

General Assembly resolution 65/182 of December 2010 entitled “Follow-up to the Second World Assembly on Ageing”

Question 1: Please provide information on the current situation of the human rights of older persons, including particular challenges and threats that may prevent the full realization of their rights.

- The Ministry of Health and Family (MHF) is the national focal agency responsible for the elderly in the Maldives. The mandate to provide support and services to the elderly was given to the MHF in November 2008
- Many elderly persons choose to work and contribute their skills to the workforce. According to 2006 Census, 42 percent of the elderly persons were economically active while 55 percent were not economically active. Of the elderly persons, 54 percent males and 27 percent females were economically active.
- It is worth noting here that all for all benefits and for purposes data the cut off age for the elderly group is 65 years. There is provision of universal pension to all citizens of Maldives above the age of 65 years irrespective of their previous occupation and contribution to pension funds. There is provision for health insurance for all citizens of Maldives above the age of 65 years.
- The scheme called ‘*Madhana*’ is also available to those employed with or retired from the services of the government. There are no premiums to be paid by the insured. The scheme provides free consultation, in-patient care, laboratory investigations, aids and appliances and subsidized prescription (users have to pay a small prescription fee).
- An overwhelming proportion of the elderly persons live with family in multi-generational households. Of the elderly persons, 62 percent live with their own children, 28 percent with their spouse, four percent with other relatives, and two percent live with non-relatives (Census Analytical Report 2006).

Challenges

- Lack of legislation- Legislation is needed to provide the legal basis for prevention of neglect and elimination of elderly abuse. Among the most important legal issues affecting the elderly in the Maldives are the right to care in the face of difficulty; the right to guardianship; right to health care; designation of health care proxy or power of attorney; defining the standards and responsibilities in providing institutional care; and prevention of physical abuse, psychological or emotional abuse, sexual abuse, financial exploitation, neglect, abandonment, and self-neglect. And because of the high divorce rate in the Maldives it is important to legally recognize the grandparent’s rights and duties.
- At present, there are no specific support and services provided for the elderly by Province, Atoll or Island offices. There is virtually no involvement of the private sector in the provision of support and services for the elderly.
- There is a limited range of services and support provided to the elderly by the non-government sector. These services are mainly available in Male’.
- There are no residential aged care facilities, support organisations and elderly care programs directly run by the community and charitable sector.

- There is no reliable estimate of how much the non-government community sector funds, from its own resources for welfare services and support to the elderly.
- providing health care for the growing number of elderly citizens; providing support to the increasing number of elderly persons being neglected and/or abandoned; and the increasing demand for state assisted institutional care.

Question 2: Please provide information on the existing legislation, policies and programmes to protect and promote the human rights of older persons.

- Elderly have the same set of rights, obligations and opportunities that Maldivians belonging to other age groups have. Article 17 (a) of the Constitution of the Maldives (New constitution ratified in August 2008), everyone is entitled to the rights and freedoms included in the constitution without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island.
- At the national level, Government is the main duty bearer to provide services and support to the elderly. There are also limited programmes and support to the elderly in the Maldives from non-governmental organisations (NGOs) It is noted that there are limited programs by voluntary non-family carers and the private sector. Hence, the main responsibilities for elderly care is shared among own family members.
- To date, the parliament has not yet enacted a specific law to protect the rights of the elderly in the Maldives. Two of the enacted laws that are relevant to the protection of the rights of the elderly include the Maldives Civil Service and the Maldives Pensions:
- Maldives Civil Service Act:
 - The Maldives Civil Service Act of 2007 introduced retirement age for the civil servants. The Act stipulates that the civil servants shall be retired upon reaching 65 years of age and retirees shall receive retirement benefit.
 - The Maldives Civil Service Act also stipulates that the civil servants upon reaching 55 years can retire either voluntarily or the Civil Service Commission has discretion to retire the employee (Article 49 (a)) with retirement benefits. According to Civil Service Circular (Civil Service Circular number 29/2008 dated 19th November 2008) the retirement benefits include the monthly benefit and ‘one time’ benefit.
- Maldives Pensions Act:
 - The Maldives Pensions Act (Act No 8/2009) provides for an Old Age Basic Pension Plan and a Retirement Pension Plan. Article 11 of this Act assures a guaranteed income to all Maldivians 65 years and over through the Old Age Basic Pension Plan whether a person has worked or not during their lifetime. All Maldivian citizens who reside in the country are eligible for the Old Age Basic Pension
 - Article 12 of the Maldives Pensions Act introduced the Maldives Retirement Pension Scheme. It is mandatory for the private and public sectors as well as the self-employed to participate in the contributory Maldives Retirement Pension Scheme. The annual contribution each employee and employer has to make to the employees retirement

