



# **“This Government is Failing Me Too”**

South Africa Compounds Legacy of Apartheid for Older People

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## II. The Right to Live Independently and Within the Community

There are always new problems with the lack of 24-hour assistance. There's no structure, no programs. Older people are just literally left on their own.

— Nosiphiwo Tetana, service center manager in Eastern Cape, September 28, 2022<sup>81</sup>

The Older Persons Act of 2006 enshrines the right of all older people to “live in an environment catering for his or her changing capacities”<sup>82</sup> and aims to “shift the emphasis from institutional care to community-based care.”<sup>83</sup> In doing so, the act attempts to address an apartheid legacy; namely, the emphasis on residential facilities to provide care and support for older people.

Under apartheid, social services were segregated by race, with far better services available to white people.<sup>84</sup> Although white people comprised an estimated 16 percent of the population in South Africa in 1980,<sup>85</sup> a year later there were 426 old age homes for white older people, 15 for black African older people, and 2 for Indian/Asian older people.<sup>86</sup> In 1982, 11 percent of white people aged 65 or older were reported to be living in state-run, state-subsidized, or private residential care facilities, which was reported to be the highest percentage of older people living in residential facilities in the world at the time.<sup>87</sup> A small number of white older people, therefore, had access to a comparatively large number of facilities, while black African, coloured, and Indian/Asian older people had access to virtually none.

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<sup>81</sup> Human Rights Watch interview with Nosiphiwo Tetana, service center manager, Dimbaza, September 28, 2022.

<sup>82</sup> Older Persons Act, Section 7 (e).

<sup>83</sup> *Ibid.*, Section 2 (c).

<sup>84</sup> Aziza Seedat, “Crippling A Nation: Health in Apartheid South Africa,” London: International Defence and Aid Fund for Southern Africa, April 1984, p. 78.

<sup>85</sup> South African Institute of Race Relations, “Survey of Race Relations in South Africa 1982,” cited in The Africa Fund, “South Africa Fact Sheet,” March 1984, <https://africanactivist.msu.edu/recordFiles/210-849-30351/al.sff.document.af000036.pdf> (accessed May 17, 2023), p. 1.

<sup>86</sup> South African Institute of Race Relations, “Survey of Race Relations in South Africa 1982,” p. 551, cited in Aziza Seedat, “Crippling A Nation: Health in Apartheid South Africa,” p. 77.

<sup>87</sup> Daily News, Durban, September 20, 1982, cited in Aziza Seedat, “Crippling A Nation: Health in Apartheid South Africa,” p. 78.

In 2021, 27,623 older people, or 0.5 percent of the total population of older people, were living in the 417 residential facilities registered with the Department of Social Development.<sup>88</sup> Human Rights Watch has not been able to verify the number of unregistered facilities.

As noted above, the South African government established the Older Persons Act to provide a range of community- and home-based care and support services for those whose income falls below a certain level. Community-based care and support services under the act can include economic empowerment, recreational, and intergenerational activities; informational, educational, and counselling services, including on “HIV and AIDS, care for orphans, Alzheimer’s, dementia and basic emergency care;” spiritual, cultural, medical, civic, and social services; nutritious meals; skills-building for livelihoods; professional care and rehabilitation to ensure independent living; and integrated community care.<sup>89</sup>

For those grant recipients who are identified as “frail older people,”<sup>90</sup> the Older Persons Act also provides for home-based care and support services which are “a comprehensive range of integrated services,” professional or lay, that include hygiene and physical care; rehabilitation programs to support mobility, including assisted devices; respite care; informational, educational, and counselling services on ageing to family and community members; and free health care.<sup>91</sup>

## Unavailability of Community-Based Care and Support Services

Although the goal of the Older Persons Act was intended to increase the provision of community-based care for older people, Human Rights Watch found that there are insufficient care and support services to realize the rights of older people in South Africa.

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<sup>88</sup> Department of Social Development, “Older Persons Services in South Africa,” Presentation to the COPSAN Meeting, March 25, 2021, Slide 11; Statistics South Africa, “Mid-year population estimates, 2021,” July 19, 2021, <https://www.statssa.gov.za/publications/Po302/Po3022021.pdf> (accessed April 12, 2023), Table 6, p. 19.

<sup>89</sup> Older Persons Act, Section 11 (2).

<sup>90</sup> A “frail older person” is defined in the Older Persons Act as “an older person in need of 24-hour care due to a physical or mental condition which renders him or her incapable of caring for himself or herself.” Older Persons Act, Section 1.

<sup>91</sup> Older Persons Act, Section 11 (3).

In large part, this is due to the government's failure to set service provision targets based on an accurate assessment of the number of older people eligible for such services. Instead, the government sets targets based on the cost of services and the government's budget, which inevitably means that these targets do not reflect the real numbers of eligible older people. Furthermore, although there is recognition that service levels are too low, there continues to be a lack of harmonization across provincial plans to increase access. Finally, the government allocates insufficient funding to non-profit organizations that are primarily responsible for providing community- and home-based services. Non-profit service providers are further constrained by the amount of their government-funded subsidy and other government restrictions.

### *Service Provision Targets Not Based on Scale of Needs*

Exact data on how many older people in South Africa currently require care and support services is unavailable. In 2015, the World Health Organization estimated that 38 percent of those aged 65 to 74 in the country and 49 percent of those aged 75 and older required assistance with at least one activity of daily living: eating, bathing, dressing, getting in and out of bed, and/or using the toilet.<sup>92</sup>

In 2016, 35 percent of people aged 65 to 74 had disabilities, rising to 58 percent among people over 75 years.<sup>93</sup> In 2020, 56 percent of older people had one or more chronic illnesses.<sup>94</sup> There is no nationally representative data on dementia.<sup>95</sup> Alzheimer's Disease International estimated a dementia prevalence rate in sub-Saharan Africa in 2015 ranging from 1 percent among older people aged 60 to 64 to 26 percent for those aged 90 and older.<sup>96</sup> A 2017 study of isiXhosa speakers in a low income rural region in South Africa

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<sup>92</sup> World Health Organization, "World Report on Ageing and Health," 2015, <https://apps.who.int/iris/handle/10665/186463> (accessed November 17, 2022), p. 68.

<sup>93</sup> Statistics South Africa, "Marginalised Groups Indicator Report, 2020," <http://www.statssa.gov.za/publications/03-19-05/03-19-052020.pdf>, Table 5.1.4, p. 85.

<sup>94</sup> Ibid., Table 4.4.5, p. 76.

<sup>95</sup> Roxanne Jacobs, Marguerite Schneider, Nicolas Farina, Petra du Toit, and Sara Evans-Lacko, "Stigma and its implications for dementia in South Africa: a multi-stakeholder exploratory study," *Ageing & Society*, June 2022, <https://doi.org/10.1017/S0144686X2200040X> (accessed November 23, 2022).

<sup>96</sup> Alzheimer's Disease International, "World Alzheimer Report 2015, The Global Impact of Dementia," August 2015, <https://www.alzint.org/u/WorldAlzheimerReport2015.pdf> (accessed May 17, 2023), Table 2.6, p. 20.

found higher than expected levels for those aged 60 to 64, at 6 percent, rising to 20 percent for those aged 85 and older.<sup>97</sup>

The Department of Social Development’s target for community-based care and support services “due to affordability” is limited to 20 percent of “active vulnerable older persons,” defined as retired older people who can function independently, are still mobile and self-sufficient, and can perform daily tasks with ease, and 3 percent of “vulnerable frail older persons,” defined as older people whose “physical or mental condition renders them in need of 24-hour continuous care.”<sup>98</sup> Although there is no exact figure of how many older people require care and support services, it is believed to be significantly higher than the government’s current targets, given what is known about who requires assistance with activities of daily living and the levels of chronic illness, disability, and dementia among older people. While the South African Older Persons Forum told Human Rights Watch that the Department of Social Development considered the funding model that sets these targets to be outdated,<sup>99</sup> at time of writing the department had not responded to our request for information on how it set these targets.

Moreover, the department has not even met its already too low targets. In 2021, the Department of Social Development reported 1,713 registered community-based care and support providers that deliver services to 97,923 older people, 90 percent of which are subsidized by the government.<sup>100</sup> While there is no data on who requires care and support services, that figure is less than 3 percent of the 3.7 million older people who were receiving the Older Persons Grant at that time.<sup>101</sup>

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<sup>97</sup> Celeste de Jager, William Msemburi, Katy Pepper, and Marc Combrinck, “Dementia prevalence in a rural region of South Africa: a cross-sectional community study,” *Journal of Alzheimer’s Disease* 60, 2017, <https://pdfs.semanticscholar.org/d59b/f43dbce21bfc2cdoe804bd26df30dofd6c4a.pdf> (accessed November 23, 2022).

<sup>98</sup> Department of Social Development, “Community Based Care and Support Services Model, Older Persons,” undated, pp. 6, 31-32.

<sup>99</sup> Email message from Roedolf Kay, Coordinator of the South African Older Persons Forum, to author, May 27, 2023.

<sup>100</sup> Department of Social Development, “Older Persons Services in South Africa,” Presentation to the COPSAN Meeting, Slide 10.

<sup>101</sup> National Treasury, “2022 Estimates of National Expenditure,” <http://www.treasury.gov.za/documents/national%20budget/2022/ene/FullENE.pdf>, p. 340.

