

**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 following fundamental rights and freedoms are entrenched in Chapter Two of the Constitution of Mauritius. All citizens, including older people, enjoy these rights:

- the right to life;
- the right to personal liberty;
- the right to freedom from slavery and forced labour;
- the right to freedom from torture, inhuman or degrading treatment or punishment;
- the right to protection against deprivation of property;
- the right to privacy of the home and other property;
- the right to protection of the law [due process guarantees];
- the right to freedom of conscience;
- the right to freedom of expression;
- the right to freedom of assembly and association;
- the right to establish and maintain schools at one's own expense;
- the right to freedom of movement;
- the right to freedom from discrimination

The **Protection of the Elderly Persons Act 2005** became effective as on September 1, 2006 with the objective of setting up a Protection of Elderly Network, within the Ministry of Social Security, National Solidarity, Senior Citizens Welfare & Reform Institutions, to ensure that adequate protection is provided to elderly people against ill-treatment, be it physical, verbal, emotional harassment or financial prejudice.

At present, Mauritius has a population of about 1.2 million out of which about 148,000 persons are 60 years and above. Mauritius, being a welfare state, spends about 50 % of its budget on social services including free health and education. In order to promote the welfare of senior citizens aged 55 and above the Mauritian Government has been operating a non-contributory universal pension to all people 60 years and older since 1976.

These older persons are also entitled to travel freely on public transport. In addition, social assistance, such as income support, free wheelchairs, hearing aids, dentures and eyeglasses, as well free healthcare are also being provided. There are specialized geriatric sessions in all health points and our senior citizens have separate queues for them to collect their medicines in hospitals. Additionally, Day Care Centres have been set up to look after those elderly living in their family or on their own and require assistance in the middle of the day when the active population is at work. Moreover with the Voluntary Retirement Scheme (VRS) employees of the Sugar Industry can opt for voluntary retirement. The benefits guaranteed to such employees are 300 m<sup>2</sup> of land and a cash compensation of 2 months' salary per year of service for male agricultural workers who are 55 years and above and female agricultural workers who are 50 years and above.

However there exist some factors which may prevent the elderly people from realizing their rights, for instance:

1. Changing dependency ratios –in terms of the number of people depending for their material safety on younger, economically active and wage-earning people.
2. Housing and Family Support -With the nuclearisation of the society the need for more homes to shelter the old people, who are rejected by their families, would be highly felt. Problems of a social nature are likely to emerge where the ageing have traditionally benefited from the care and protection of their next of kin or the local community. Those relationships may become increasingly difficult to maintain when the number of dependent elderly increases while at the same time traditional care-providing structures, such as the extended family, are undergoing radical changes.
3. Lack of Homes for old aged persons – Due to the declining family support there will be a need to increase the number of residential homes especially for the most dependent ones. These homes will need to be equipped with special medical facilities for senior citizens such as mobile health care systems, ambulances, nurses and provision of well-balanced meals in order to provide them with a safe haven.

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

**The Protection of Elderly Persons Act** was passed in 2005; the object of the Act is to set up a legal and administrative framework to ensure that adequate protection and assistance are made available to elderly persons in Mauritius and Rodrigues. The Act makes provision for the creation of the following institutional mechanisms, set up within the Ministry of Social Security National Solidarity Senior Citizens Welfare & Reform Institutions, to, inter-alia, **ensure, promote and sustain** the physical, physical, emotional, social, cultural and economic protection of elderly persons:-

**1. A Protection of the Elderly Network** with the objective to

- (a) ensure, promote and sustain the physical, psychological, emotional, social and economic protection of elderly persons;
- (b) ensure, promote and sustain the well-being of elderly persons so that they are able to play a meaningful part in society.

**2. A Monitoring Committee** for the Elderly with the functions to -

- (a) supervise the operations of the Unit and of every Elderly Watch and give to its officers such directions of a general character as it may deem necessary;
- (b) provide adequate resources and facilities for the proper operation of the Unit and of every Elderly Watch.

**3. An Elderly Person's Protection Unit** with the functions to

- (a) organize public awareness and sensitisation campaigns on the rights of elderly persons and the need to provide them with assistance and protection;
- (b) receive complaints from elderly persons who are in need of protection or assistance and take such measures as may be necessary;
- (c) apply to the Court for a protection order where it deems it necessary in circumstances where there is a real danger to, or threat on, the life of an elderly person;
- (d) assist in arranging for the admission of an elderly person to a residential care home, where required;
- (e) ensure that every Elderly Watch and other appropriate bodies or authorities get a proper feedback on the situation of elderly persons who are, or may be, in need of protection or assistance.

