a register of the abuse of older persons. Provisions for similar registers are included in the Children's Act and in the Sexual Offences Act. If such registers are to be part of protective strategies to protect the vulnerable, measures must be put in place to ensure their success. Thus far, however, the existing registers have met with little success and have been poorly maintained. During public hearings regarding both the Children's Act and the Sexual Offences Act it was suggested that such offences should be included in the criminal record, as this is the only record that is regularly maintained and updated.

6. Conclusion

Pope Francis, reflecting on the care of older persons, called that care the "beautiful expression of love which is honour", as well as pointing out that honour is lacking when "an excess of confidence, instead of being expressed as delicacy and affection, tenderness and respect, is transformed into roughness and abuse." Thus, even acts like caring for the sick, supporting those who are not self-sufficient, and the guarantee of sustenance, can be lacking honour. And this can happen anywhere – even in homes or offices, when "weakness is reproached, and even punished, as if it were a fault, and when bewilderment and confusion become an opening for derision and aggression."¹⁶ The Pope went on to caution against encouraging in young people – even indirectly – "an attitude of condescension or

contempt for the elderly, as this can lead to unimaginable excesses. Contempt, which dishonours the elderly, actually dishonours us all”.¹⁷

Pope Francis insists that frailties should not be hidden. He went on to say that “it is true, they are real and there is a *magisterium* of frailty,¹⁸ which old age is able to remind us of in a credible way for the whole span of human life. Do not hide old age, do not hide the frailty of old age. This is a teaching for all of us. This teaching opens up a decisive horizon for the reform of our own civilization. A reform that is now indispensable for the benefit of the coexistence of all. The marginalization of the elderly — both conceptual and practical — corrupts all seasons of life, not just that of old the elderly in my family: mother, father, grandfather, grandmother, aunts and uncles, friends Have I deleted them from my life? Or do I go to them to obtain wisdom, the wisdom of life? Remember that you too will become elderly. Old age comes for everyone. And treat the elderly today as you would wish to be treated in your old age. They are the memory of the family, the memory of humanity.”

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¹ Speech by Kofi Annan, UN Secretary General, declaring 1998 World Day of Older Persons

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http://www.vatican.va/roman_curia/pontifical_councils/laity/documents/rc_pc_laity_doc_05021999_older-people_en.html

³ http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0037-80542021000200008

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<https://www.sahrc.org.za/home/21/files/FINAL%20Human%20Rights%20and%20Older%20Persons%20Educational%20Booklet.pdf>

⁵ <https://www.dailymaverick.co.za/article/2021-09-12-witchcraft-lawmakers-are-in-a-catch-22-situation>

⁶ <https://www.dailymaverick.co.za/article/2021-09-12-witchcraft-lawmakers-are-in-a-catch-22-situation>

⁷ http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0259-94222022000300015

⁸ <https://www.dailymaverick.co.za/article/2021-09-12-witchcraft-lawmakers-are-in-a-catch-22-situation>

⁹ <https://www.dsd.gov.za/index.php/latest-news/21-latest-news/397-older-persons-are-relocating-as-killings->

¹⁰ <https://www.dsd.gov.za/index.php/latest-news/21-latest-news/397-older-persons-are-relocating-as-killings->

¹¹ http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0259-94222022000300015

¹² <https://www.dsd.gov.za/index.php/latest-news/21-latest-news/397-older-persons-are-relocating-as-killings->

¹³ <https://www.dsd.gov.za/index.php/latest-news/21-latest-news/397-older-persons-are-relocating-as-killings->

¹⁴ http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0037-80542021000200008

¹⁵ http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0037-80542021000200008

¹⁶ <https://www.vaticannews.va/en/pope/news/2022-04/pope-francis-catechesis-elderly-love-honor-old-age.html>

¹⁷ <https://www.vaticannews.va/en/pope/news/2022-04/pope-francis-catechesis-elderly-love-honor-old-age.html>

¹⁸ The term magisterium in the Roman Catholic is the official teaching office of the Church, including the pope and the bishops in union with him.