The Western Cape Department of Social Development estimates that, based on poverty levels and other social issues, 60 percent of older people in the province require access to community-based services from one or more of the departments of social development, health, or human settlements.<sup>102</sup>

Sylvia Lusiti, 71, who is blind and visits a service center in Dimbaza, Eastern Cape, is aware that government funding is insufficient for the services that older people are entitled to. “The government says that it’s too much on their shoulders to care for us,” she said. “It’s the money that talks. Food needs money, broken taps and toilets need money. People have different mindsets, they have dementia. There are a lot of things that require money.”<sup>103</sup>

Lack of community-based services can affect older people’s mental well-being. Marhafungana Silwanyana, 75, said there were no services for older people, social workers, or community caregivers where he lives in Mdantsane, a township in Eastern Cape. He expressed feeling isolated and despondent at home all day:

We have nothing to do, just sitting in the house. Sometimes, I wish to go and see people, but I’m always not feeling well. The days are long and boring. It’s really quite bad. I didn’t think my life would be like this.<sup>104</sup>

As a result of the lack of adequate budget allocations, hundreds of thousands of older people are not able to access the basic care and support services they are entitled to so they can live in dignity and are denied their fundamental right to live independently within the community.

### *Disparities in Provincial Plans to Increase Access to Services*

As noted earlier, provincial governments are responsible for providing support services to older people entitled to them. Some provincial governments have acknowledged the need to increase older people’s access to services. However, provincial plans are inconsistent,

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<sup>102</sup> Email message from Monique Mortlock-Malgas, May 23, 2023.

<sup>103</sup> Human Rights Watch interview with Sylvia Lusiti, Dimbaza, September 29, 2022.

<sup>104</sup> Human Rights Watch interview with Marhafungana Silwanyana, Mdantsane, October 1, 2022.

resulting in older people in some provinces having greater access to services and support than in others.

Themba Magqadaza, 80, felt older people were treated differently based on where they lived. “Being an elder in the Eastern Cape feels like I’m part of another country, not South Africa, as there is so much that other provinces are doing for older people but not here,” he said. “For example, they supplement with food parcels. We don’t get that privilege here.”<sup>105</sup>

Furthermore, even the largest planned increases would only cover a small proportion of those believed to be entitled to services.

The government has an obligation to progressively realize access to care and support services for older people and to move as expeditiously and effectively as possible toward meeting this obligation. At all times, the government should fulfill its obligations without discrimination. The government is required to take the necessary steps to achieve full enjoyment of the rights contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) “to the maximum of its available resources,” which still exists even in times of severe economic constraints. When the number of older people receiving support, or the funding for those support services, is projected to decline in the face of growing need, such retrogressive measures may violate South Africa’s international human rights obligations.

The Gauteng Department of Social Development has recognized that increases in life expectancy necessitate more services for older people.<sup>106</sup> In the fiscal year 2020 (FY20), when 51 percent of older people in Gauteng had chronic illnesses (or 618,000 people),<sup>107</sup> the number of older people accessing community-based care and support services was only 17,436, and projected to rise by 41 percent to 24,617 in FY23.<sup>108</sup> However, the annual budget for services for older people decreased by 7 percent, from R350 million (US\$19

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<sup>105</sup> Human Rights Watch interview with Themba Magqadaza, Dimbaza, September 29, 2023.

<sup>106</sup> Gauteng Department of Social Development, “Strategic Plan 2020-2025,” 2020, <https://www.gauteng.gov.za/Publications/TagPublications?tag=Strategic%20Plan%202020-2025> (accessed November 9, 2022), p. 30.

<sup>107</sup> Statistics South Africa, “Marginalised Groups Indicator Report, 2020,” <http://www.statssa.gov.za/publications/03-19-05/03-19-052020.pdf>, Table 4.4.5, p. 76

<sup>108</sup> Gauteng Department of Social Development, “2022-2023 Annual Performance Plan,” 2022, <https://www.gpl.gov.za/wp-content/uploads/2022/05/GDSD-2022-23-APP.pdf> (accessed November 9, 2022), p. 134.

million) in FY20<sup>109</sup> to R326 (US\$18 million) in FY23,<sup>110</sup> and the Gauteng Department of Social Development failed to meet its projected increase, with the number of older people accessing services only rising to 19,675.<sup>111</sup> What is more, the budget cuts would result in nearly 4,000 fewer older people accessing care and support services in FY23 than in the fiscal year 2022 (FY22).<sup>112</sup>

In April 2023, non-profit organizations protested against FY23 budget cuts across different sectors.<sup>113</sup> The following month, the Gauteng premier announced that the budget cuts would be reversed, and non-profits paid the same as in FY22.<sup>114</sup> At time of writing, a number of service centers for older people had not signed their FY23 Service Level Agreement with the department.<sup>115</sup>

The Eastern Cape Department of Social Development committed to increasing the number of older people accessing community-based care and support services by 34.5 percent from 14,872 in FY20 to 20,003 in FY23.<sup>116</sup> In 2020, 62.5 percent of older people in Eastern Cape had chronic illnesses (or 435,000 people).<sup>117</sup> However, despite the department's commitment to increase access to services by 34.5 percent, it only increased its annual budget for such services by 16 percent from R186.6 million (US\$10 million) in FY20 to R216

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<sup>109</sup> Ibid., p. 142.

<sup>110</sup> Gauteng Provincial Government, "Gauteng Province Estimates of Provincial Revenue and Expenditure 2023," March 9, 2023, <https://www.gauteng.gov.za/Departments/DepartmentPublicationDetails/%7Bef48525d-21b5-41d8-ae91-4a4778a9acef%7D?departmentId=CPM-001013> (accessed April 19, 2023), Table 6.8, p. 239.

<sup>111</sup> Ibid., p. 240.

<sup>112</sup> Ibid.

<sup>113</sup> Takudzwa Pongweni and Will Clark, "What about the children, the disabled, the mentally ill?' NPOs blast Gauteng's reconfigured social welfare budget," *Daily Maverick*, April 13, 2023, <https://www.dailymaverick.co.za/article/2023-04-13-npos-blast-gautengs-reconfigured-social-welfare-budget/> (accessed May 27, 2023).

<sup>114</sup> Phathu Luvhengo, "Gauteng NGOs will be paid by May 15, budget cuts to be reversed: Lesufi," *TimesLIVE*, May 4, 2023, <https://www.timeslive.co.za/news/south-africa/2023-05-04-gauteng-ngos-will-be-paid-by-may-15-budget-cuts-to-be-reversed-lesufi/> (accessed May 27, 2023).

<sup>115</sup> Human Rights Watch interview with Kidi Mofube, service center manager and Chairperson, Johannesburg Older Persons Forum, Johannesburg, May 22, 2023.

<sup>116</sup> Eastern Cape Department of Social Development, "Annual Performance Plan 2020/21 – 2023/24," 2021, [http://www.ecdsd.gov.za/knowledgehub/Annual%20Performance%20Plan/2021-22%20TO%202023-24%20ANNUAL%20PERFORMANCE%20PLAN%20\(1\).pdf](http://www.ecdsd.gov.za/knowledgehub/Annual%20Performance%20Plan/2021-22%20TO%202023-24%20ANNUAL%20PERFORMANCE%20PLAN%20(1).pdf) (accessed November 9, 2022), p. 73.

<sup>117</sup> Statistics South Africa, "Marginalised Groups Indicator Report, 2020," <http://www.statssa.gov.za/publications/03-19-05/03-19-052020.pdf>, Table 4.4.5, p. 76.

million (US\$12 million) in FY23,<sup>118</sup> and the number of older people accessing services only rose by 392 (less than 3 percent) to 15,264.<sup>119</sup>

The Western Cape Department of Social Development recognized in 2020 that the growth in numbers of people older than 85 has implications for frail care and support services and emphasized community-based and alternative models to residential care.<sup>120</sup> At that time, 55 percent of people 60 and older in the Western Cape had chronic illnesses (or 390,000 people).<sup>121</sup> Despite this, the number of subsidies for older people receiving community- and home-based care and support services was projected to decline by more than 15 percent over three years, from 16,396 in FY20 to 13,887 in FY23.<sup>122</sup> Meanwhile, the annual budget for services for older people declined by 8 percent over this period, from R268.4 million (US\$14.5 million) in FY20 to R246 million (US\$13.5 million) in FY23.<sup>123</sup>

Reductions in subsidies to non-profit organizations have resulted in several service centers for older people closing down, mainly in rural areas.<sup>124</sup> The department told Human Rights Watch that its budget for community-based care and support services depended on how much it had left once it had met its contractual obligations to residential, and assisted and independent living facilities. In FY23 this was R196 million (US\$10 million) and R5 million (US\$254,000) respectively, leaving R34 million (US\$1.7 million) for community-based care and support services. The department recognized that this amount was not adequate to provide for the care and support older people required, but its

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<sup>118</sup> Eastern Cape Provincial Treasury, “Estimates of Provincial Revenue and Expenditure 2023/24,” undated, <https://www.ectreasury.gov.za/modules/content/files/Documents/Annual%20Reports/Eastern%20Cape%20Provincial%20Department%20Annual%20Reports/2023/Treasury%20Estimates%202023.pdf> (accessed April 19, 2023), Table 13, p. 236.

<sup>119</sup> *Ibid.*, Table 15, p. 237.

