**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE**

**(HUMAN RIGHTS DIVISION)**

**Materials for the Report on older persons deprived of their liberty**

**1.0 Introduction**

Mauritius is a democratic state and every citizen is treated equally. The State of Mauritius ensures that the physical, psychological, emotional, social and economic rights of the elderly persons are protected. It also ensures and promotes the well-being of elderly persons so that they are able to play a meaningful part in society. There is a wide array of legislative and policy measures for the promotion and protection of the human rights of elderly persons.

**2.0 Legal Framework**

A. Constitution

The Constitution is the supreme law of the Republic of Mauritius. Chapter II of the Constitution guarantees the enjoyment of fundamental rights and freedoms which include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection for privacy of home and other property, protection of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement and prevention from discrimination.

B. Workers’ Rights Act

According to section 64 of the Workers’ Rights Act, an agreement shall not be terminated *inter alia* by an employer by reason of a worker’s race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities*.*

C. Equal Opportunities Act

The Equal Opportunities Act reinforces protection from discrimination and the right to equal opportunities in various areas of life such as employment, education, accommodation and access to goods, services and facilities by prohibiting discrimination on the grounds of age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

D. Protection of Elderly Persons Act

The Protection of Elderly Persons Actwas amended in 2016 to enhance the level of protection and assistance to elderly persons including elderly persons with disabilities. This Act also empowers Officers of the Ministry of Social Integration, Social Security and National Solidarity (MSISSNS) to summon perpetrators of elder abuse and in case of non-attendance, the perpetrator is liable to a fine of Rs 5,000 or imprisoned for a period not exceeding 6 months. Cases of elder abuse are reported to the Welfare and Elderly Persons Protection Unit of the MSISSNS.

The Protection of Elderly Persons Act 2005 provides, inter-alia, for the institution of Elderly Watch Committees around the island to identify and report abuse against the elderly. There are 20 Elderly Watch Committees which would be increased to bring a “*service de proximité”* to:

1. promote the welfare of elderly persons in the region for where it is responsible; and
2. endeavour to prevent acts of abuse on elderly persons.

Moreover, hotlines have also been made available to victims of abuse to facilitate early intervention. The hotline **139** is operational since November 2016 on a 24/7 basis and is free of charge for reporting of domestic violence cases. The hotline **119** on the other hand, is operational to cater for reporting of family related problems to the Ministry of Gender Equality and Family Welfare.

E. Building Control Act

The Building Control Act 2012 provides for enhanced accessibility to buildings by disabled persons. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 provide for a universal design requirement in respect of new buildings and building under major renovation. For the granting of the Land Use and Building Permit, there is a technical sheet of the Planning Policy Guidance regarding access for people with disabilities, which gives guidance for the needs / requirements of people with disabilities as well as elderly persons.

F. The Residential Care Homes Act

The Residential Care Homes Act 2003 was enacted to monitor the management of private homes for elderly persons and standardize the norms governing them. The purpose of the Act is to apply general supervision and control over residential care homes, to supervise compliance with licences, to set up codes of practice for residential care homes and to monitor conformity with the codes. Licensing of residential care homes is regulated in more detail by the Residential Care Homes Regulations 2005.

The Act also stipulates that there should be at least two inspections per year to ensure that the residents in the homes receive appropriate care. Regular visits to Charitable Institutions are, moreover, conducted by officers of the MSISSNS to ensure that the residents receive adequate care.

Furthermore, the Government provides Grants on a monthly basis for the maintenance of premises of Charitable Institutions to enable the elderly residents to enjoy a better living environment.

**3.0 Visits to places of detention**

In compliance with the National Preventive Mechanism Act and relevant norms of the United Nations, the National Preventive Mechanism Division conducts regular visits to places of detention and make recommendations to improve the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Furthermore, detainees who were following treatment, before being incarcerated, are allowed to continue same on condition that they produce their appointment cards. A round the clock service is available in all prisons.

**4.0 Health facilities**

There are numerous social protection schemes for elderly persons in Mauritius. Free health care services are offered to all the citizens of Mauritius irrespective of age. Elderly persons are given priority at public medical institutions which are disability-friendly.

During the confinement periods due to the COVID-19 pandemic, besides the hospitals, all the 140 Public Health Care institutions which are spread out across the country were kept operational providing a first line health service to the population. Instead of carrying out the yearly anti-influenza vaccination exercise in community centres across the island, door to door vaccinations were effected for elderly persons.

