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Association for Dementia and Alzheimer's of South Africa

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The Rights of the Person living with Dementia

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According to the **South African Human Rights Commission**,

“South Africa recognises that older persons are vital members of our society and protects them in law through the Older Persons Act” which is intended to protect, promote and maintain the status, rights, well-being, and security of older persons. The Act aims at combating the abuse of older persons. Older people, including those with dementia, have the same constitutional rights as everyone in South Africa, but because of their frailty and dependence, many older persons, especially those with dementia, are abused and sometimes even abandoned. Abuse of older persons is the neglect or mistreatment of an older person, who can't or doesn't have the means to fend for themselves. This kind of mistreatment can take place in a private home or long-term care home (Old Age Home) for older persons.

Physical abuse is any act of physical violence (pushing, hitting, shaking, slapping, scratching, kicking, burning, restraining, biting, beatings, shoving) that causes physical harm are forms of abuse.

Psychological or emotional or verbal abuses are less obvious but cause emotional pain (yelling, belittling, bullying, threatening, manipulating, falsely accusing, rejection, oppression, deprivation of affection and cognitive stimulation, name-calling, intimidation, scapegoating, and blaming, ridicule or accusation, isolating from friends and family, and ignoring or avoiding social contact).

Financial abuse is depriving an elderly person of economic or financial resources (demand and control of pension, money, credit cards, belongings, stealing their pension, forcing to change their will, handing over power of attorney, opening credit accounts in the older person's name; misleading an older person into agreements with detrimental financial implications).

Sexual abuse is any sexual behaviour towards an older person without his/her full knowledge and/or consent (sexual harassment, exposure to pornography and sexual abuse like incestuous rape, or criminal rape) who, because of mental illness or dementia, cannot communicate their disapproval of the behaviour against them or cannot communicate consent for the activity.

Neglect is the failure to fulfil a care-taking obligation (purposely or accidentally) in the home environment or (more commonly) in long-term care homes. Medical neglect (withholding medication or over medicate; failing to treat or prevent health problems). Neglect of personal hygiene (leaving them dirty, or abandoning them for hours on the toilet, not helping with dental care, laundry, bathing, grooming). Abandonment or desertion (withholding emotional support or social or cognitive stimulation). Safe Environment (withholding food, drink, warmth, shelter, clean safe environment leads to malnutrition or dehydration and a higher risk of falling and other types of abuse).

Persons living with dementia are at greater risk of abuse and to identify abuse can be difficult. Dementia affected the cognitive abilities of a person.

The older person -

- Cannot recall incidents of abuse (difficulty communicating, explaining, is not believed, understood, might genuinely fall with bruises and broken bones).
- Keep quiet about the abuse (afraid of retaliation/dependent on the abuser for food, shelter and care or victimisation).
- Enter agreements without understanding the consequences.
- Have unfounded fears that people trying to harm them.
- Might be isolated (no social contact) and have no inhibitions (socially unaccepted behaviour).

Abuse of older persons is a crime. In terms of section 25 (1) of the Older Persons Act (Act 13 of 2006) any person to report suspicion of elder abuse, neglect, exploitation or the violation of the rights of an older person should report to the Chief Social Worker at DSD or the nearest police station. However, abuse is very common in our communities and is seriously under-reported. People with dementia often experience abuse and social exclusion in their communities due to the stigma associated with dementia. Dementia awareness and developing dementia-friendly communities are a priority. Knowledge is the key to prevention.