**4. An Elderly Watch** for different regions of Mauritius with the objectives to

- (a) promote the welfare of elderly persons in the region for which it is responsible;
- (b) provide support to families that need assistance and protection for elderly persons;
- (c) endeavour to prevent acts of abuse on elderly persons;
- (d) report cases of repeated abuse of an elderly person to an officer of the Unit.

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

Mauritius enacted the **Equal Opportunities Act of 2008**, which will soon be proclaimed, prohibits discrimination based on age, caste, colour, creed, ethnic origin, place of origin, disability, marital status, race, political opinion, sex and sexual orientation in various spheres of activity, namely employment, education, provision of goods, services, or facilities, accommodation, access to premises and sports, disposal of immovable property, and societies, registered associations and clubs.

In order to address discrimination against old people The Welfare and Elderly Persons' Protection Unit, set up within the Ministry of Social Security National Solidarity Senior Citizens Welfare & Reform Institutions, is involved in raising public awareness on the rights of the elderly which enable them to lead dignified, secure lives, as equal members of society. In line with the Mauritian policy of "putting people first," the government has set up a residential recreation center for the elderly without discrimination of age and sex, encouraging older persons to join the emerging small and medium enterprises sector. Mauritius recognizes that education, as a basic human right, must be available without seniors facing discrimination. Our elderly are therefore given the opportunity to pursue continuous learning and training through adult literacy and numeracy programs as well as training in acquiring basic skills in information and communication technology in order to allow them to fully participate in social and community life. The Mauritius Government, being fully conscious of the problem arising from the generation gap, is also taking proactive measures to bridge the gap through mutual understanding and improved communication channels. Again, the Government has embarked on intergenerational programs with a view to increasing cooperation, interaction and exchange between the old and younger generations

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

Government has promulgated the Protection of Elderly Persons Act 2005 which provides a legal and administrative framework to ensure that adequate protection is available to older people (be it physical, verbal, mental, emotional or material). There is an Elderly Watch and its function is to promote the welfare of elderly persons, provide support to families that need assistance and protection for elderly persons, endeavor to prevent acts of abuse on elderly persons and report cases of repeated abuse of an elderly person to an officer of the Unit. Moreover the Ministry of Social Security National Solidarity Senior Citizens Welfare & Reform Institutions has set up a Welfare and Elderly Persons' Protection Unit which is responsible for raising public awareness

on the rights of the elderly, receive complaints and apply to the court for a protection order where there is real danger to the life of the elderly person.

**Question 5: Please provide information on 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.**

The Mauritius Government has been supportive of its older population. This has been demonstrated through existing programs, services and entitlements:

- Universal Basic Retirement Pension entitlement for people age 60 and over increasing to a 65 years age entitlement by 2018
- Protection of Elderly Persons Act 2005
- Universal health care and access to medical facilities and drugs which are free of charge.
- Residential care homes covered under the Residential Care Homes Act 2003
- Centenarian policy and program initiative – Centenarian Club
- Free public transport (bus) for older people and the disabled
- Dedicated residential care for older people with severe disabilities
- Domiciliary (Physician) care home visiting program for those aged 90 and above and those aged over 75 years with severe disabilities or who might be bedridden
- Provision of a Carers Allowance for severely disabled and dependent persons
- Aids and Appliance program providing free wheelchairs, spectacles and hearing aids (financial support for the purchase of prosthesis)
- Welfare and recreational activities through a network of some 576 Senior Citizens Associations (9 regional peak associations) with an overarching National Senior Citizens Council
- Free flu vaccination program for older people
- Day centre programs to promote peer group activities

In line with its commitment towards the elderly, the Mauritian Government has been operating a non-contributory universal pension to all people 60 years and older since 1976. These older persons are also entitled to travel freely on public transport. In addition, social assistance, such as income support, free wheelchairs, hearing aids, dentures and eyeglasses are also being provided to those that have low incomes. Free healthcare is provided to all Mauritians, including older people. A fast track system of healthcare for the elderly is operational in all public healthcare centers. The health programs have already integrated many aspects of preventive care for the elderly so as to prevent diseases to which they are prone such as diabetes. The Medical Unit of the Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions undertakes free domiciliary visits to persons over 90 years and to bedridden persons over 75 years. Every year, a vaccination campaign against anti-influenza for the elderly aged 65 and above is also undertaken. Our elderly are also given the opportunity to pursue continuous

learning and training through adult literacy and numeracy programs as well as training in acquiring basic skills in information and communication technology in order to allow them to fully participate in social and community life.

