



## Challenges Facing Older Persons

*"It is necessary to effect changes to existing laws relating to older persons in order to facilitate accessible, equitable and affordable services to older persons and to empower older persons to continue to live meaningfully and constructively in a society that recognises them as important sources of knowledge, wisdom and expertise..."*

*Preamble to the Older Persons Act*

### 1. Introduction

Old age is a part of the human condition and only the intervention of an early death halts this process. However, in spite of this the attitude of many toward the aged is characterized by disrespect, disregard and neglect. Those who have contributed to the realization of the present are frequently considered redundant. Many elderly people live lives marked by loneliness, progressive infirmity, and limited financial resources, and are all too often the victims of physical abuse and financial exploitation. This sad reality is further complicated by the HIV/AIDS pandemic and the consequent number of orphaned vulnerable children (OVC) in need of care and support. The generation traditionally responsible for the nurturance and socialization of children, as well as the care of the elderly, has been decimated. Many grandparents, despite their own infirmity, vulnerability and limited financial resources, have been obliged to step into the breach.

Recently the Catholic Parliamentary Liaison Office hosted a Roundtable discussion on the plight of the elderly and the implementation of the Older Persons Act 13 of 2006. The Roundtable was addressed by Roedolf Kay, National Co-ordinator of the South African Older Persons Forum, Pat Lindgren from Action on Elder Abuse, and Gavin Weir and Anne van Niekerk of Neighbourhood Old Age Homes

(NOAH). This paper owes much to their respective presentations and the discussion which followed.

While the primary focus of the presentations and this Briefing Paper is on the many difficulties confronting older persons, it is not the intention to paint an entirely bleak picture of old age. Many older people enjoy their retirement years and their children and grandchildren learn much from their accumulated wisdom and life experience. But the problems raised herein are very real, and need to be addressed so that all older persons can experience a life of comfort and security.

### 2. Who is Old?

The eligibility for an old age pension from the state or for retirement from a company or other source of employment is the major indicator of being 'old'. Historically, the retirement age has been 60 years of age for women and 65 for men. However, the age of retirement for men, as well as for the receipt of the state old age pension, now called an Older Persons Grant, has been lowered to 60. Apart from being in line with principles of non-discrimination, the motivation for this change in social policy is also the reality that many men have spent their lives doing hard manual labour that has had a negative effect on their health and general well-being.<sup>1</sup>

### **3. The Older Persons Grant and the Provision of Social Security**

Only those older persons whose financial means are below a certain level are eligible for the grant, which is presently R1 200 per month, subject to a means test and other criteria.<sup>2</sup> Furthermore, if an elderly person is unable to look after him- or herself and is in need of full-time care from someone else, they may also apply for a Grant-In-Aid, which they receive in addition to their Older Persons Grant. Interestingly, those elderly people who receive an Older Persons Grant also have special housing subsidies available to them.<sup>3</sup>

The provision of and access to the Older Persons Grant has been one of post-apartheid South Africa's success stories, but the situation in the rural areas remain a challenge. The lack of public transport, proper roads, and even bridges to cross rivers in many rural parts of the country, means that the elderly have to walk long distances to pension pay-out points.<sup>4</sup>

People are living longer and are consequently in need of care as their infirmities become more pronounced, chronic conditions are aggravated and serious fatal illnesses occur. The plight of the elderly is thus a major public-health and social services challenge.

Other important issues in dealing with the aged include those of autonomy and independent living, respect for their dignity, access to socio-economic and health resources and services; protection from neglect, abuse and violence; and access to justice when their rights are compromised.

### **4. The Vienna International Plan of Ageing**

The Vienna International Plan of Ageing of August 1982 sought to "strengthen the capacities of Governments and civil society to deal effectively with the ageing of populations and to address the developmental potential and dependency needs of older persons. It promotes regional and international cooperation".<sup>5</sup> The Plan included 62 recommendations for action addressing research, data collection and analysis, training and education. The Plan identified the following key sectoral areas: health and nutrition; protection of elderly consumers; housing and environment; family; social welfare; income security and employment. These key areas

provided a framework for the development of the Older Persons Act.

### **5. Background to the Older Persons Act**

The initial public hearings on elder abuse were convened by the then Parliamentary Portfolio Committee on Welfare and Population Development in 2000, following an investigative report by the *Carte Blanche* television programme. Further public hearings were held by the Parliamentary Portfolio Committee on Social Development in August 2005, where it was acknowledged that there was a need for greater clarity of definitions.

