

## EQUALITY AND NON-DISCRIMINATION

- 1) **Does your country's Constitution and/or legislation (a) guarantee equality explicitly for older persons or people 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?**

EQUAL OPPORTUNITIES ACT 2008 prohibits indirect and direct discrimination based on *status* whereby "status" is defined as age, caste, colour, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.

- 2) **Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?**

The Equal Opportunities Commission periodically releases information providing an overview of its activities. The issue relation to discrimination against older persons will fall under the purview of age discrimination.

No discrimination against older persons was reported in the Commission's 2014 report.

- 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**

Health care services are provided to *all* persons.

- 4) **Are there areas where differential treatment based on old age is explicitly justified?**

- Section 28 of the Constitution of Mauritius, The President provides that no person shall be eligible for election to the office of President unless he is a citizen of Mauritius who is *not less than 40 years of age* and has resided in Mauritius for a period of not less than 5 years immediately preceding the election.

- Section 13(5) of EQUAL OPPORTUNITIES ACT 2008 provides that notwithstanding sections 10 to 12 of the act, an employer or prospective employer may discriminate on the ground of age, where the offer of employment is limited to persons of a particular age.
- The PENSIONS ACT 1951 provides that the basic retirement pension differs based on age group.

(i)	For a person aged 60 and below 90 years	Rs 5000
(ii)	For a person aged 90 years and below 100 years	Rs 15000
(iii)	For a person aged 100 years and above	RS 20000

- In relation to compulsory retirement, Section 8 of the Pension Act 1951 provides that an officer appointed on or after 1 July 2008 *shall retire from the service on reaching the age of 65.*
- Section 4(1)(a) of the EQUAL OPPORTUNITIES ACT 2008 provides that nothing in this Act shall *prohibit* the provision of different treatment to a person *in relation to an annuity, life insurance policy, accident insurance policy,* or similar matter involving the assessment of risk, where the treatment—
  - (i) is determined by actuarial or other data from a source on which it was reasonable to rely and;
  - (ii) is reasonable having regard to those data and any other relevant factors.
- The Constitution of Mauritius vests the power to appoint a person in any office in the public service in the *appropriate Service Commission.* The Human Resource Management Manual from the Ministry of Civil Service and Administrative Reforms at Section 1.1.3 provides that *no person shall be allowed to join the public service if he is over 40 years,* except with the authority of the Senior Chief Executive, Ministry of Civil Service and Administrative reforms. *The age limit for entry in service in the Workmen's group is 48 years.*

## 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?**

An *observatory* on Ageing was set up in October 2012 and a survey was carried out on Protection and Security of the Elderly.

- 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?**

The forms of abuse registered are:

- (I) Physical abuse
- (II) Financial abuse
- (III) Emotional abuse, and
- (IV) Neglect

The abuse occurs at places where the elderly resides which is either owned, rented or the victim is sheltered for free by children/grandchildren or relatives. The perpetrators are either members of the family or close relatives.

- (b) **Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?**

The abuse *does not affect* a specific group of older person but it is found that the abuse *is more predominant in urban areas*.

The number of cases reported in year 2015 was 708 and in 2016 the number was 766. 215 cases have been reported from January 2017 to March 2017. The cases of abuse are dealt through mediation and family conferencing and the victims are provided with required support including social/psychological support.

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

The Ministry enacted the Protection of Elderly Persons Act in 2005 which was proclaimed in 2006. The Act was amended and reinforced in 2016 to empower Officers dealing with reported cases of abuse to summon the perpetrator if he/she does not cooperate or respond. Failing to attend may be liable to fine and imprisonment. The Elderly Watch Members has also been increased to cover a wider area and provide better support creating awareness regarding Elderly Abuse.

It is to be noted that Section 9 of Protection of Elderly Persons Act related to Elderly Persons Protection Order has not been proclaimed by this Ministry as cases of abuse are very sensitive and are dealt through mediation, family counselling and sensitization.

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

Section 3(a) of PROTECTION OF ELDERLY PERSONS ACT 2005 ensures, promotes and sustains the physical, psychological, emotional, *social and economic protection* of elderly persons.

Section 1125 of Civil Code Mauricien makes specific provision that without a Judge's Order a party who is either the employer or employees in a home/shelter cannot contract in a sales of land with the resident.

The Civil Code Mauricien also protects the interests of older persons who may be mentally incapacitated.