

DROITS HUMAINS OCEAN INDIEN Submission on Access to Justice

11th Working session of the Open-ended Working Group on Ageing, 2020

National legal framework

1. There is no specific mechanism that guarantees access to justice to older persons. The Legal aid mechanism is a means-test mechanism that can provide some comfort based on the revenues of citizens of Mauritius but there is no positive discrimination towards old age citizens.

Droits Humains Ocean Indien (DIS-MOI) now runs a Pro Bono and Victim Support Unit that provides free legal advice to vulnerable people of the society including older persons.

Availability

2. Very little or next to none. There is no specific judicial or non-judicial mechanism focused on older persons. There is no alternative dispute settlement mechanism in place either.

Accessibility

3. Nothing specific for older persons as they are treated in the same way as all other citizens.
4. The legal aid system that guarantees legal assistance which is a means tested system.
5. The specific challenges are:
 - (i) the complexity of the justice system
 - (ii) that the means test legal system is discriminatory
 - (iii) that the means test legal aid system provides legal aid to accused parties whilst there is no support to the victims of crimes, whereas older persons are often victims of crimes.
6. None.

Equality and non-discrimination

7. There is the Equal Opportunities Commission (EOC) supported by an Equal Opportunities Tribunal (EOT). If a person feels that she or he has been victim of a discrimination based on, inter alia, age, she or he can make a complaint and seek redress.
8. None.

Accountability

9. The legal professionals, magistrates and judges, are recruited and appointed by an independent Commission composed of, namely, the Chief Justice, Director of Public Prosecution, Attorney General.

There is, however, no specific mechanism that addresses any discrimination against older persons committed by justice system professionals apart from the general mechanisms available to the public, namely (EOC and EOT).