savings account (Article 12 (d)) is set at seven percent of pensionable wage for a total of 14 percent (Article 14(a)).

Question 3: Please provide information on the existing legislation, policies and programmes to address discrimination against older persons, including measures to address multiple discrimination (e.g. discrimination based on age and gender)

Question 4: Please provide information on the existing legislation, policies and programmes to address violation and abuse against older persons in the private and public spheres.

Question 5: Please provide information on the existing legislation, policies and programmes to addressing old age-sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education.

Answers Question 3, 4 & 5

- All Maldivians aged 65 years and over have insurance coverage for hospital, medical and pharmaceutical benefits through the Government administered Madhana Health Insurance programme. Elderly are eligible to the same benefits as all the other beneficiaries of the scheme. A full description of benefits is given in the handbook on Madhana available from the National Social Protection Agency (NSPA). Information on the scheme is also made available on the website of the NSPA.
- Limited opportunities for residential care are available for the elderly at the Home for People with Special Needs (HPSN). The HPSN is built in an area of 103,964 square feet and is the only facility of its kind in the Maldives. A total of 46 people (25 males and 21 females) aged 65 years and over resided in the HPSN in June 2010. The elderly at HPSN share the residential facilities with around 120 psychiatric patients.
- The Department of Gender and Family Protection Service (DGFPS) provides a 'link' service to the elderly. When specific cases are filed by the elderly, the Social Service Workers and Social Service Officers of DGFPS attend to them. Services provided include locating family members for elderly people who get admitted at IGMH, liaising with government officials to arrange financial assistance, equipment and medical insurance. Social Service workers also speak to family members and seek their support and co-operation to look after the elderly.
- The Ministry of Health and Family informed that they conduct advocacy for the following services to the elderly: making jetties accessible; priority seating for elderly on public transportation; making pavements friendly; and establishing places of socialisation for the elderly.
- The Manfa Centre on Aging provides several services to the elderly in the Maldives. Manfa Centre on Aging is an active non-governmental organization that runs various community based programmes for people over the age of 45. They provide: Home visits, Yoga and exercise, Physiotherapy, Awareness and information, Health screening, English classes, Sports activities.
- Several policies and strategies designed to protect the rights of the elderly are included in the Strategic Action Plan (SAP) of the present Government. The goals, policies and strategies that

address the rights of the elderly are stated under the broad theme of Social Justice in the SAP. The goals relevant to the elderly in the SAP include:

1. Strengthen the Islamic social welfare programs to eradicate poverty and promote fundamental rights, especially for children, women, and elderly and special assistance programs (8th goal of the sector Protection of Islamic Faith).
2. Ensure protection from uninsurable social risks for the most vulnerable and facilitate social risk management to increase social cohesion (3rd goal of the sector Benevolent State (Social Protection)). Under this goal, the third policy has implications for the rights of elderly. The policy and subsequent strategies as given in the SAP are:

Policy 3: Provide protection from uninsurable social risks for the most vulnerable and facilitate social risk management to increase social cohesion

Strategies:

Formulate and develop legislation on the elderly

Conduct qualitative and quantitative survey on the current situation of the ageing population

Establish state care institutions including after care programs (age-appropriate and gender segregated) and community rehabilitation in selected locations for abandoned and maltreated children, elderly and persons with disabilities and a shelter for abused and disaffected children.

