



**SOUTH AFRICAN INPUTS IN RESPONSE TO THE
QUESTIONNAIRE TO ASSESS THE HUMAN RIGHTS
IMPLICATIONS OF THE IMPLEMENTATION OF THE
MADRID INTERNATIONAL PLAN OF ACTION
ON AGEING (MIPAA)**

August 2015

QUESTION 1

Please provide information as to how your Government has incorporated a human rights-based approach in the implementation framework of MIPAA and how this translated into concrete policies and normative actions? How does your government monitor and evaluate the impact of MIPAA implementation on the enjoyment of all human rights by older persons?

In the realization of “a Right to Development Approach” all human rights (civil, cultural, economic, political and social) and fundamental freedoms are progressively realized and the individual is placed at the centre and as beneficiary of development. The cardinal underlying principles upheld in the implementation of the Right to Development include non-discrimination, equality, equity, inclusion, transparency, participation, accountability and international cooperation.

The South African Plan of Action on Ageing focuses on the three key priority areas as outlined in the Madrid Plan of Action on Ageing (MIPAA), namely: Older Persons and Development; Advancing Health and Well-being into Old Age; and Ensuring an Enabling and Supportive Environment. South Africa has also incorporated the fourth priority area, namely the investigation of abuse, ill-treatment and neglect of older persons. These priorities have been incorporated into the Older Persons Act, Act 13 of 2006.

South Africa recently began the revision of the Older Persons Act to address the gaps and challenges that have arisen from implementing the Act with a view to safeguard the rights of older persons and ensure they have an enabling environment which allows them to live in dignity and to be treated with respect regardless of gender, disability or race. Extensive consultations have been conducted by the South African Department of Social Development with relevant stakeholders.

The South African Plan of Action on Ageing clearly indicates that the protection, care, support and development of older persons are a joint responsibility of government, civil society and the corporate sector. The Plan of Action presents South Africa with an opportunity to prioritise issues of older persons in the country.

The South African Government established an Older Person’s Policy in 2005, with the vision to create a society in which people are enabled to age with security and dignity and to continue to participate in their communities as citizens with full rights. The mission of the Older Person’s Policy is to facilitate services to older persons that are accessible, equitable and affordable, that conform to prescribed norms and standards and improve quality of life.

In addition to the Older Persons Act and the Older Persons Policy, South Africa has developed the following instruments in line with MIPAA:

- A set of comprehensive norms and standards which serve as guidelines to regulate the rights of older persons;
- A protocol on the management of elder abuse was developed and capacity building programmes were conducted in all provinces;
- A 24 hour Command centre was set up where older persons and communities report elder abuse; and
- An electronic elder abuse register was developed to monitor and reduce the incidence of elder abuse by identifying perpetrators and tracking cases through the justice system.

To assist Government in monitoring the impact of the implementation of MIPAA on the right to development of older persons, the South African Older Persons Forum (SAOPF) was established to serve as a platform where older persons can take up issues affecting them. The SAOPF meets regularly with Government. In addition, the Older Persons’ Parliament is held annually at national and provincial level to provide a platform for older persons to engage with Government and share their concerns about MIPAA implementation.

QUESTION 2

How has your Government taken into consideration the needs of specific groups of older persons in the process of implementation of MIPAA?

The Government programmes outlined above cater for all older persons and also addresses facilities/structures that are accessible and can be used by older persons with disabilities.

The South African Government uses the SAOPF, particularly in rural areas, to oversee the protection and promotion of the rights to older persons.

Specific programmes are developed for older persons with Alzheimer's disease and dementia. In this regard, Government has formed partnerships with NGOs with expertise in this area, to facilitate the provision of specialised care.

QUESTION 3

How has your Government informed older persons about MIPAA and how are older persons participating in the implementation of MIPAA including in decision-making about MIPAA implementation?

Older Persons participate in the implementation of MIPAA through the SAOPF which serves as a platform for older persons to monitor and evaluate policies and programme implementation. The Forum lobbies and advocates for the rights of older persons at all levels.

During the annual sessions of the Older Persons' Parliament, a platform is provided that enable older persons to engage with Government in terms of promoting their rights. During the annual national conference, older persons from all provinces share issues affecting them. Each province gives a status report and recommendations are tabled. Government is expected to engage and respond to the tabled reports. During these annual meetings, sports, musical and recreational programmes are held in line with all three key priority areas of MIPAA.

QUESTION 4

What impact has MIPAA implementation had on equality and non-discrimination of older persons?

The Bill of Rights in the Constitution of the Republic of South Africa (Act 108 of 1996) promotes and protects the rights of all citizens including the rights of older persons. Older persons through the SAOPF now have a voice and can be heard. This Forum is a structure that is recognised nationally as an organisation run by older persons, for older persons.

QUESTION 5

What impact has MIPAA implementation had on the fulfilment of the right of older persons to an adequate standard of living?

In line with the MIPAA, older persons have access to a non-contributory old age grant on a monthly basis. Older persons who are responsible for raising their grandchildren and great grandchildren can access a foster care grant.

Over and above the old age grant, older persons who are in need of twenty-four hour care can access a grant which is accessible in all municipalities. All frail care and community based care and support centres registered with government may access a monthly subsidy to promote quality service for older persons.

In addition, the South African Government provides rebates for rent, electricity, municipal public transport, government telephone services etc. to older persons.

QUESTION 6

Please provide examples of best practices from a human rights perspective identified by your Government in the implementation, monitoring review and appraisal of MIPAA.

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The South African Human Rights Commission (SAHRC) has established a committee where older persons, NGOs, private sector and relevant government departments convene to monitor and evaluate policies and legislative framework. Following this process, the SAHRC releases a report of its findings which is shared with Government and all the relevant stakeholders for comment and implementation.

QUESTION 7

Please provide information about the main challenges (such as institutional, structural and circumstantial obstacles) faced by your Government at the various levels of Government (communal, provincial and national etc.) to fully respect, protect and fulfil the human rights of older persons in the implementation of MIPAA.

The main challenge experienced in the implementation of MIPAA is the lack of coordination between the different spheres of government. Coupled with weak coordination, is the frequent absence of clearly legislated structural responsibilities of the various stakeholders and implementing departments. The revision of the Older Persons Act is designed to address the challenges outlined above.