The Older Persons Act 13 of 2006 replaced the Aged Persons Act 81 of 1967 as amended in 1998. This Act was regarded as outdated, ineffectual, out of step with the needs of the elderly and affording them little protection. This was the case regardless of race, since the rights of the elderly during the apartheid era were universally – though not equally – neglected.<sup>6</sup> Only 2% of older persons were cared for in institutions, and of this number most were white. There was little provision for community-based care.

The new Act seeks to recognise the skills and wisdom of older persons; to engage their participation in the community; and to help them to live in the community for as long as possible. Furthermore, the Act makes provision for the care and protection of the elderly and tries to ensure that their rights and dignity are upheld.<sup>7</sup> It reflects the rights enshrined in the United Nations Declaration on the Rights of Older Persons.<sup>8</sup>

### **6. Elder Abuse**

Abused elders are part of a largely invisible and overlooked group of people in our society. Such abuse knows no race, culture, class or gender. Furthermore, this abuse does not usually happen in institutions, but in the community.<sup>9</sup> It is largely hidden from view and consequently difficult to detect. Physical abuse and neglect are the most common forms of elder abuse, but this may extend to sexual abuse and economic exploitation. "Elder abuse constitutes a single act or lack of appropriate action, which causes harm or distress and usually occurs within a

relationship where there is an expectation of trust".<sup>10</sup> Elder abuse can take many forms including physical abuse and neglect, sexual abuse, emotional and verbal abuse, financial exploitation and accusations of witchcraft.<sup>11</sup>

Even though many elderly people endure multiple forms of abuse and neglect, it is seldom reported. While compulsory reporting of cases of elder abuse is stipulated in the Act, most police stations are unaware of its existence or of their responsibilities in terms of the law. A recent audit of responses by the police to all instances of domestic violence is not encouraging.<sup>12</sup> There is a desperate need for proper training of police officers in the area of 'domestic crime', and this holds true for the Domestic Violence Act, the Sexual Offences Act, the Children's Act and the Older Persons Act.<sup>13</sup> Legislation is only as good as the implementation thereof. Furthermore, the lack of properly functioning registers required in terms of these pieces of legislation is a cause of grave concern, and makes it difficult to discern the extent of 'domestic crime' and plan appropriate interventions.

Many of the old do not know what their rights are, or are so used to the abuse that they have come to accept it as part of life. Pat Lindgren, from Action on Elder Abuse, observes that "of those who do report abuse, many prefer not to take any further steps. It is difficult for parents to take steps against their own son or grandchild. Many also withdraw cases because of pressure from other family members. Hopefully there will be test cases, so that perpetrators get the message that such acts are unacceptable".<sup>14</sup>

The Department of Social Development operates within very severe budgetary constraints. This is also the case for the Department of Women, Children and Persons with Disability, whose chief function is oversight. The overburdened Department of Health does not necessarily see the elderly as a priority. However, community health care services and local clinics are the first line of defence for elderly people in identifying abuse and neglect, and in alerting other social services who in turn are able to make the necessary interventions. There is an urgent need "to promote and improve the training of all persons working in the field of gerontology to the highest possible level and to promote public education about all aspects of ageing as widely as possible"<sup>15</sup>.

## **7. Witch-hunts**

Perhaps the most disturbing form of elder abuse is the persecution and brutal murder of elderly people – usually, but not always, women – because they are thought to be witches responsible for some personal or community misfortune. "The physical appearance of these women, attributable to age, seems to be taken as an indicator of the presence of malevolence".<sup>16</sup> Damage to property is the most common form of attack, and victims may be forced to leave their homes. The accused may be burnt, hacked, stoned, beaten, shot or hanged. Such witch-hunts occur most frequently in the rural areas of Kwa-Zulu Natal, Limpopo and Mpumalanga.

## **8. Economic Exploitation**

The elderly are particularly vulnerable to economic exploitation. Many households rely extensively on older relatives' state grants for an income, with the result that much of the grant goes to general household expenses rather than the particular needs of the grant recipient. This is societal rather than individual neglect. In a climate of high unemployment this 'redirecting' of income is understandable. However, as the presentations at the Roundtable reflected, there are too many instances where the recipient loses control over the use of grant money and where it is effectively stolen and used for alcohol, drugs, clothing and air-time.<sup>17</sup> It is often easy to manipulate elderly people – who may be illiterate or have failing eyesight – to sign documents giving permission for financial transactions which they do not understand, such as higher purchase agreements, powers of attorney and property deeds.<sup>18</sup>

Grant payout day is often hazardous in itself, so much so that there is perimeter fencing around the actual payout point. However, once outside this area the elderly are easy pickings.<sup>19</sup> The bedridden and the infirm are also dependent on others to collect their grants, as they are for all other aspects of their care.