Strengthen the legislative framework for alternative care

3. Promote the rights of children, women, elderly and persons with disabilities (3rd goal of the sector Strengthening Family Ties (Child and Family Protection)). Under this goal, the second and fourth policies have direct implications for the rights of the elderly. These policies and their subsequent strategies are:

Policy 2: Establish and strengthen alternative care systems for children, women, elderly and people with disabilities.

Strategies:

Strengthen the framework for alternative care including the development of a regulation of state/private care institution for elderly.

Establish state care institutions including a girls home with after care programmes (age-appropriate and gender segregated) in selected locations for abandoned and maltreated children, elderly and persons with disabilities

Establish partnership with civil society organisations in strengthening alternative care systems and to develop a pool of community based professionals, volunteers and community coalitions.

Policy 4: Promote the rights of children, women, elderly and persons with disabilities through advocacy and awareness programmes.

Strategies:

- Implement behavioural change programmes to sensitize and educate the general public on the rights of children, women, elderly, and persons with disabilities in partnership with civil society organizations and private sector

Question 6: Please provide information on the existing legislation, policies and programmes concerning social protection measures as well as the right to work and the right to social security with regard to older persons.

- According to Article 35 (b) of the Constitution of the Maldives (New constitution ratified in August 2008), elderly and disadvantaged persons are entitled to protection and special assistance from the family, the community and the State.

Question 7: Please provide information on the existing legislation, policies and programmes and capacities to systematically collect, update and analyse information disaggregated by age.

- The Ministry of Health and Family (MHF) is the national focal agency responsible for the elderly in the Maldives. The mandate to provide support and services to the elderly was given to the MHF in November 2008.
- The Department of National Planning is the key source of statistics on the elderly. The Analytical Report of the Census 2006(Published by the Ministry of Planning and National Development in 2008) contains a Chapter on Population Growth, Size and Structure with a breakdown of population by age groups and other relevant statistics.

Question 8: Please provide information on the existing legislation, policies and programmes to enhance participation and active engagement of older men and women in community, political and cultural life.

- Enabling interventions and environments supportive of all older persons are essential to promote independence and empower older persons with disabilities to participate fully in all aspects of society. In the recent past, eligible elderly people with hearing problems were provided with hearing aids. Those with vision problems were also eligible to receive spectacles by the Government to enable them to have a better quality of life. Since 01 January 2010 the Government has stopped providing these services and was replaced by National Social Protection Agency (NSPA) of the Ministry of Health and Family which provides health insurance through *Madhana* to elderly persons (all Maldivians above 65 years of age) in the Maldives.

Question 9: Please provide information on the existing legislation, policies and programmes to ensure access to justice and judicial remedies for violations of the rights of older persons, including reference to specific mandates such as national human rights institutions to address their rights

- Article 22(a) of Human Rights Commission Act 2006 states The Commission possesses the power to inquire into and investigate complaints on infringement of human rights, or foreseeable infringements of human rights of a person or persons filed at the Commission by a person or persons, or a representative acting on their behalf. Hence such rights of elderly people are also ensured by Law.
- Main objective of the Human Rights Commission of the Maldives, as in Article 2(a) of Human Rights Commission Act 2006 states: to protect, promote and sustain human rights in the Maldives in accordance with Islamic Shari'ah and the Constitution of the Republic of Maldives and Article 2(b) states: to protect, promote and sustain human rights in the Maldives in accordance with regional and international conventions and declarations which the Maldives is a party to. Hence, the commission considers the promotion, protection and prevention of the rights of elderly in the same manner as the right of any other group.