<sup>120</sup> Western Cape Government Department of Social Development, “Strategic Plan for 2020-2025,” 2020, [https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/dsd\\_strategic\\_plan\\_2020\\_-\\_2025.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/dsd_strategic_plan_2020_-_2025.pdf) (accessed November 9, 2022), pp. 7, 28.

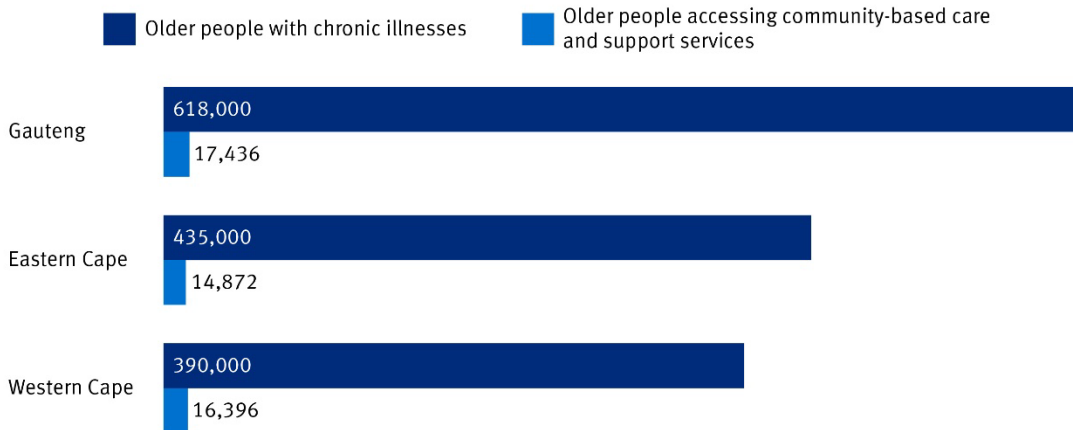
<sup>121</sup> Statistics South Africa, “Marginalised Groups Indicator Report, 2020,” <http://www.statssa.gov.za/publications/03-19-05/03-19-052020.pdf>, Table 4.4.5, p. 76.

<sup>122</sup> Western Cape Government Department of Social Development, “Annual Performance Plan for 2022/2023,” 2022, [https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/dsd\\_annual\\_performance\\_plan\\_2022.23.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/dsd_annual_performance_plan_2022.23.pdf) (accessed November 9, 2022), p. 34.

<sup>123</sup> Western Cape Provincial Treasury, “Western Cape Province Estimates of Provincial Revenue and Expenditure 2023/24,” March 14, 2023, <https://www.westerncape.gov.za/provincial-treasury/files/atoms/files/Western%20Cape%20Estimates%20of%20Provincial%20Revenue%20and%20Expenditure%202023.pdf> (accessed April 19, 2023), Table 9.2, p. 311.

<sup>124</sup> Parliamentary Monitoring Group, “Western Cape Appropriation Bill: Social Development, Meeting Summary,” March 17, 2023, <https://pmg.org.za/committee-meeting/36594/> (accessed May 27, 2023).

## Need and Access to Community-Based Care Data from 2020



Source: Statistics South Africa, "Marginalised Groups Indicator Report, 2020," Table 4.4.5, p. 76, Eastern Cape Department of Social Development, "Annual Performance Plan 2020/21 – 2023/24, Gauteng Department of Social Development, "2022-2023 Annual Performance Plan" and Western Cape Government Department of Social Development, "Annual Performance Plan for 2022/2023".

repeated attempts to secure more funding through the Medium Term Expenditure Framework, the process which facilitates budget planning, had been unsuccessful.<sup>125</sup>

### *Insufficient Funding to Non-Profit Organizations that Deliver Basic Services*

The government of South Africa contracts with non-profit institutions to provide the services due to older people under the Older Persons Act. However, in 2010, the Free State High Court held that Department of Social Development's subsidies paid to applicants providing statutory services to older people were substantially inadequate to meet older people's needs.<sup>126</sup> Subsequent judgments in the same case found that when a provincial Department of Social Development enters into agreements with non-profit organizations to provide constitutionally and statutorily mandated services on its behalf, the department

<sup>125</sup> Email message from Monique Mortlock-Malgas, May 23, 2023.

<sup>126</sup> *National Association of Welfare Organisations and Non-Government Organisations, N.G. Social Services Free State, and Free State Care In Action v. Member of the Executive Council for Social Development, Free State Head of the Department of Social Development, and Free State National Minister of Social Development*, Free State High Court, Case No.: 1719/2010, Judgement, August 5, 2010, <http://www.saflii.org/za/cases/ZAFSHC/2010/73.pdf> (accessed November 10, 2022), paras. 35, 47.

must fund the full core costs of services except where non-profits are able to raise funds from elsewhere.<sup>127</sup>

The National Planning Commission acknowledged in 2012 that government funding to non-profit organizations had steadily declined since 1994, reducing the range and quality of services while the need for those services has risen.<sup>128</sup> Retrogressions in the availability of basic services are a violation of human rights.

Nearly a decade later, the National Department of Social Development recognized that provincial governments had not increased subsidies in line with inflation, sometimes even reducing them.<sup>129</sup> They noted that spending on social services was unequal across provinces and called on Provincial Treasuries to increase their budget allocation to provincial Departments of Social Development. The National Department of Social Development also committed to progressively fund the reasonable core costs of services, including staff wages, by setting and monitoring minimum service funding standards for subsidies paid to non-profit organizations.<sup>130</sup> While Human Rights Watch received information that the Department of Social Development has compiled a costing report on the Older Persons Act, as amended,<sup>131</sup> at time of writing, the department had not responded to Human Rights Watch's request for information on whether it had set minimum service funding standards or how it monitors provincial departments' delivery of services.

A number of provincial governments have taken steps to increase their budgetary allocations for older persons. In 2022, the Eastern Cape Department of Social Development increased its subsidy to community-based service centers from R200 [US\$11]

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<sup>127</sup> Hlanganisa Institute for Development South Africa, "What Is Rightfully Due? Costing The Operations of Domestic Violence Shelters," 2018, [https://za.boell.org/sites/default/files/whatisrightlydue-costingdvshelters\\_fullreport.pdf](https://za.boell.org/sites/default/files/whatisrightlydue-costingdvshelters_fullreport.pdf) (accessed January 12, 2022), p. 29.

<sup>128</sup> National Planning Commission, "National Development Plan 2030: Our Future - Make It Work," 2012, [https://www.gov.za/sites/default/files/gcis\\_document/201409/ndp-2030-our-future-make-it-workr.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf) (accessed November 26, 2022), p. 377; Open Repository Base on International Strategic Studies, "National Development Plan 2030: Our future - Make It Work," September 1, 2012, <https://espas.secure.europarl.europa.eu/orbis/document/national-development-plan-2030-our-future-make-it-work> (accessed November 26, 2022).

<sup>129</sup> National Department of Social Development, "Department of Social Development Sector Funding Policy," 2020, p. 4.

<sup>130</sup> *Ibid.*, pp. 35-36.

<sup>131</sup> Email message from Roedolf Kay, May 27, 2023.

to R250 [US\$13.50] per older person per month. However, the new amount would still appear to be far too low. Nosisi Mayamo, 64, feels betrayed by the government. She said:

What hurts me the most is [that] I vote every time without fail. I always vote, but when the time comes to help us, they give [the Dimbaza Society for the Aged's service center] R250 for me: my transport, food, and activities. In reality, it would last me two days. How can they expect [the center] to feed me for 31 days?<sup>132</sup>

Despite apparent recognition that the subsidy was too low, the increased rate still fails to meet current costs. Service center managers in Eastern Cape who spoke with Human Rights Watch said that this subsidy covered only 40 to 50 percent of their costs.<sup>133</sup> Nomalinge Mlindi, chair of the Imbumba Association for the Aged, said: “We’re struggling how to use the money as it’s too little for a service center.”<sup>134</sup> Nosiphiwo Tetana, manager of the Dimbaza Society for the Aged’s service center, said non-profit organizations hire out their service center premises for funerals and parties to generate funds, and apply for food donations from grocery stores. In an attempt to fully cover costs, the Dimbaza Society for the Aged has applied for National Lottery funding every year but has not received any since 2019.<sup>135</sup> In September 2022, the Special Investigating Unit had evidence of and was investigating a total of approximately R1,432 million (US\$79 million) corruptly taken lottery funds.<sup>136</sup> According to Nosiphiwo Tetana, “the National Lottery funds are depleted.”<sup>137</sup>

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<sup>132</sup> Human Rights Watch interview with Nosisi Mayamo, Dimbaza, September 29, 2022.

<sup>133</sup> Human Rights Watch interviews with Nomalinge Mlindi and Melumzi Sauka, Dimbaza, September 28, 2022.

<sup>134</sup> Human Rights Watch interviews with Nomalinge Mlindi, September 28, 2022.

<sup>135</sup> Human Rights Watch interview with Nosiphiwo Tetana, September 28, 2022.

<sup>136</sup> Parliament of the Republic of South Africa, “Media Statement: Trade, Industry and Competition Committee Hears SIU Interim Investigation Into National Lotteries Commission Now Amounts to Millions,” <https://www.parliament.gov.za/press-releases/media-statement-trade-industry-and-competition-committee-hears-siu-interim-investigation-national-lotteries-commission-now-amounts-millions>.

<sup>137</sup> Human Rights Watch interview with Nosiphiwo Tetana, September 28, 2022.