## **9. HIV/AIDS, Orphaned Vulnerable Children and Grandparents**

The HIV/AIDS pandemic and the wilful failure to address this tragic disease by the Mbeki

administration have necessitated the care of orphaned children by their grandparents.<sup>20</sup> This is usually, but not always, the grandmother. As the Hospice Palliative Care Association of South Africa observes,

*“the role of the older women is changing from being grandmothers to be cared for to becoming ‘mother’ again and [having] to care for orphaned and vulnerable children, often without the financial and emotional support they need. The current environment in South Africa is overshadowed by the devastating effects that the HIV/AIDS epidemic is having on the lives of families. Coupled with sickness and death of younger people, poverty, crime, elder abuse and lack of education, older people have to find ways of meeting the challenges that face them every day. The effect of the AIDS pandemic in South Africa is such that the burden of care of orphans falls on older people. There is not sufficient acknowledgement of this phenomenon, not sufficient attention to developing the capacity of older persons and supporting their efforts.”<sup>21</sup>*

The vulnerable are caring for the vulnerable. Grandparents may be caring for the children of more than one of their own children; they have had to bury their children and take on a huge burden of responsibilities for which they are not well equipped. Grandparents also pay the costs of the funerals of their deceased children and so frequently incur debt which impacts negatively on the household income.<sup>22</sup> HIV/AIDS and poverty are very close companions.

Children, in turn, are not equipped to deal with the care of their infirm and ill grandparents, and their inevitable deaths are another source of grief and abandonment. Unfortunately, “universal recognition that the future of South Africa is in the hands of older people has not taken place and consequently much more emphasis needs to be put on the needs of the older person”.<sup>23</sup>

## **10. Compromised Physical and Mental Health**

Old-age is often a period of deteriorating physical and mental health. The elderly may suffer from cancer and neurodegenerative disorders such as Parkinson’s disease; they may experience strokes and heart attacks; mobility is increasingly difficult and can lead to falls that result in further complications; joints may become painful, bone

density diminishes, dental problems escalate, eye-sight worsens and hearing may become difficult. All of these, depending on their severity, may cause anxiety and worry which may result in depression. Many of the elderly suffer these afflictions in poor living conditions, financial hardship, isolation and loneliness.<sup>24</sup>

Perhaps the saddest of the afflictions of old age are the dementias that effectively mean that the sufferers are no longer able to interact consciously with their present reality. These dementias are the most misunderstood of the conditions of old age, and sufferers are particularly vulnerable to all kinds of exploitation – economic and verbal abuse, belittlement and humiliation, physical abuse and neglect. The care of these elderly people is difficult as they need a great deal of supervision and their conditions are as degenerative as any physical illness. Primary carers would benefit from the provision of respite care.

## **11. The Older Persons Charter**

The South African Charter on the Rights of Older Persons, launched by the Minister of Social Development, Bathabile Dlamini, on 25<sup>th</sup> March 2011, seeks to ensure that older persons live in an environment that reflects various international conventions, including the UN Principles for Older Persons, as well as the Older Persons Act. The Charter is based on the principles of independence, participation, care, self-fulfilment and dignity. Minister Dlamini emphasized that “the Charter is an instrumental reference tool aimed at protecting and restoring the dignity of older persons in our country. The aim of the Charter is to complete and support various pieces of legislation and other measures which are already implemented and to set guidelines for future action in relation to older persons;”<sup>25</sup> The Charter was launched in partnership with the South African Older Persons Forum and was drafted in consultation with various organizations engaged in furthering the rights of the elderly and, very importantly, the elderly themselves.

## **12. Conclusion**

The process of ageing brings with it physical, mental and social change. It is marked by many different losses which present challenges on a personal and societal level. On a personal level,

the loss of a spouse, siblings and life-long friends; autonomy and independence; deteriorating health and failing faculties; the use of assistive devices which may be resented<sup>26</sup>; the loss of dignity,<sup>27</sup> and increasing dependence on others for various aspects of care.

On a societal level, the challenge is to provide comprehensive health and socio-economic policies and programmes for older persons which protect and promote their rights as a matter of priority. This must include access to palliative care. Furthermore, the South African Police Service must ensure the protection of elderly people and properly investigate crimes against them; which in turn must be prosecuted with vigour.

