

## Equality and non-discrimination

1. Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or persons of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

*The Constitution/Legislation does not guarantee equality and protection from discrimination explicitly for older persons. However, The Charter of Fundamental Rights and Freedoms outlined in the Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011 affords protection of the right to equality before the law; the right to equitable and humane treatment by any public authority in the exercise of any function; the right to freedom from discrimination on the ground of (i) being male or female; (ii) race, place of origin, social class, colour, religion or political opinions.*

*The National Policy for Senior Citizens has as one of its goals, to devise strategies and programmes to combat all forms of discrimination against older persons. This Policy is currently being revised.*

2. Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?
  - Employment
  - Access to goods and services
  - Social protection
  - Healthcare
  - Social care
  - Justice, Inheritance
  - Decision-making and autonomy, Living environment
  - Other areas (please specify)

*The Jamaica Survey of Living Conditions and the Economic and Social Survey of Jamaica produce information on the situation of older persons in Jamaica. Information about discrimination against older persons is not gathered in a targeted way.*

3. Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?
  - Availability of, access to and quality of health care services
  - Financial services

There is evidence based data available about inequality of opportunities or outcomes experienced by older persons in the areas availability of, access to and quality of health care services. The government provides free health care and so there is general access to health services. There are several Health Insurance Schemes, typically offered through private institutions. The NI Gold is a health insurance coverage offered to National Insurance Pensioners. Approximately 23.0 per cent of the elderly possessed health insurance with 14.1 per cent having private insurance with a higher percentage of females than males possessed health insurance. Based on the aforementioned figures, it is evident there still remains a vast majority of the elderly population without health insurance coverage. However, over the last 10 years there has been a slight increase in the percentage of the elderly who possessed health

insurance. A likely contributory factor to this increase is the introduction of the NI Gold in 2003. The increase in the possession of health insurance was reflected across sex, age, quintile and regions.

4. Are there any areas where differential treatment based on old age is explicitly justified?

Examples:

- Access to goods
- Mandatory age of retirement
- Age limits in financial services and products
- Age-based benefits

There is no differential treatment based on old age in relation to access to goods, mandatory age of retirement or age based benefits.

### **Neglect Violence and Abuse**

1. In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

*The Jamaica Survey of Living Conditions conducted by the Planning Institute of Jamaica provides information on the situation of older persons in Jamaica. There is currently no specific study focusing on abuse and neglect of older persons.*

2. (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrators?

*Different forms of violence are experienced by older persons. As with the global trend, incidents may be under-reported, the cases reported occur in the home of older persons and in private nursing homes. Most perpetrators are persons with whom the older person is familiar including caregivers and family members.*

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how? *There is currently no specific study to indicate if specific subgroups within the older persons population are more at risk of abuse.*

3. Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons?

*Legislation in Jamaica does not distinctively address issues of violence, abuse and exploitation of older persons but generally for all citizens. Specifically, the Maintenance Act 2005, protects against neglect and stipulates that every person who is not a minor has an obligation, to the extent that the person is capable of doing so, to maintain the person's parents and grandparents who are in need of such maintenance by reason of age, physical or mental infirmity or disability. The Act also gives authority to any local authority or other Government agency that is providing assistance to the elderly or any other dependant to make an application to the Court for an order for the maintenance of that dependant.*

If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

*There is no specific legislation for the protection of older person from violence and abuse. All citizens are protected from violence and abuse under:*

- *The Offences against the Person Act*
- *The Sexual Offences Act, 2009*
- *The Domestic Violence Act*
- *The Disabilities Act, 2014*

4. What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

*THE LAW REFORM (FRAUDULENT TRANSACTIONS) (SPECIAL PROVISIONS) ACT, 2013 protects citizens against fraudulent financial activities involving among other things, theft, forgery and scamming. There is no specific legislation protecting older persons from inheritance abuse. However, provisions made under the Forgery Act and the Larceny Act support the protection of older persons.*