Nosiphiwo Tetana, manager of the Dimbaza Society for the Aged's service center in Dimbaza, Eastern Cape, inside its main hall. © 2023 Taurai Maduna/Human Rights Watch



Employees of the Dimbaza Society for the Aged prepare lunch at its service center in Dimbaza, Eastern Cape. © 2023 Taurai Maduna/Human Rights Watch

The Western Cape Department of Social Development in 2022 subsidized Category A service centers at R118 (US\$6.50) per older person per month, Category B at R186 (US\$10) per older person per month, and Category C at R197 (US\$10.50) per older person per month.<sup>138</sup> Human Rights Watch learned from service center managers in the Western Cape that these amounts do not cover the core costs of services older people are entitled to. As a result, service centers either have to reduce costs by reducing services or increase funding from other non-government sources.<sup>139</sup> One service center described having to charge older people an annual membership fee of R20 (US\$1) plus R50 (US\$2.50) per month for food to help cover their costs. “The Department of Social Development doesn’t give [us] the full budget. Older people must contribute themselves,” the center manager said.<sup>140</sup>

Similarly, in Gauteng in 2022, the Department of Social Development subsidized one service center in Soweto, Johannesburg, at R332 (US\$17.50) per older person per month. Although this increases by 6 percent each year, Kidi Mofube, the service center manager, told Human Rights Watch that this only covers about 70 percent of their costs.<sup>141</sup>

As a result of the government’s failure to allocate sufficient funding to non-profit service providers, these institutions are unable to provide the care and support services the government has contracted with them to deliver. In other words, the government is neither providing the necessary level of services itself nor allocating sufficient funds to ensure that others can do so. As such it is not meeting its obligations to provide care and support so older people can live with dignity in their communities as guaranteed under the Older Persons Act.

### *Overly Prescriptive Rules on Non-Profit Service Provision*

Every year, service centers apply for funding by submitting a business plan to the Department of Social Development stating how many older people are registered members at their centers. Subsequently, the centers enter into a service-level agreement with the

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<sup>138</sup> Human Rights Watch email correspondence with non-profit organization, Western Cape, November 24, 2022.

<sup>139</sup> Human Rights Watch interviews with two service center managers, Western Cape, May 19, 2022, and September 23, 2022.

<sup>140</sup> Human Rights Watch interview with service center manager, Western Cape, September 29, 2022.

<sup>141</sup> Email message from Kidi Mofube to author, December 21, 2022.

Department of Social Development that funds services for the number of older people the department can afford, which may be fewer than registered at the beginning of the year.<sup>142</sup>

Inevitably, however, the number of people requiring care and support at a specific center fluctuates during the year, and service centers are often left with inadequate funding for the number of older people applying. The requirement to specify the exact number of beneficiaries of services instead of striking a balance between the need for robust regulation of private service providers and flexibility for service providers, puts a significant strain on both service centers and older people. In May 2023, Tetana said there were 15 older people on their waiting list and more who had made informal inquiries about joining the center.<sup>143</sup> “Every week, every month [older people] come and apply, and we have to turn them away as we can’t overload the budget,” Nosiphiwo Tetana, Manager of Dimbaza Society for the Aged’s service center, said.<sup>144</sup>

Budgetary concerns mean less access for older people like Rose Nduneni, 70, who wants to join Dimbaza Society for the Aged’s service center but was told the center was full. “They say they have a budget, they can’t afford any new members,” she said. “I have been trying to become a member since 2021.”<sup>145</sup>

The level of the subsidy, as well as overly prescriptive requirements regarding its allocation, can further limit the types of community-based care and support that service centers can provide. Departments of Social Development may have overly prescriptive rules that restrict how a service center spends the subsidy regardless of the particular requirements of the older people in its community. The Eastern Cape Department of Social Development, for example, prescribes how the R250 subsidy should be spent for FY23: 42 percent on food, 5 percent on personal health care, 13 percent on sports equipment and clothing, and 40 percent on administration.<sup>146</sup>

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<sup>142</sup> Letter from M. Machedemba, Head of Department, Eastern Cape Department of Social Development, to the Chairperson, Dimbaza Society for the Aged, May 4, 2022; Human Rights Watch interview with Melumzi Sauka, Dimbaza, May 25, 2023.

<sup>143</sup> Human Rights Watch interview with Nosiphiwo Tetana, Dimbaza, May 25, 2023.

<sup>144</sup> Human Rights Watch interview with Nosiphiwo Tetana, September 28, 2022.

<sup>145</sup> Human Rights Watch interview with Rose Nduneni, Dimbaza, September 28, 2022.

<sup>146</sup> Letter from M. Machedemba, Head of Department, Eastern Cape Department of Social Development, to Chairperson of the Dimbaza Society for the Aged, May 4, 2022.



Melumzi Sauka, deputy chair of the Imbumba Association for the Aged, outside the Dimbaza Society for the Aged's service center in Dimbaza, Eastern Cape. To cover costs, the society has applied for National Lottery funding every year since 2019, without success. © 2023 Taurai Maduna/Human Rights Watch

Several of the people interviewed by Human Rights Watch who had access to community-based service centers in Western Cape, Eastern Cape, and Gauteng provinces said that available activities were limited to daily meals, knitting and other crafts, massages from caregivers, and exercise and sports.<sup>147</sup>

These allocations do not reflect the range of services envisaged under the Older Persons Act, which also covers services such as professional care, rehabilitation, integrated community care, and development systems to ensure independent living of older people.<sup>148</sup> It also does not reflect the actual requirements of those being served by the center. As Nosiphiwo Tetana said: “At the provincial level, they don’t appreciate the

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<sup>147</sup> Human Rights Watch interviews with seven older people, Atlantis, Porterville, Dimbaza, and Johannesburg, September 23, 26, and 29, and October 6-7, 2022.

<sup>148</sup> Older Persons Act, Section 11 (2) (g), (j).

uniqueness of this institution. They want us to fit into a template, a standardized way, not customized. The funding does not speak to the needs of this center.”<sup>149</sup>

Melumzi Sauka, deputy chair of the Imbumba Association for the Aged, said prescribed subsidy budget lines failed to cover staff costs. “It seems to me that [the Department of Social Development] doesn’t recognize the fact that there are employees that care for older people,” he said. “They tell managers to play around with the money [so] you have to pay [employees] from nutrition, from care [budget lines].”<sup>150</sup>

In addition, delays in payment of the subsidies can leave caregivers and other employees without payment. To avoid this, a couple of service center managers said that they had to increase membership fees, reduce the amount they pay employees, lend the center money, or pay out of their own pocket when the Department of Social Development is late paying the subsidies. Some centers, they said, are forced to close down.<sup>151</sup>

## Over-Reliance on Family Care Providers

The Older Persons Act guarantees older people receiving community-based care and support services the right to “benefit from family and community care and protection in accordance with society’s system of cultural values.”<sup>152</sup> However, an over-reliance on family care excludes older people who do not have children or other family members who can provide support at home or who are unable, or choose not, to live with them.

Thembisa Loyila, 70, who lives alone in Mdantsane, Eastern Cape, said, “For older people, service delivery depends on if you have children or not. The government doesn’t have any responsibility for us. As older people, we have to take care of each other. We only have ourselves.”<sup>153</sup> Theresa Lee, 60, has children but had to move into a shared community-house for older people in Cape Town. “You can’t live with kids these days,” she said.

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<sup>149</sup> Human Rights Watch interview with Nosiphiwo Tetana, September 28, 2022.

<sup>150</sup> Human Rights Watch interview with Melumzi Sauka, September 28, 2022.

<sup>151</sup> Human Rights Watch interviews with service center managers, Kidi Mofube, May 22, 2023, and Melumzi Sauka, May 25, 2023.

<sup>152</sup> Older Persons Act, Section 10 (c).

<sup>153</sup> Human Rights Watch interview with Thembisa Loyila, Mdantsane, October 1, 2022.

“Children are not there for their parents. You’ve given your all for them. They say they have their family first.”<sup>154</sup>

Moreover, some older people do not want to ask their family for support. Elizabeth, 79, lives in a farm laborer’s house in Western Cape. She is diabetic, has high blood pressure, and “a dizziness in her head that never goes away.” Her niece visits her once a week to do the washing, cleaning, and cooking. Even though she does not expect payment, Elizabeth normally gives her something. “I don’t like to be dependent on other people,” she said. “I’d rather not ask for anything.”<sup>155</sup>

An over-reliance on family support also affects older people whose family caregiver goes out to work during the day.

Nozala Ndozana, 84, lives with her youngest daughter, Pamela Nokuthembela Ndozana, 47, in Gwaba village, 36 kilometers outside of East London. Pamela washes her mother and cooks her breakfast before leaving for work in East London. Due to her working hours and the time it takes to get to and from work on public transport, Pamela has to leave Nozala alone for up to 12 hours each day. Pamela constantly worries about her mother when she is at work. “Even though I make her food, she may not think to eat it, and go without food all day,” she said. Sometimes Nozala wanders away from their house. If the neighbors see her, they will assist her, but there is no one to be with her all day. Pamela is also worried about her mother’s safety at home in a community where everyone knows she is alone all day. “It is easy for an intruder to [come into the house and] maybe rape her.”<sup>156</sup>

Family caregivers, often younger women, are also affected by the lack of care and support services for older people.<sup>157</sup> Globally, women are more likely to provide care and support for family members with chronic illnesses, including for older people.<sup>158</sup> In South Africa, they may also have to take on responsibility for other family members the older person can

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<sup>154</sup> Human Rights Watch interview with Theresa Lee, Cape Town, September 19, 2022.

