

# SOUTH AFRICAN OLDER PERSONS CHARTER

## PREAMBLE

We, the older persons and senior citizens of South Africa, contributed to the drafting of this Charter. We are the generation most affected by our troubled past. Our object in writing this Charter is to promote our present rights and ensure that future generations of older persons will be spared the division and discrimination we suffered.

We lived through troubled times. We worked hard, we raised children and cared for our families as best we could. We carried a heavy burden but we gained experience and wisdom.

Under apartheid we were divided by race and tribal policies. The majority of us were denied a decent education, services and jobs. Many were forcibly removed from their homes and dumped in remote areas without help or services. We suffered immeasurable loss and distress. We smarted under racial oppression. Many lives were lost in the struggle for freedom and equality.

Some of us are ill and some are disabled but all of us are entitled to be treated with respect. We do not want to be labeled as frail, senile, feeble-minded, hard-of-hearing or forgetful. We do not want to experience another form of discrimination nor do we want hand-outs. We want to share in building a free South Africa.

We are the link with a long line of ancestors. We are an important pillar of society. Most of us continue to play useful roles and to share our wisdom and experience with younger generations.

We therefore declare that we wish to lead useful and satisfying lives, to stay in our homes for as long as we are able, to receive care and support when we need it and, when we are no longer able to live at home, to be cared for in a place that protects us and allows us to lead dignified lives until the end of our days.

We call upon all South Africans to commit themselves to protect and uphold our fundamental rights as outlined in the Constitution of South Africa and in accordance with the United Nations Resolution on the rights of older persons (No. 46 of 1991). These rights should be observed by all tiers of government, political parties, youth wings and organizations, trade unions, traditional leaders and churches.

## A. THE RIGHTS OF ALL OLDER PERSONS

### 1. Equality:

- The right to equality before the law;
- The right not to be discriminated against solely on the grounds of age;
- The right to achieve our optimal level of well-being.

### 2. Respect:

- The right to respect and the duty to respect others;
- The right to privacy and to have our homes and possessions safeguarded;
- The right to be treated in a fair and dignified manner by state officials and professionals who serve us;
- The right to respect for our religious and cultural values.

### 3. Freedom:

- The right to freedom of conscience, language and belief;
- The right to freedom of expression and association;
- The right to freedom of movement and residence.

## B. THE RIGHTS OF OLDER PERSONS LIVING IN THE COMMUNITY

### 1. Services:

- The right to social security or social assistance if unable to support ourselves or our dependents;
- The right to comfort and shelter while waiting for a public service;
- The right of access and treatment at health facilities and to rehabilitation to help maintain our optimum physical and mental well-being;
- The provision of a minimum supply of free water and electricity and access to rebates on property rates;
- The right to a home that can withstand the weather on habitable land;
- The right to an income adequate to provide food, water and shelter ;
- The right to affordable and accessible transport;
- Wheel-chair access to public buildings and provision of assistive devices when necessary;
- The right to receive care at home when unable to seek outside care;
- Appropriate residential care when needed, regardless of financial status;
- Access to social and legal services when needed including training programmes and respite care if we care for others.

### 2. Protection:

- The right to the full protection of the law;
- The right to protection from exploitation, abuse, violence, harassment and victimization;
- The right not to be evicted without an order of court;
- The right to strict safety and security measures at pension pay-points;
- The right not to be deprived of property or assets except in terms of the law;
- The right not to be forced to retire solely on grounds of age;
- The right to have a dispute that can be resolved by a court of law decided in a fair, public hearing or in camera if requested;

- The right to live in an environment that is safe and adaptable to our changing capacities.

### 3. Participation:

- The right to work and earn an income and to participate in decisions about retirement;
- The right of access to education and training programs, cultural, spiritual and recreational facilities;
- The right to information and to participate in community life, decision-making and consultation on policies that affect our well-being;
- The right to establish associations and share knowledge and skills with younger generations;
- The right to use our own language (including sign language) and participate in the culture of our choice;
- The opportunity to serve the community as volunteers according to our interests and capabilities.

## C. RIGHTS OF OLDER PERSONS LIVING IN RESIDENTIAL FACILITIES

### 1. Care:

- The right to receive care and assistance depending on need;
- The right to be cared for by trained and compassionate carers;
- The right to treatment by our own physician if we can afford it.

### 2. Representation:

- The right to be represented on the resident's committee;
- The right to appoint a representative to act on our behalf, if necessary acting voluntarily or pro bono.

### 3. Participation:

- The right to visits from family and friends;
- The right to be informed about the financial state of the facility and changes in management;
- The right to participate in social, religious and community activities of choice.

### 4. Respect:

- The right to adequate notice of a proposed transfer or discharge;
- The right to privacy and to keep and use personal possessions;
- The right to be treated with respect by staff and management at all times.

### 5. Safety and security:

- The right to protection from abuse and violence;
- The right to protection from physical hazards including fire and flood.

#### D. ENSURING THAT THESE RIGHTS ARE IMPLEMENTED:

To ensure that these rights are upheld in rural and urban areas we call upon older persons to join hands and speak out where they live and work. And we request government, non-governmental, community-based and faith-based organizations to facilitate the following actions:

1. Recruit older persons from around the country, inform them of these rights and send them out to spread this knowledge in churches, service centres, clubs and burial societies;
2. Train staff in all government departments on the rights of older persons and current legislation;
3. Display this Charter widely: in government departments and services, shops, public spaces, offices and churches so that public servants, communities, older persons and the general public are made aware of the rights of older persons;
4. Hold training workshops with all tiers of government, community leaders and decision-makers to spread awareness of the Charter;
5. Reproduce, circulate and display this Charter in the official languages as well as braille;
6. Establish recreational and exercise facilities for older persons and for the young generation;
7. Build residential facilities in areas where we live, including rural areas, so we can remain near to our families and friends and do not have to move away;
8. Combat age prejudice and remove of age-based limits to credit, employment and training;
9. Run inter-generational programmes in schools to raise awareness of elder abuse and build positive images of ageing;
10. Develop and implement a national strategy including road shows to stop violence against older persons;
11. Ensure funding is available at local, provincial and national level so that services can be established and sustained and mechanisms and staff for monitoring and evaluating services are put in place;
12. Ensure older persons caring for grand-children have access to basic services including transport and support;
13. Prioritize rural and other deprived areas for age-based programmes;
14. Put in place legislative and other measures to give effect to the contents of this Charter;
15. Set up help lines and advertise them widely so that older persons can report their problems and access help.



7th Floor, 36-on-Long, Long street, Cape Town • Po Box  
3465, Cape Town, 8000 • +27 (21) 422 0336, +27 (21)  
422 5286, 086 626 3300 (Fax) • [info@saopf.org.za](mailto:info@saopf.org.za) •  
[www.saopf.org.za](http://www.saopf.org.za)