



ILITHA LABANTU

PEOPLE WHO CARE ABOUT PEOPLE

SUBMISSION ON THE OLDER PERSONS

AMENDMENT BILL [11-2022]

19 May 2023

ATTENTION: DEPARTMENT OF SOCIAL DEVELOPMENT

Ms. Lindiwe Ntsabo at olderpersonsamendmentbill.gov.za

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Ilitha Labantu hereby welcomes the opportunity to comment on the The Older Persons Amendment Bill. **The organization is also available for Oral Presentation**

Introduction

Ilitha Labantu, established in 1989, is a social justice community organisation based in Gugulethu township, Cape Town with a specific focus on addressing violence against women, children, vulnerable groups and supporting those affected by it. Its services include psycho-social services, legal and policy advocacy services, educational and outreach services as well as community nutrition and development services. This is accomplished through individual and family counselling, providing emergency accommodation for women and their children, skills training, empowerment and capacity building workshops. The scope of its work is centred around meeting the needs of communities affected by high levels of violence and limited socio-economic opportunities. Located within the residential areas of its target group, Ilitha Labantu provides easily accessible services to Gender-Based Violence and Femicide survivors, victim families and the broader community.

This violence perpetrated against women denies women in both townships and rural areas an opportunity and legal right to live in an environment that is healthy and conducive for them to thrive. Gender based violence has crippled most communities in South Africa and we have seen how over the years, the plight faced by women and children in the form of abuse, secondary victimisation and trauma suffered by those who are directly and indirectly impacted by this pandemic is ever increasing.

While we acknowledge that the prevalence of violence and all forms of abuse on women, children and the vulnerable is not a uniquely South African problem but a worldwide epidemic, we welcome the attempts to rectify where there has been failure to properly implement strategies in addressing this violence in our society and we will promote the advancement of the implementation of the National Strategy against GBVF.

THE OLDER PERSONS AMENDMENT BILL

Ilitha Labantu welcomes the purpose of the Bill which is to amend the Older Persons Act of 2006, by the insertion of new definitions and new provisions relating to the monitoring and evaluation of all services to older persons, the removal of older persons to a temporary safe care without a court order, to tighten up the existing implementation and compliance measures and to effect some textual amendments for greater clarity and to provide for other matters. The organisation sees various cases involving vulnerable older persons and while the organisation takes various steps to encourage prompt reporting of incidents, there is such poor coordination between social services and law enforcement agencies to effectively respond to cases of elder abuse.

Our Submission is as Follows:

SECTION	COMMENTS
DEFINITIONS Section 1	<p>We welcome the insertion of new and improved definitions which will help ensure that services provided to older persons meet established standards of quality. There has been deficiencies because of limitations in definitions of the services received by older persons and the bill does highlight corrective measures to improve them so that older persons receive the support and care they need in a manner that respects their dignity and rights. There is emphasis in understanding the changing needs of older persons as they age and adapting services accordingly so that best practices are adhered to.</p> <p>We also take cognisance of the improvement in the assessment of the definition of older person to include any person over 60 years irrespective of gender. This is sufficient to cover the concerns often problematic in ensuring that that all older persons will be equally entitled to benefits and protection. In poor communities, elder males face many challenges and the</p>

	<p>recognised age of 65 placed serious limitations on their access to benefits.</p>
<p>OBJECTIVES Section 2</p>	<p>We welcome the recognition and provision for the specific needs and preferences of older persons so that services can be tailored to meet the diverse requirements of the South African elderly population. Preventative measures against abuse means there is an effort to ensure that a society that respects the rights and well being of elderly persons is being fostered.</p>
<p>IMPLEMENTATION Section 3</p>	<p>We welcome the contribution that must be done by various government entities including stakeholders who contribute in this space who must be co-ordinated so as to provide intergrated services, thus ensuring accountability for the services that must be delivered.</p>
<p>APPLICATION AND GENERAL PRINCIPLES Sections 4 - 5</p>	<p>Welcomed as this establishes indicators and benchmarks that make it becomes possible to assess the effectiveness and efficiency of the services for elderly persons. The identification of an area of improvement relating to “harmful traditional practises including witchcraft accusations which may affect the welfare, health, life and dignity of that older person” addresses the shortcoming that has been prevalent especially in certain communities where the community has taken the law into their own hands and brought insufferable harm to those elderly persons accused of such. There is still stigma attached to some of the age-related illnesses and as such, older persons who suffer from age-related illnesses such as dementia are labelled witches with some older persons having been killed as a result of this labelling.</p>
<p>DEVELOPMENT AND COMPLIANCE</p>	<p>The insertions of of 7A AND 7B which highlights provisions for the responsibilities of older persons as well the protection of rights to property and inheritance are welcome. This allows for</p>

<p>INCLUDING RIGHTS OF OLDER PERSONS</p> <p>Sections 6 -7</p>	<p>inter-generational dialogue and solidarity within their communities and aiding in the passing of traditions and heritage. The Department Of Social Development recognises that Older persons are a valuable resource who are repositories of tradition, culture, knowledge and skills and these attributes are essential in maintaining intergenerational links There has also been serious violations with regard to property and inheritance as most elderly people are at the mercy of their families when it comes to their own properties and rightful inheritance. Older persons who are not able to read or understand the content of documents have been coerced into signing and this has led to some losing their homes or possessions.</p>
<p>SERVICE PROVIDERS AND GUIDING PRINCIPLES</p> <p>Sections 8 - 9</p>	<p>We welcome the provision for residential and support facilities for older persons in terms who may be registered to provide such services. The Esidimeni incident dubbed the greatest cause of human rights violation cannot be repeated where we saw psychiatric and other state patients relocated to cheaper care, unlicensed and grossly under-resourced centres. There is need as this provision provides, to notify older persons affected by any decision and to provide similar services should they require such services. This adds a layer of accountability in dealing with services for all stakeholders.</p>
<p>COMMUNITY BASED CARE AND SUPPORT SERVICES</p> <p>Sections 10 - 15</p>	<p>Regular monitoring and evaluation provides an opportunity to identify innovative approaches and make adjustments to enhance the effectiveness and efficiency of services aimed at improving the well-being and rights of older persons. Organizations need to constantly adapt and respond to the evolving needs of older persons and ensure that services remain relevant and of high quality under the supervision of the department.</p>

RESIDENTIAL

FACILITIES

Sections 16 - 23

The enhancement and review to update existing law for the provision of social workers, managers, police officers and procedures provided therewith to deal with abusers of older persons ensures that there is comprehensive protection for older persons . Noted are also the specific definitions addressing elder abuse of many forms including neglect and exploitation. We however submit that the bill needed to provide for strengthened penalties for non compliance and also dealing with offenders. Reporting mechanisms for older persons to report abuse such as helplines, hotlines or even online reporting platforms should be made available if identifying and responding to elder abuse is of paramount importance.