<sup>155</sup> Human Rights Watch interview with Elizabeth, Porterville, September 26, 2022.

<sup>156</sup> Human Rights Watch interview with Pamela Nokuthembela Ndozana, Gwaba, May 26, 2023.

<sup>157</sup> Elena Moore, “Family care for older persons in South Africa: heterogeneity of the carer’s experience,” *International Journal of Care and Caring* 7 (2), 2023, <https://doi.org/10.1332/239788221X16740630896657> (accessed May 28, 2023), p. 281.

<sup>158</sup> Nidhi Sharma, Subho Chakrabarti, and Sandeep Grover, “Gender differences in caregiving among family - caregivers of people with mental illnesses,” *World Journal of Psychiatry* 6 (1), March 22, 2016, <https://doi.org/10.5498/wjp.v6.i1.7> (accessed May 31, 2023).

no longer support. In addition, low marriage rates among younger black African women mean that many do not have a spouse to share the responsibilities and financial costs with.<sup>159</sup>

Pamela, Nozala’s daughter, does not have a personal life and cannot afford to socialize, financially and because she does not want to leave her mother alone any later at night. Her employment opportunities are also limited. “If I was offered a full-time job in a different province,” she said, “I couldn’t go. I couldn’t take the opportunity.”<sup>160</sup>



Pamela Nokuthembela Ndozana embraces her mother, Nozala Ndozana, 84, in their home in Gwaba village, Eastern Cape. © 2023 Taurai Maduna/Human Rights Watch

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<sup>159</sup> Elena Moore, “Family care for older persons in South Africa: heterogeneity of the carer’s experience,” <https://doi.org/10.1332/239788221X16740630896657>, p. 281.

<sup>160</sup> Human Rights Watch interview with Pamela Nokuthembela Ndozana, May 26, 2023.

## Challenges Related to Home-Based Services

Home-based services are essential for many older people to continue living in their homes, and the Older Persons Act specifically provides for these. However, many of those interviewed by Human Rights Watch reported that these services are often unavailable or unaffordable, which undermines older people’s right to live independently and deeply affects their well-being and safety.

### *Unavailability of Home-Based Services*

Some older people Human Rights Watch interviewed in Western Cape,<sup>161</sup> Eastern Cape,<sup>162</sup> and Gauteng<sup>163</sup> said that no one came to check on or visit them or other older people at home in their communities.

Ben Zolile, 75, lives in River Park, Johannesburg. His health is “up and down,” and on the morning of the interview, his “head was spinning from the blood pressure.” He said:

I used to go to a place called Hope as they used to feed older people there and [give us food] to take home, but now my knees can’t carry me there. No one comes to my house. There are no other services that come to my home.<sup>164</sup>

Several factors contribute to the lack of home-based care and support services, including lack of coordination between government departments; inadequate government funding and subsidies, which affects staffing; and inadequate numbers of social workers.

There is often a lack of clarity as to who is responsible for providing in-home care in a particular area. In one case, a service center manager did not know if their center was allowed to provide home-based care and support services to older people who could not come to their center because another non-profit organization was already providing

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<sup>161</sup> Human Rights Watch interviews with three older people, Atlantis and Porterville, September 23 and 26, 2022.

<sup>162</sup> Human Rights Watch interviews with four older people, Dimbaza, East London, and Mdantsane, September 30, 2022, and October 1, 2022.

<sup>163</sup> Human Rights Watch interviews with 11 older people, Johannesburg, October 6-7, 2022.

<sup>164</sup> Human Rights Watch interview with Ben Zolile, Johannesburg, October 6, 2022.

community-based healthcare services under the Department of Health in the area.<sup>165</sup> This lack of coordination between government departments impedes the delivery of home-based care and support services as provided for under the Older Persons Act.<sup>166</sup>

The government does not provide adequate funding for the service center staff who are necessary for home-based care and prescribed in the regulations governing implementation of the Older Persons Act, including home-based caregivers, social workers, service center managers, administrators, cooks, and drivers.<sup>167</sup> Melumzi Sauka, deputy chair of the Imbumba Association for the Aged, said that because he cannot pay for a cook, one of his caregivers has to do the cooking, reducing the time for caregiving.<sup>168</sup>

The Western Cape Department of Social Development told Human Rights Watch that service centers have to pay employees out of the subsidy from the department and that the department did not have sufficient resources to pay for salaried positions.<sup>169</sup>

Nosisi Mayamo, 64, was deeply concerned about the lack of adequate staff in the service center she attends and called for an increase in caregivers:

One caregiver is responsible for all of us here [at the service center] and has to go to homes; bring food, incontinence pants; wash, change the linen, and put those incontinence pants on them; and on the same day, come back [to the center] and continue with the program at the center. This is too much. On top of that, they don't get paid. That gives me sleepless nights.<sup>170</sup>

A lack of state-funded drivers also impacts home-based services. One caregiver employed by a non-profit organization said: “We don't have as wide a reach as we'd like as we don't have enough transport. We'd like to reach more people than we do currently.”<sup>171</sup>

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<sup>165</sup> Human Rights Watch interview with a service center manager who requested anonymity, September 23, 2022.

<sup>166</sup> Older Persons Act, Section 11 (3).

<sup>167</sup> Southern African Legal Information Institute, “Regulations Regarding Older Persons,” April 1, 2010, [http://www.saflii.org/za/legis/consol\\_reg/rrop352/](http://www.saflii.org/za/legis/consol_reg/rrop352/) (accessed May 27, 2023) Annexure B, Part 1, 1.3.13.

<sup>168</sup> Human Rights Watch interview with Melumzi Sauka, September 28, 2022.

<sup>169</sup> Email message from Monique Mortlock-Malgas, May 23, 2023.

<sup>170</sup> Human Rights Watch interview with Nosisi Mayamo, September 29, 2022.

<sup>171</sup> Human Rights Watch interview with a caregiver who requested anonymity, September 29, 2022.

South Africa is plagued by a shortage of social workers, which has a negative impact on the availability of home-based care and support services. Although the Older Persons Act recognizes the role of social workers, in March 2022, the Minister for Social Development said 3,000 more social workers were needed to implement the Act.<sup>172</sup> The lack of social workers, according to the Minister, is due to budget constraints.<sup>173</sup> One social worker employed by the Department of Social Development said that the department typically either gives social workers an internship or a three-to-six month contract as the department does not have the funds to employ social workers for longer periods.

As noted above, the Department of Social Development does not provide funding for drivers, so anyone delivering in-home care typically has to take public transportation or drive themselves. This lack of transport can also affect service delivery. They said:

We have two vehicles, so you only have access to a vehicle once or twice a month. You try to prioritize an issue: child abuse and rape can get a vehicle. If there is a high-risk case with an older person, we may get priority. Sometimes there is no vehicle to go to some areas.<sup>174</sup>

Gladys Booi, 69, felt social workers had little interest in older people. “Social workers say they come [to our homes] once a month, [but] sometimes they don’t and even [when they do come], once is not enough. They don’t come as they don’t want to know.”<sup>175</sup>

### *Unaffordable Home-Based Services*

In an attempt to get the services they require, some older people pay for home-based support themselves even when they are eligible for government services. Dinah Valentine, 61, had a stroke when she was 57 and had to stop working as a museum assistant in Porterville, Western Cape. Since then, she has paid a family friend R200 [US\$11] per month

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<sup>172</sup> Democratic Alliance, “South Africa faces shocking shortage of thousands of social workers,” March 31, 2022, <https://www.da.org.za/2022/03/south-africa-faces-shocking-shortage-of-thousands-of-social-workers> (accessed November 17, 2022).

<sup>173</sup> Parliamentary Monitoring Group, “Question NW2319 to the Minister of Social Development,” August 16, 2022, <https://pmg.org.za/committee-question/19718/> (accessed May 16, 2023).

<sup>174</sup> Human Rights Watch interview with a social worker who requested anonymity, September 29, 2022.

<sup>175</sup> Human Rights Watch interview with Gladys Booi, Dimbaza, September 29, 2022.

to wash her clothes and bedding and cook for her twice a week. “If I have something nice, I give it to her: fruit, sugar, meat, potatoes,” she said. “R200 is very little.”<sup>176</sup>

### **Inadequate Grant-in-Aid**

People over 60 whose monthly income falls under a certain threshold are eligible to receive the Older Persons Grant. In addition, those eligible for the Older Persons Grant and who require support with their day-to-day activities are eligible for the Grant-in-Aid, a monthly social grant to pay someone for full-time support at home.<sup>177</sup> In 2022, 283,771 older people, war veterans, and people with disabilities, who may also apply, received the grant.<sup>178</sup> This number was estimated to rise to 370,000 in 2023.<sup>179</sup>

In September 2022, the grant was R480 (US\$26) per month,<sup>180</sup> and it increased to R500 (US\$27) in April 2023.<sup>181</sup> This is a paltry amount: based on the 2023 national minimum wage of R25.42 per hour (US\$1.32), R500 provides only 20 hours, less than one day of full-time care and support per month.<sup>182</sup> And there are additional costs associated with support that the Grant-in-Aid does not cover. For example, a pack of 14 large, adult, own brand (or store brand) incontinence pants from a drugstore chain cost R205 (US\$11) in May 2023.<sup>183</sup> Thus, the cost of three incontinence pants per day for a month is R1,362 (US\$71), nearly three times the entire Grant-in-Aid monthly allocation.

