



PRESS STATEMENT

CENTRE FOR HUMAN RIGHTS CALLS ON SOUTH AFRICAN GOVERNMENT TO ENHANCE THE PROTECTION FOR OLDER PERSONS AND TO RATIFY THE PROTOCOL ON OLDER PERSONS

5 June 2019

The Centre for Human Rights (the Centre), University of Pretoria, calls on the South African government to enhance the protection for older persons; and to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa ([Protocol on Older Persons](#)).

"Everyone has inherent dignity and the right to have their dignity respected and protected". This provision of the Constitution of South African consist not merely of words to be glossed over or brushed aside. The right to dignity, echoed by all international and regional human rights conventions, is a fundamental rights that accrues 'every' human being living in South Africa regardless of age, socio-economic status, sex, race or nationality. It ultimately connotes the inalienable, inherent and intrinsic worth and value of every individual, which has no price tag, admits no substitute and cannot be traded off for anything in the world.

Unfortunately, this seems not to be the case for older persons, especially older women in South Africa. The [ill treatment and degradation of Martha Marais \(76\)](#) is one of many cases and instances of abuse faced by older persons. Martha Marais, who was supposedly at the Mamelodi Hospital in Gauteng for treatment, was discovered to have been tied up and left unattended by healthcare practitioners at the hospital. The Centre also remembers sadly that not too long ago, in February 2018, an old age home in Eersterust was found to be mistreating their residents and misusing funds allotted for their care. This was brought to the limelight when a photo of an older man without clothing

and left on the floor circulated through social media, eliciting an unannounced visit and inspection by the Department of Social Development.

These cases are not isolated and speak to a culture of abuse and neglect. Notwithstanding, the good laws and policies available in South Africa with regards to the protection of the rights of older persons and access to healthcare as evidenced by the [2006 Older Persons Act](#), the abuse of older persons continues to be rampant within communities and in healthcare institutions charged with their care and wellbeing. They continue to suffer gross violations of their right to dignity, right to the highest attainable standard of health and wellbeing, right to life free from discrimination and violence, amongst other violations.

In this regard, while the Centre commends the rapid response and investigation of the Gauteng Department of Health and the Ministry of Health to the alleged violation of the rights of Martha Marais, it calls on the South African government to do much more than investigate. The government should ensure that older persons are adequately protected from such kinds of violations by fulfilling their obligations under the Older Persons Act. This Act ensures that older persons be treated with respect and dignity and that they be involved in decision-making processes about their well-being.

The Centre urges the government to ensure that the investigation is finalised swiftly with the complicit healthcare practitioners brought to justice and to ensure that Martha Marais receives psycho-social support, including trauma counselling, to assist her in healing from this experience. In addition, to protect the rights of every older person in South Africa from similar future violations, the Centre urges the government to make concrete provisions for the consistent, mandatory, and sporadic monitoring of healthcare facilities and old age homes to ensure compliance with both healthcare and human rights standards.

Lastly, the Centre calls upon the South African government to ratify the 2016 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. The Protocol on Older Persons requires state parties to provide access to healthcare for older persons that meets their specific needs and that older persons be given preferential treatment in service delivery. It also requires that residential care facilities provide a level of care that complies with international standards. Significantly, the Protocol also requires governments to take action to eliminate stereotypes and combat discrimination against older persons.

Consequently, if the government of South Africa cares about protecting and promoting the rights of older persons, it needs to take the requisite steps to ensure that their rights are adequately provided for and protected at all cost.

The Centre has embarked on a [campaign to highlight the situation of older women in Africa](#). Part of this campaign is calling on African governments to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons. This Protocol was adopted in 2016 and requires at least 15 States to ratify it before it can come into force. So far, no state has ratified this protocol.

For more information on the campaign on the rights of older persons, please visit www.chr.up.ac.za/agewithrights

For more information, please contact:

Ms Oluwatomì Okeowo

Project Officer: Women's Rights Unit

Centre for Human Rights, University of Pretoria

Tel: +27 (0)71 809 4939

Email: oluwatomi.sode@up.ac.za

www.chr.up.ac.za