**5.0 Social Assistance**

There are various social protection schemes in operation in Mauritius in order to take care of the elderly people so as to enable them to be financially independent. A universal Basic Retirement Pension (BRP) is provided to all elderly aged 60 years and above. The table below illustrate the number of beneficiaries of BRP for January 2022. The full report published by Statistics Mauritius can be accessed on the following link https://statsmauritius.govmu.org/Documents/Statistics/Monthly/Soc\_Sec/2022/Social\_M\_Jan22\_140222.pdf

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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Beneficiaries of Basic Retirement Pension** **by Island, January 2022** | | | | | | | | |
|  |  | **Republic of Mauritius** | | **Island of Mauritius** | | **Island of Rodrigues** | | **Monthly Rate (Rs)** |
|  | Beneficiaries | 246,219 |  | 240,596 |  | 5,623 |  |  |
|  | - (60-89) years | 241,390 |  | 235,898 |  | 5,492 |  | 9,000 |
|  | - (90-99) years | 4,668 |  | 4,548 |  | 120 |  | 16,710 |
|  | * 100 years and above | 161 |  | 150 |  | 11 |  | 21,710 |

Furthermore, persons aged 75 above benefit from the domiciliary visit of a doctor on a monthly basis. Following a budget measure 2020-2021, the age criteria was removed and all persons who are bedridden or severely disabled in receipt of carers allowance benefit from medical domiciliary visits.

The Government provides grants of up to Rs 5,000 for the purchase of assistive devices such as wheelchairs, hearing aids and Rs 2,000 for the purchase of spectacles.

Other Financial Assistances provided to needy elderly persons include:

1. incontinence allowance to elderly aged 70 and above and to those who are bedridden;
2. carer’s allowance;
3. rent allowance to elderly persons living alone; and
4. allowances for dentures, income support, funeral grants in respect of beneficiary or any of his/her dependent, grant for the purchase of medicine to centenarians.

Free bus transport is also provided to the elderly.

In view of the ageing population and the increasing demand for carers, the MSISSNS trained formal carers. Training programmes are carried for carers in collaboration with Mauritius Institute for Training and Development.

**6.0 Recreational and Leisure Activities**

Three recreation centres are currently in operation with an approximate annual intake of 34,000 residents. A fourth recreation centre at Riambel, which would soon be available to increase our annual intake capacity to 46,000 residents.

With a view to promoting lifelong learning and to enable the elderly to keep pace with development issues, the MSISSNS has set up Computer Clubs in all of its 20 Elderly Day Care Centres. IT literacy programming in some of these centres are held for the elderly. 24 Health Clubs were set up where educational, adult literacy, IT Literacy, Handicrafts and Embroidery classes, proper cooking methods and health programmes are organized. Senior Citizen Association use Day Care Centres and Recreation Centres to provide Legal Counselling Programmes and to enhance legal and financial protection to the elderly.

The Ministry of Tourism organizes national events which target the whole population including elderly persons. These events include open day at nature parks and leisure parks.

The Ministry of Tourism is involved in the organisation of outdoor leisure activities which target the whole population, whereby buses are provided to registered clubs and associations across Mauritius in line with the Ministry’s policy. Special arrangements are made with bus companies for the provision of low floor buses for easy accessibility for elderly persons.

**7.0 Specific measures taken and implemented in the context of the COVID-19 pandemic**

The COVID-19 pandemic crisis has led to a deep socio-economic and financial crisis that has intensified the vulnerability of the least protected worldwide. The State of Mauritius has taken exceptional measures to ensure that the elderly persons are protected and duly considered in the response to this crisis.

All conditional cash transfers to all eligible households on the Social Register List of Mauritius (SRM), who have signed a Marshall Plan Social Contract, were maintained thus enabling them to continue securing their basic incomes and supports during the outbreak.

Furthermore, temporary policy measures were put in place, namely:

1. free distribution of food packs and accompanying mechanisms for the distribution of basic food commodities to cater for the needs of those vulnerable groups who are facing scarcity in terms of acquiring basic food supplies;
2. payment of pensions, Carers’ Allowance and the Basic Invalid Pension at the doorstep of beneficiaries;
3. vaccination facilities to be accessible to homeless persons as well; and
4. extension of payment periods for utilities, rent and other selected services.

Necessary awareness was also carried out to request vulnerable families, who feel that they require empowerment support, to call at the Social Security Offices for registration under the SRM.

**8.0 Conclusion**

The State of Mauritius adopts appropriate policies that geared towards promoting active and healthy ageing of older persons, which consider their particular needs and care, and the special protection that should be afforded to them to lead an active life in dignity and in full enjoyment of their rights and independence.

**25.03.2022**