

Guiding questions on the normative content related to social inclusion

Definition

1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

Scope of the right

2. Please provide references to existing national legal standards relating to older person's social inclusion on normative elements such as:

- a) the right of older persons to take part in cultural life;
- b) older persons' inclusion in the digital sphere;
- c) ensuring that older persons can live independently and be included in the community;
- d) ensuring the social inclusion of older persons living in institutions;
- e) older persons' inclusion in intergenerational policies and programmes;
- f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

Special considerations

4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

Implementation

5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons

The South African Constitution (1996) and Older Persons Act 13 of 2006 speak to the rights and protection of older people on a national level.

This Bill of Rights (within the South African Constitution) is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

Older persons enjoy the rights contemplated in section 9 of the Constitution of the Republic of South Africa and in particular may not be unfairly denied the right to -

- (a) participate in community life in any position appropriate to his or her interests and capabilities;
- (b) participate in intergenerational activities;
- (c) establish and participate in structures and associations for older persons;
- (d) participate in activities that enhance his or her income-generating capacity;
- (e) live in an environment catering for his or her changing capacities; and
- (f) access opportunities that promote his or her optimal level of social, physical, mental and emotional well-being.

The purpose of the Older Persons Act 13 of 2006 is *“To deal effectively with the plight of older persons by establishing a framework aimed at the empowerment and protection of older persons and at the promotion and maintenance of their status, rights, well-being, safety and security; and to provide for matters connected therewith.”*

The Act makes provision for older persons receiving Community Based Care and Support Services and those living in Residential Facilities

The Guiding principles in the Older Persons Act 13 of 2006 for provision of services states:

Any service must be provided in an environment that-

- (a) recognises the social, cultural and economic contribution of older persons;
- (b) promotes participation of older persons in decision-making processes at all levels
- (c) recognises the multi-dimensional needs of older persons and therefore promotes inter-sectoral collaboration;
- (d) ensures access to information by, education of and training of older persons;
- (e) promotes the development and basic care of older persons in rural and urban areas;
- (f) promotes the prevention of exploitation of older persons;
- (g) promotes the respect and dignity of older persons;
- (h) ensures that older persons receive priority in the provision of basic services;
- (i) ensures rehabilitation and the provisioning of assisted devices to older persons; and
- (j) ensures, as far as is practicable, that services and facilities are accessible to older persons

The violation of these rights, compliance, reporting, regulation and penalties are covered in the Older Persons Act 13 of 2006.

South Africa experiences a multitude of socio-economic issues that play a significant role in the prioritization of resource allocation, funding and enforcement.

A recent study by Tafta, the University of Johannesburg (South Africa) and Ikamva (Care organisation and partner) on '**An investigation of the gaps and strengths in service provision to mitigate elder abuse in South Africa**' highlights the strengths and challenges within the South African legal framework and systems. South Africa has an effective legislative and policy framework to address elder abuse but lacks the resources i.e. financial, human and capacity, to effectively implement the framework. Effective implementation is also impeded by a lack of co-ordinated action by the various stakeholders e.g. the Departments of Social Development, Health and Justice and the South African Police Services.

Organizations in the Government and NPO sector encounter several challenges in providing services to older adults which include:

- the dire shortage of key personnel including social workers, doctors and police officers,
- lack of training and sensitisation of employees on older person's needs,
- infrastructure gaps and insufficient service points for older persons to access services.

There should be a focus on strengthening protective factors by encouraging economic activity and education on healthy ageing, strengthening support systems, promoting involvement in social networks outside the home and facilitating access to community based services.

The study also concluded "Key initiatives that should drive the strategy to prevent and protect elders from abuse include the implementation of caregiver support programs, programs to address ageism, a national directive to prioritize older persons at healthcare facilities and other critical service points, the promotion of intersectoral collaboration and government funding to address a myriad of resource deficits."

Uniquely, households in South Africa that are headed by older persons receiving a government state pension positions older people as the income source for the household and also the key decision maker. Sadly, this also puts older people at risk as victims of elder abuse.

We must recognise the role of civil society on reaching older persons in communities, providing access to service and wellness centres to promote active ageing through activities, outings, fellowship, worship and inclusion!

At an organisational level at Tafta there are opportunities to promote engagement and social inclusion through;

Volunteering: Older people in the residential facilities volunteer as floor monitors to assist with daily checks and in times of crises. Building and centre volunteers are also included in planning and executing of events and programmes as well as fundraising.

Economic inclusion: Older persons are included in work opportunities in the organisation including relief work in residential care and administration. In addition, together with the The Global institute for Experienced Entrepreneurships (GIEE) the organisation launched the first pilot the Experience Incubator® (EI) Programme 16 September 2022. It is an innovative programme supporting older people with entrepreneurial skills.

Social inclusion: There are a number of intergenerational activities / opportunities for engagement with youth organisations, schools and organisations. Older persons receive special invitations to events to ensure older people are included in community programmes, activities and events.

Technology: Access to the internet, social platforms and learning how to use technology is a way to ensure older people can participate and are not excluded.

Political inclusion: With 64 countries heading to the national polls this year; being able to vote and being afforded special voting opportunities provides a voice to older people.

Social inclusion should include a number of opportunities, activities and programmes that is supported by a legal framework and implemented to encourage participation and ensure growth, dignity and a meaningful life can be a realistic prospect for all elders!