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<sup>176</sup> Human Rights Watch interview with Dinah Valentine, Porterville, September 26, 2022.

<sup>177</sup> South Africa Government, “Grant in aid,” <https://www.gov.za/services/social-benefits/grant-aid>.

<sup>178</sup> South African Social Security Agency, “Annual Report 2021/22,” 2022, <https://www.sassa.gov.za/annual%20reports/Documents/SASSA%20ANNUAL%20REPORT%202021-2022.pdf> (accessed April 12, 2023), Table 1, p. 4.

<sup>179</sup> National Treasury, “2023 Estimates of National Expenditure,” <https://www.treasury.gov.za/documents/national%20budget/2023/ene/FULLENE.pdf>, Table 19.1, p. 348.

<sup>180</sup> South African Social Security Agency, “SASSA Social Grants Increases for 2022,” <https://www.sassa.gov.za/newsroom/articles/Pages/sassa-social-grants-increase-for-2022.aspx>.

<sup>181</sup> South African Social Security Agency, “SASSA Grant Increases for 2023 & 2024,” <https://www.sassagrants.co.za/sassa-grant-increases-for-2023/>.

<sup>182</sup> Department of Employment and Labour, “National Minimum Wage Act No. 9 of 2018,” *Government Gazette*, February 21, 2023, [https://www.gov.za/sites/default/files/gcis\\_document/202302/48094gon3069.pdf](https://www.gov.za/sites/default/files/gcis_document/202302/48094gon3069.pdf) (accessed May 18, 2023).

<sup>183</sup> Clicks, “Clicks Incontinence, Adult Pants Large 14 Pants,” undated, [https://clicks.co.za/clicks-incontinence\\_adult-pants-large-14-pants/p/200497](https://clicks.co.za/clicks-incontinence_adult-pants-large-14-pants/p/200497) (accessed May 18, 2023).



Florence Limekaya, 79, in her one-room home at the Helen Joseph Women's Hostel in Alexandra, Johannesburg. She has lived in this apartheid-era hostel since 1980. © 2023 Taurai Maduna/Human Rights Watch

Privately provided home-based care and support services are available, but the costs are prohibitive and not affordable for all, exacerbating already existing inequalities. Rates can vary significantly. As illustrative examples of the costs of private services, in March 2023, one provider that published its rates on the internet, SA Nanny, charged R325 (US\$17.50) for a nine-hour day shift and R8,000 (US\$435) per month for a live-in caregiver,<sup>184</sup> equivalent to 16 months' worth of the Grant-in-Aid. Another, CareChamp, started its rates at R552 (US\$30) for an eight-hour day shift and charged R24,999 (US\$1,360) per month for a live-in caregiver,<sup>185</sup> equivalent to four years' worth of the Grant-in-Aid.

Florence Limekaya, 79, has lived for over 40 years in Helen Joseph Women's Hostel, one of three single-sex hostels built by the apartheid government in 1971 and 1972 in Alexandra,

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<sup>184</sup> SA Nanny, "Elderly Care," undated, <https://www.sananny.co.za/elderly-care/> (accessed March 29, 2023).

<sup>185</sup> CareChamp, "Our Competitive Rates," undated, <https://www.carechamp.co.za/our-competitive-rates> (accessed March 29, 2023).

Johannesburg, to control the movement of black migrant workers.<sup>186</sup> She has arthritis, which limits her mobility, but only recently heard about the Grant-in-Aid when the South Africa Social Security Agency distributed information pamphlets at the hostel. Limekaya successfully applied for the grant, which she uses to pay children who live in the hostel to go to the shops or fetch water for her. The grant is not enough to pay for more support. If she requires more support, her plan is to knock on her neighbor's wall. "The only problem," she said, "is that because the door is locked, there is no way in if I can't stand up [to unlock the door]."<sup>187</sup>

Sylvia Lusiti, 72, is blind and lives alone. She gets the Grant-in-Aid, but it is not enough to pay someone to assist her for the whole month. Instead, she uses the money to pay someone to wash her clothes or to make repairs to her home.<sup>188</sup>

Human Rights Watch learned that few older people we interviewed, who could be eligible for the Grant-in-Aid, are aware of its existence. Ben Movenda, 76, uses a wheelchair and relies on help from his neighbors to use the communal toilet or enter or leave the shack<sup>189</sup> where he lives in Alexandra, Johannesburg. There are high steps and no ramps, the road surface is uneven, and he does not have the upper body strength to wheel himself. "I've got no support. I know nobody," he said. "I need someone to help me, but who is going to pay for that?" He had not heard of the Grant-in-Aid until we interviewed him.<sup>190</sup>

Nozala Ndozana, 84, lives with her youngest daughter, Pamela Nokuthembela Ndozana, 47, who works in East London, 36 kilometers away from the village where they live. "If I could afford it," Pamela said, "I would pay a caregiver to step in when I go to work." The Older Persons Grant her mother gets is not enough to cover those costs and the family had not heard of the Grant-in-Aid. Pamela said they would apply for the grant. "But," she said, "I don't think I can find someone who can look after her for R500 a month."<sup>191</sup>

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<sup>186</sup> Mashadi Kekana, "Apartheid's grim hostels still home to generations of women," *Mail & Guardian*, January 5, 2018, <https://mg.co.za/article/2018-01-05-00-apartheids-grim-hostels-still-home-to-generations-of-women/> (accessed May 27, 2023).

<sup>187</sup> Human Rights Watch interview with Florence Limekaya, Johannesburg, May 22, 2023.

<sup>188</sup> Human Rights Watch interview with Sylvia Lusiti, September 29, 2022.

<sup>189</sup> A "shack" is a self-built, informal structure often made out of corrugated iron sheets on a wooden frame.

<sup>190</sup> Human Rights Watch interview with Ben Movenda, Johannesburg, October 6, 2022.

<sup>191</sup> Human Rights Watch interview with Pamela Nokuthembala Ndozana, May 26, 2023.



Ben Movenda, 76, a wheelchair user, outside his home in Alexandra, Johannesburg. His one-room shack has high steps to the door and no ramp, so neighbors must carry him in and out. © 2023 Taurai Maduna/Human Rights Watch

Others had not applied for the Grant-in-Aid because they had incorrect information about the eligibility criteria. Esther M., 64, shares a bedroom with her 87-year-old mother in her daughter’s house in Cape Town. Esther said her daughter struggles to look after her and her mother, who sits in the house or backyard all day and cannot walk to the shops by herself. Because Esther heard that people who get the Older Persons Grant are ineligible for the Grant-in-Aid, she did not apply for the latter for her mother.<sup>192</sup> In fact, in order to qualify for the Grant-in-Aid, one must be on a Disability, War Veteran’s, or Older Persons Grant.<sup>193</sup>

### *Impact of Lack of Home-Based Services*

The absence of home-based services has a negative impact on the ability of older people to live independently and can cause them significant distress. Some older people told

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<sup>192</sup> Human Rights Watch interview with Esther M., Cape Town, September 19, 2022.

<sup>193</sup> South Africa Government, “Grant in aid,” <https://www.gov.za/services/social-benefits/grant-aid>.

Human Rights Watch that they did not wish to go into or were scared of dying in an old age home, and felt the conditions were bad in the old age homes they knew about.<sup>194</sup>

Boyce Msutu, 80, is a retired teacher who moved from a night shelter into a shared community house for older people managed by a non-profit organization in Cape Town, Western Cape. Care and support services are not available in the shared house. “When you are not able to care for yourself,” he said, “they take you to another place. I’d be very worried. I want to die here.”

According to the manager of a service center in Khayelitsha, in Western Cape province, because there are no home-based services in the township and families cannot afford the additional costs of a state-subsidized old age home, older people end up in unregistered old age homes that do not receive subsidies and are sub-standard in quality.<sup>195</sup>



Nosiphiwo Tetana speaks to members of the Dimbaza Society for the Aged’s service center in Dimbaza, Eastern Cape. © 2023 Taurai Maduna/Human Rights Watch

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<sup>194</sup> Human Rights Watch interviews with 11 older people, Cape Town, Atlantis, Porterville, Mdantsane, and Johannesburg, September 19-21, 23, and 30, 2022, and October 6, 2022.

<sup>195</sup> Human Rights Watch interview with a service center manager who requested anonymity, September 21, 2022.

The lack of home-based care and support can prevent older people’s participation in their communities and daily life. Nosiphiwo Tetana, manager of the Dimbaza Society for the Aged’s service center, said they provide caregivers to fill this gap. “Some older people can’t do everyday things like going to visit someone, going to the clinic, keeping up with their medication, collecting their Older Persons Grant, and paying their life insurance or burial policies.”

The lack of home-based services can also affect older people’s physical well-being and safety. One community-based caregiver employed by a non-profit organization in Eastern Cape said: “There are lots of older people who need support in the community who are not being served by us. We meet with community members and ask them to help them, to check in [on the older person] every now and then. Their health suffers the most.”<sup>196</sup>

According to a government-employed social worker, older people are exposed to various dangers when they are isolated and not getting the home-based care and support they are entitled to:

They’re raped, killed, there’s gender-based violence. When we get a case, we try to do something, for example, remove them to a neighbor’s house or find someone who can assist.... It can take months to find somewhere, and you only get a bed [in an old age home] when someone [there] dies.<sup>197</sup>

A large number of the older people interviewed by Human Rights Watch said they felt unsafe in their homes or were scared of crime, abuse, or drug use.<sup>198</sup>

One community-based caregiver said grandchildren were the biggest source of abuse of older people, some of whom were drug users. Staying one step ahead and keeping older people’s medication safe was one of the caregiver’s responsibilities. They said:

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<sup>196</sup> Human Rights Watch interview with a caregiver who requested anonymity, September 29, 2022.