**Question 6: Please provide information on 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.**

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. Those aged 60 and above are entitled to a universal non-contributory basic pension. In addition, a care giving allowance is paid to older persons and disabled people needing constant care and attendance. Other forms of social assistance, such as income support, payment of examination fees for their literacy course, dentures and wheelchairs, are provided to older persons who have insufficient income. Elderly people are also provided free travelling in public transport at any time of the day. Older persons are treated as full-fledged citizens with equal enjoyment of fundamental rights and freedom as any other citizen.

According to Central Statistics Office (CSO) 2000 some 20% of male and 4.1% female elderly were still productive and were taking up jobs in the occupations such as legislation and management, professional, clerical, service sector, skilled agricultural among others. This strongly suggests that elderly persons can still remain productive after their retirement. In 2008 the Government of Mauritius, postponed the retirement age from 60 to 65 years old to enable older people to remain in the workforce in later years of life as there will be diminished numbers of the younger people to fill jobs in a growing economy in the long run. .

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

The Central Statistics Office (CSO) was established in 1945 as a Government Department responsible for the collection, compilation, analysis and dissemination of official statistics relating to all aspects of the economic and social activities of the country. The Central Statistics Office operates under the Statistics Act. The first Statistics Act was passed in 1951 and was reviewed in 2000. The Statistics Act 2000 establishes the CSO as a central depository for all statistics produced in Mauritius, and confers upon it authority to collect data from all enterprises and households, sets penalties for failure to provide the required information, provides for

confidentiality of the information collected, puts restrictions on disclosure of information and prescribes penalties for contravention of the provisions of the Act.

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

The Senior Citizens Council has been set up by Act of Parliament in 1985 and it is now governed by Act 5 of 1995 to improve the well-being of Senior Citizens and promote activities and projects for their welfare with regard to their rights to dignity and independence. Its members are voluntary organisations catering for Senior Citizens and registered with the Registrar of Associations. There are presently 565 Senior Citizens Association in Mauritius and 67 in Rodrigues representing 62,600 members. It is administered by an Executive Committee comprising of a Chairperson, vice-Chairperson, 9 elected members representing each one of the 9 districts of Mauritius. It organises activities, leisure and educational/training for its members. Moreover they participate in cultural programmes and plays organized by the Association and the senior Citizens Council. With the support of social security through pensions and health services which are free of charge, the elderly have the chance to socialise themselves and are given the opportunities to participate in social activities. The Mauritian government organises regular social activities for them so as a positive image is promoted on our local senior citizens. The Ministry of Social Security have set up the Suicide Prevention Network with the help of the Senior Citizens Council as their years of experience can surely help in advising youngsters with problems. The ‘gatekeepers’ are being given training in counselling and suicide prevention. These components are quite crucial for the inclusion and social stability of elderly as they are faced with severe marginalisation and loss of self esteem with retirement.

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

**The Protection of Elderly Persons Act** makes provision for the creation of the Elderly Person’s Protection Unit to, ensure, promote and sustain the physical, emotional, social, cultural and economic protection of elderly persons. It also receive complaints from elderly persons who are in need of protection or assistance and take such measures as may be necessary; apply to the Court for a protection order where it deems it necessary in circumstances where there is a real danger to, or threat on, the life of an elderly person. Moreover Section 4 of the Legal Aid Act 1982 has made provisions for “ any person who wishes to obtain legal aid and to be a party to civil and criminal proceedings”. The Act therefore sets out to ensure access to a justice system where there is the protection of human rights by offering quality services in the form of a legal

practitioner assigned at state expense to vulnerable groups in both Civil and Criminal matters. However there are no specific mandates of institutions where the older persons can refer to in order to address their rights. The National Human Rights Commission, under a general mandate, is mandated to enquire into written complaints made i) by any person who feels that any of the human rights enshrined in Chapter II of the Constitution has been violated or is likely to be violated by the act or omission of a public officer or employee of a public body and ii) by any person against an act or omission of a member of the police.