However, retirement and old age should also be a period of reflection on one's memories and accomplishments; an opportunity to make amends, to enjoy a time of leisure, to have the satisfaction of seeing the next generation, to be appreciated for your contributions to family and community and, most importantly, of being cared for gently, patiently and with love.

*"The human race is characterized by a long childhood and by a long old age. Throughout history this has enabled older persons to educate the younger and pass on values to them; this role has ensured man's survival and progress. The presence of the elderly in the family home, the neighbourhood and in all forms of social life still teaches an irreplaceable lesson to humanity. Not only by his life but indeed by his death, the older person teaches us all a lesson. Through grief the survivors come to understand that the dead continue to participate in the human community by the results of their labour, the works and institutions they leave behind and the memory of their words and deeds. This may encourage us to regard our own death with greater serenity and to grow more fully aware of the responsibilities toward future generations."<sup>28</sup>*

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<sup>1</sup> This is particularly the case for those men who have worked in the mining industry. Furthermore, conditions of miners, whether they stay in hostels or the shantytowns around the mines, are difficult

<sup>2</sup> According to the Western Cape Government Website the applicant must be a citizen or permanent resident of South Africa and must be living in South Africa at the time of applying for the grant. The applicant must not be maintained or cared for in a state institution (such as a state old age home), living in a psychiatric hospital, getting care from a state treatment centre or getting state care for a drug habit.

<sup>3</sup> It is safe to comment that these provisions for the palliated care of the elderly, which are apparently available to older persons, are not widely known.

<sup>4</sup> There have been tragic instances of children being washed away while trying to transverse swollen rivers. There have been anecdotal reports of children and the elderly crossing crocodile infested rivers to reach school and payout points because the nearest bridge was too far away.

<sup>5</sup> The Vienna International Plan of Ageing, August 1982

<sup>6</sup> It is unclear why this was the case as the apartheid system had a number of policies that protected the interests of the white working class. Anecdotal evidence reported in the Press in the 1970's of the Old Age Pension paid to whites was so inadequate that pensioners were buying cans of dog food to eat.

<sup>7</sup> Presentation to the Portfolio Committee on the Older Persons Bill by the Department of Social Development, August 2005

<sup>8</sup> UN Declaration on the Rights of Older Persons Resolution 46/91

<sup>9</sup> 'Elder Abuse' Health, 24 May 2009

<sup>10</sup> HEAL, Halt Elder Abuse Line information pamphlet

<sup>11</sup> Older Persons may experience social stigma and prejudice due to their physical or psychological infirmities, which is humiliating.

<sup>12</sup> Presentation by the Department of Police to the Parliamentary Portfolio Committee on Police, August 2012

<sup>13</sup> Chapter 5 of the Act provides for the keeping of a register of abuse of older persons.

<sup>14</sup> Interview Health 24, 24<sup>th</sup> May 2009

<sup>15</sup> South African Gerontological Association Website

<sup>16</sup> 'Witch Hunts in Modern South Africa: An Under-Represented facet of Gender-Based Violence', Yaseen Ally, June 2009

<sup>17</sup> Conversely, there are instances where the elderly may spend most of their pension money on alcohol and drugs

<sup>18</sup> South African Older Persons Form at the CPLO Roundtable

<sup>19</sup> There is provision for the payment of grants directly into a banking account which obviates the opportunity for fraud and theft but, particularly in the rural areas, this is not a viable option

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<sup>20</sup> Mortal Combat: 'AIDS Denialism and the Struggle for Antiretroviral in South Africa', Nicoli Nattrass, 2007

<sup>21</sup> 'Legal Aspects of Palliative Care' Hospice Palliative Care Association of South Africa, and Open Society Institute/Open Society Foundation South Africa, 2009

<sup>22</sup> Loan sharks are among those who wait outside the perimeter fencing on Grant Pay Out Day as they often extend loans to pay for funerals and wish to collect on their investment.

<sup>23</sup> See 18 above

<sup>24</sup> See 18 above

<sup>25</sup> Speech by the Minister of Social Development, Bathabile Dlamini, at the launch of the Older Persons Charter on 25<sup>th</sup> March 2011. The Charter was launched during Human Rights Month

<sup>26</sup> These would include hearing aids, walking sticks and other walking aids, wheelchairs, and magnifying glasses

<sup>27</sup> Incontinence and the use of adult nappies, water protected mattresses, heavy reliance on others for dressing and undressing all compromise the older persons sense of dignity

<sup>28</sup> Extract from the Vienna International Plan of Action on Ageing, August 1982

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