<sup>197</sup> Human Rights Watch interview with a social worker who requested anonymity, September 29, 2022.

<sup>198</sup> Human Rights Watch interviews with 23 older people, Cape Town, Porterville, Dimbaza, Gwaba, Mdantsane, and Johannesburg, September 19-21, 26, and 28-30, 2022, and October 1, and 6-7, 2022.

The grandchildren smoke it, they've found new ways. They take anything that is a pill. They don't smoke it exclusively but mix it with whatever herbs they have to make their drugs stronger.<sup>199</sup>

### **Lack of Education Led to Low-Paying Jobs and No Savings for Older Age**

Apartheid has had life-long consequences. Many older people Human Rights Watch spoke to had worked in the informal sector and in low-paid and insecure jobs, including as factory workers,<sup>200</sup> domestic workers,<sup>201</sup> cleaners,<sup>202</sup> farm laborers,<sup>203</sup> or in construction.<sup>204</sup> As such, they were often left without access to workplace pensions or the ability to save for older age.

Those unable to save for older age are significantly more likely to require the support services guaranteed by the Older Persons Act and more likely to suffer from inadequate government funding for those services.

Themba Maggadaza, an 80-year-old black African man from Dimbaza, left school after two years, before learning to read or write. He worked in the mines for almost 30 years until ethnic violence between Zulu and Xhosa miners forced him to leave in the late 1980s without a pension. With the Older Persons Grant as his only income, he relies on a daily meal from a community service center to prevent him falling into greater debt than he already is with loansharks.<sup>205</sup>

Hilda Sesing, an 82-year-old black African woman, never went to school. She moved from Mahikeng (previously Mafikeng) to live in Helen Joseph Women's Hostel,

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<sup>199</sup> Human Rights Watch interview with a caregiver who requested anonymity, September 29, 2022.

<sup>200</sup> Human Rights Watch interviews with seven older people, Atlantis, Dimbaza, and Johannesburg, September 23 and 28, 2022, and October 6-7, 2022.

<sup>201</sup> Human Rights Watch interviews with six older people, Khayelitsha, Dimbaza, and Johannesburg, September 21 and 29, 2022, and October 6-7, 2022.

<sup>202</sup> Human Rights Watch interviews with five older people, Khayelitsha, Porterville, Mdantsane, and Johannesburg, September 21 and 26, 2022, and October 1, and 6-7, 2022.

<sup>203</sup> Human Rights Watch interviews with two older people, Porterville, September 26, 2022.

<sup>204</sup> Human Rights Watch interviews with four older people, Cape Town and Johannesburg, September 22, 2022, and October 6-7, 2022.

<sup>205</sup> Human Rights Watch interview with Themba Maggadaza, September 29, 2022.

Alexandra, Johannesburg. For many years, she cleaned and ironed for a white family. She still lives in the hostel. “Nobody from the government,” she said, “comes to the hostel to check on older people.”<sup>206</sup>

When the apartheid government forcibly removed Rose Nduneni, a 70-year-old black African woman, to Dimbaza in 1969, there were no schools. The authorities started building the lower and middle schools in mid-1969, but there was no secondary school. When she finished primary school, she became a nanny; her brothers went to work in the mines. The Dimbaza Society for the Aged’s service center was unable to accept her as a member due to lack of funds.<sup>207</sup>

### *Inadequate Housing*

Affordable, accessible, safe, and habitable housing is essential for older people if they are to live independently and fully participate within the community.<sup>208</sup> In 2021, 70 percent of the total population owned their homes, 19 percent rented, and 12 percent occupied their homes rent-free.<sup>209</sup> Fifteen percent of those in metropolitan areas lived in informal dwellings.<sup>210</sup>

Although the Department of Human Settlements delivered 3.4 million housing units between 1994 and February 2022,<sup>211</sup> in 2021, the national housing backlog was estimated at 2.7 million homes.<sup>212</sup> Several older people said they have been waitlisted for state-

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<sup>206</sup> Human Rights Watch interview with Hilda Sesing, Johannesburg, October 7, 2022.

<sup>207</sup> Human Rights Watch interview with Rose Nduneni, September 28, 2022.

<sup>208</sup> Committee on the Rights of Persons with Disabilities, “General Comment No.5 (2017) on living Independently and being included in the community,” CRPD/C/GC/5, October 27, 2017, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no5-article-19-right-live> (accessed April 12, 2023), para. 34.

<sup>209</sup> Statistics South Africa, “General Household Survey 2021,” June 23, 2022, <https://www.statssa.gov.za/publications/Po318/Po3182021.pdf> (accessed April 12, 2023), p. 30, Figure 8.3.

<sup>210</sup> *Ibid.*, p. 30, Figure 8.2.

<sup>211</sup> Department of Human Settlements, “Annual Performance Plan 2022-2023,” undated, [https://static.pmg.org.za/DEPARTMENT\\_OF\\_HUMAN\\_SETTLEMENTS\\_ANNUAL\\_PERFORMANCE\\_PLAN\\_2022-2023.pdf](https://static.pmg.org.za/DEPARTMENT_OF_HUMAN_SETTLEMENTS_ANNUAL_PERFORMANCE_PLAN_2022-2023.pdf) (accessed January 25, 2023), p. 2.

<sup>212</sup> Department of Human Settlements, “2020-2021 Human Settlements Annual Report,” 2022, [https://www.gov.za/sites/default/files/gcis\\_document/202110/department-human-settlements-annual-report-2020-2021.pdf](https://www.gov.za/sites/default/files/gcis_document/202110/department-human-settlements-annual-report-2020-2021.pdf) (accessed January 11, 2023), p. 36.

subsidized housing for many years.<sup>213</sup> Elizabeth Kekana, 78, applied in Soweto in 1979 but had to move into rented accommodation in Alexandra 20 years later as she was still waiting to receive a house.<sup>214</sup> Ben Movenda, 76, has lived in a shack in Alexandra since 1982 for similar reasons. He put his name down for state-subsidized housing in 1986.<sup>215</sup> Florence Limekaya, 79, hoped to move out of the women’s hostel in Alexandra where she has lived since 1980 and spend her older age enjoying life in her own house. She applied for state-subsidized housing in 2004. “I never thought,” she said, “that I would stay in the hostel until this age.”<sup>216</sup>

Bahija J., 75, rents a house in Cape Town and has been on the waiting list for 40 years:

The previous government failed me, and now this government is failing me too. I haven’t been to check at the Civic Centre for more than two years. Everything stays the same.<sup>217</sup>

Nazeem Rakip, 60, has been living with his wife in one room in a disused hospital in Woodstock, Cape Town, for more than four years. The hospital, now known as Cissie Gool House, is one of two disused public buildings that have been occupied by Reclaim the City, a social movement campaigning for affordable housing in Cape Town’s city center. Nazeem originally applied for state-subsidized housing in 1984. He bought a house in 2000, losing his eligibility, but reapplied for state-subsidized housing when he lost his house after an accident at work. “I’ve now been on the list for 10 years. I wrote to the city; they told me I just need to wait.”<sup>218</sup>

### **Unaffordable Housing**

Those who live on the Older Persons Grant may be unable to afford adequate housing. The Social Housing Act stipulates that rental for social housing should not exceed one third of a household’s monthly income, recognizing the need for affordable housing for people on

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<sup>213</sup> Human Rights Watch interviews with four older people, Cape Town and Johannesburg, September 21-22, 2022, and October 7, 2022.

<sup>214</sup> Human Rights Watch interview with Elizabeth Kekana, Johannesburg, October 7, 2022.

<sup>215</sup> Human Rights Watch interview with Ben Movenda, October 7, 2022.

<sup>216</sup> Human Rights Watch interview with Florence Limekaya, May 22, 2023.

<sup>217</sup> Human Rights Watch interview with Bahija J., Cape Town, September 21, 2022.

<sup>218</sup> Human Rights Watch interview with Nazeem Rakip, Cape Town, September 22, 2022.

low incomes.<sup>219</sup> Older people living on the Older Persons Grant fall within that low-income category. However, many of those interviewed by Human Rights Watch said they were unable to find any housing that was that low in price, and if they could, it was often of poor quality or far from city centers. This is due to a number of factors.

The abolition of rental controls on privately rented accommodation in 1999<sup>220</sup> and gentrification in places like Woodstock, Cape Town, have increased rents so much that some older people can no longer afford to stay in their hometowns.<sup>221</sup> Previously, only one third of Nazeem Rakip’s income went toward rent. “We could live with this,” he said. He now lives with his wife in one room in a disused public hospital in Woodstock, pushed out of the private rental market by rising rents. “We want accommodation within the city, not 50, 70 kilometers on the outskirts.”<sup>222</sup>

In September 2022, Ntombuana Mbelu, 82, rented a room in a shared house in East London, Eastern Cape, for R1,600 (US\$87) per month (80 percent of her Older Persons Grant). There was running cold water and a communal toilet shared by everyone in the house. However, the house had lacked electricity for nine months because the landlord had not paid the electricity bill. Furthermore, Ntombuana’s room was damp, her ceiling leaked, and she used buckets to catch the drips when it rained. The backyard where she hung the laundry was strewn with rubbish and rubble.<sup>223</sup>

For others, the only affordable accommodation is in small outbuildings, known as “backrooms,” that people have built in their backyards.<sup>224</sup> Vusindaba Walaza, 81, lives on his own in a small backroom in his landlord’s backyard in River Park, Johannesburg, that costs R800 (US\$43) per month (40 percent of his Older Persons Grant). The eight backrooms in the backyard share one communal toilet.<sup>225</sup>

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<sup>219</sup> Social Housing Regulations, January 26, 2012, Section 23 (2).

<sup>220</sup> Rental Housing Act, No. 50 of 1999, Section 18.

<sup>221</sup> Raymond Joseph, “The gentrification of Woodstock: from rundown suburb to hipster heaven,” *The Guardian*, August 12, 2014, <https://www.theguardian.com/cities/2014/aug/12/gentrification-woodstock-cape-town-suburb-hipster-heaven> (accessed November 3, 2022).

<sup>222</sup> Human Rights Watch interview with Nazeem Rakip, September 22, 2022.

<sup>223</sup> Human Rights Watch interview with Ntombuana Mbelu, East London, September 30, 2022.

<sup>224</sup> A “backroom” is a room in someone’s backyard, usually not connected to the main house, and rented out to tenants.

<sup>225</sup> Human Rights Watch interview with Vusindaba Walaza, Johannesburg, October 6, 2022.

### **Lack of Social Housing Options**

Older people on low-to-middle incomes who cannot afford rental housing on the open market may qualify for social rental housing subsidized by the Department of Human Settlements.<sup>226</sup> Under the Social Housing Act, social housing institutions must provide this on an affordable basis<sup>227</sup> and give special priority to older people and people with disabilities.<sup>228</sup> Article 9 of the Constitution prohibits both direct and indirect discrimination on the basis of age.<sup>229</sup> The Social Housing Regulations prescribe that monthly rentals for social housing must be based on the operating costs of the rental unit and cannot exceed one third of the household's monthly income.<sup>230</sup> Therefore, if the monthly rental exceeds R666 (US\$35), one third of the value of the Older Persons Grant, an older person living solely on the grant will not qualify because their monthly income is too low.

### **Physically Inaccessible Housing**

Physically inaccessible housing limits the ability of older people with disabilities or reduced mobility to live independently within the community and reinforces their marginalization and social exclusion.<sup>231</sup> Ben Movenda, 76, is a wheelchair user whose wife uses crutches. Since 1986, they have lived in a one-room shack in Alexandra with high steps to the door and no ramp, requiring him to rely on neighbors to carry him inside and outside his home. The communal toilet, which is shared by about 50 people, is also inaccessible for his wheelchair. On top of this, Movenda does not feel safe in his shack due to the prospect of it being destroyed. "A lot of people are staying in the shacks, and when they are burned, they have nowhere to sleep," he said. "It happens a lot."<sup>232</sup>

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<sup>226</sup> National Treasury, "Vote 33, Human Settlements: 2022 Estimates of National Expenditure," undated, <https://www.treasury.gov.za/documents/national%20budget/2022/ene/Vote%2033%20Human%20Settlements.pdf> (accessed December 13, 2022), p. 628.

<sup>227</sup> Social Housing Act, No. 16 of 2008, Section 1.

<sup>228</sup> *Ibid.*, Section 2 (1) (a).

<sup>229</sup> Constitution of the Republic of South Africa, Section 9.

<sup>230</sup> Social Housing Regulations, Section 23 (2).

<sup>231</sup> United Nations General Assembly, "Older persons and the right to adequate housing. Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler," A/77/239, July 19, 2022, <https://www.ohchr.org/en/documents/thematic-reports/a77239-older-persons-and-right-adequate-housing-note-secretary-general> (accessed November 3, 2022), para. 46.

<sup>232</sup> Human Rights Watch interview with Ben Movenda, October 7, 2022.

## Lack of Physical Security

Physical security and safe housing are essential for older people if they are to live independently and fully participate within the community. Security or burglar bars are a common feature on house doors and windows in South Africa. Not having effective burglar bars can make older people feel unsafe, especially given the high crime rates.

Sylvia Lusiti, 72, is blind and has lived alone in a government house since 2016. Her house has no fence or burglar bars. “There’s no security,” she said. “At midnight, people knock at the windows, at the doors.”<sup>233</sup> Lesedi N., 79, cannot afford repairs to her roof, which drips when it rains; her water pump, which leaks; or burglar door, which is broken. She also cannot lock the door and said she “sleeps with God” in the absence of protection.<sup>234</sup>

## Uninhabitable Living Conditions

Habitable housing is also essential for older people if they are to live independently and fully participate within the community. However, older people are often unable to afford the necessary repairs to make their houses habitable and to protect against the cold, damp, heat, rain, wind, and other threats to health.<sup>235</sup> Vuyiswa Vena, 75, lives on her own in Khayelitsha and is trying to save money to fix her roof, which she temporarily covered with her neighbors’ tarpaulin. Repair rates range from R1,500 (US\$82) for labor plus the cost of materials to R7,800 (US\$424) in total, equivalent to just under four months of her Older Persons Grant.<sup>236</sup>

Others, like Bahija J., 75, are at the mercy of their landlords. Bahija pays R2,000 (US\$109) per month for a two-bedroom house in Woodstock in disrepair and without hot water. Her landlord has promised her hot water since 1996 when she moved in. “The house is in disarray, moldy, stuffy, leaking,” she said. “The landlord knows all about it. There is a housing tribunal, [but] I feel it’s on the landlord’s side. I went to try to make the landlord do repairs, but there’s nothing till now.”<sup>237</sup>

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<sup>233</sup> Human Rights Watch interview with Sylvia Lusiti, September 29, 2022.

<sup>234</sup> Human Rights Watch interview with Lesedi N., October 7, 2022.

<sup>235</sup> Human Rights Watch interviews with eight older people, Cape Town, Khayelitsha, Dimbaza, and Johannesburg, September 21 and 28, 2022, and October 6-7, 2022.

<sup>236</sup> Human Rights Watch interview with Vuyiswa Vena, Cape Town, September 21, 2022.

<sup>237</sup> Human Rights Watch interview with Bahija, J., September 21, 2022.

The living conditions for older people in government housing can also be inadequate. Gladys Booï, 69, has a leaky government-built house in Dimbaza. Even after she replastered it, her wardrobe is crumbling because of all the water. “It’s a free house, but it’s destroying what I have,” she said. “I’m not sure where the dignity is for older people if they have to live like this.”<sup>238</sup>

Hilda Sesing, 82, has her own room in Helen Joseph Women’s Hostel, in Alexandra, Johannesburg, but the bathrooms lack water and the gas stoves in the communal kitchen do not work because they were vandalized. She gets up at 4 a.m. every day to get water from an outside tap to wash and cook on an electric stove in her room before the scheduled electricity stoppages, also known as loadshedding, begin.<sup>239</sup>

## Older People’s Recommendations to the Government

The older people interviewed by Human Rights Watch expressed different priorities. Some called on the government to support more social activities in their communities.<sup>240</sup> Some said the government should provide more old age homes, especially for older people being abused or without children, given the absence of home-based care.<sup>241</sup> Others prioritized home-based care, wanting the government to employ and train more home-based caregivers,<sup>242</sup> provide assistance for older people around the house,<sup>243</sup> and send social workers to visit older people at home to check on their well-being.<sup>244</sup>

Older people also told Human Rights Watch the government should provide more affordable housing for older people,<sup>245</sup> improve their living conditions,<sup>246</sup> and build more

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<sup>238</sup> Human Rights Watch interview with Gladys Booï, September 29, 2022.

<sup>239</sup> Human Rights Watch interview with Hilda Sesing, Johannesburg, October 7, 2022.

<sup>240</sup> Human Rights Watch interviews with three older people, Cape Town, East London, and Johannesburg, September 19 and 30, 2022, and October 6, 2022.

<sup>241</sup> Human Rights Watch interviews with six older people, Khayelitsha, Atlantis, Dimbaza, and East London, September 21, 23, and 29-30, 2022, and October 6, 2022. Human Rights Watch does not endorse the building of more old age homes.

<sup>242</sup> Human Rights Watch interviews with two older people, Cape Town and Dimbaza, September 20 and 29, 2022.

<sup>243</sup> Human Rights Watch interviews with three older people, Cape Town, Gwaba, and Johannesburg, September 30, 2022, and October 7, 2022.

<sup>244</sup> Human Rights Watch interviews with six older people, Cape Town, Porterville, East London, and Johannesburg, September 21, 26, and 30, 2022, and October 6-7, 2022.

<sup>245</sup> Human Rights Watch interview with Matthew Bowers, Atlantis, September 23, 2022.

<sup>246</sup> Human Rights Watch interview with Henry Motang, Johannesburg, October 7, 2022.

houses on empty land.<sup>247</sup> Gawabulla, 75, who lives in the operating theatre of a disused public hospital in Cape Town, said: “The government should have concentrated on building houses, and not just for older people.”<sup>248</sup>

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<sup>247</sup> Human Rights Watch interview with Tony Hecksl, Cape Town, September 22, 2022.

<sup>248</sup> Human Rights Watch interview with Gawabulla, September 22, 2022.