

GUIDING QUESTIONS TO FACILITATE THE OPEN-ENDED WORKING GROUP ON AGEING, JULY 5-7,
2017, UNITED NATIONS HEADQUARTERS, NEW YORK

A. **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?***

The Constitution or legislation of the Republic of Trinidad and Tobago does not guarantee equality nor forbid discrimination explicitly for older persons, or on the basis of age respectively. Instead, the Constitution accords universal rights to all citizens of the Republic of Trinidad and Tobago, of which the elderly populace is a meaningful part. Further, the Constitution declares the right to non-discrimination in the areas of race, origin, colour, religion or sex.

- 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***
- ***Health care***
- ***Social care***
- ***Justice, Inheritance***
- ***Decision-making and autonomy, Living environment***
- ***Other areas (please specify)***

The Equal Opportunity Commission (EOC) has as one of its statutory mandates to foster equality of opportunity and non-discrimination in all spheres in Trinidad and Tobago. In 2016, the Commission was spearheading proposals to include within its complaints process a remedy for discrimination on the grounds of ageing. The EOC hosted a Forum in September 2016 entitled: *"Equality of Opportunity and Non-Discrimination in National Budgeting for Vulnerable Groups,"* at which two of the presentations addressed "The State and Social Responsibility for Ageing and Its Discontents" and "Older Persons as a Resource rather than a Burden on the State." The presentations at the Forum can be accessed on www.equalopportunity.gov.tt.

- 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***

Some of the information requested can be accessed through the Ombudsman Office at feedback@ombudsman.gov.tt. But generally (or culturally), older persons tend to express their challenges in the aforementioned areas through the daily radio talk-show programmes or through other informal network systems, where data are seldom captured.

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

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

Access to goods (and services) – the Division of Ageing in the Ministry of Social Development and Family Services operates an Older Persons Information Centre (OPIC), which serves as a Help Desk and referral facility, where older persons can access information on goods and services through a toll-free number (#800-OPIC), which is answered by a person and not an electronic voice, as the former is preferred by the target group.

Mandatory age of retirement – the retirement age of 60 years is mandatory in the Public Service, (which is the country's largest employer), in accordance with the legal requirements of the Public Sector Regulations of the 1960s when the nature of work was more manual and labour-intensive. Also, a provision was negotiated between the Trade Union and the Public Service directorate, to allow early retirement for officers who had served 33 1/3 years to be entitled to receive the same pension benefit as if they would have attained the mandatory age of retirement.

Age limits in financial services and products – the financial institutions grant mortgages for homes and property over a 30-year limit, which should coincide to expire at the retirement age of 60 years, after which the beneficiary would be on a reduced and fixed pension benefit, not annexed to the cost-of-living. The majority of retired older persons are unable to access loans from banks and financial institutions due to inherent risk factors. However, contract work, which is more skills-based than age-based, contributes to a significant sector in the local labour-market and, as a result, older persons who continue to be employed on contract after attaining the retirement age range of 60-65 years (in some private-sector companies), are afforded access to loans. The Credit Union Cooperatives are developing age-friendly products and services to encourage their ageing membership to obtain loans, since the viability of the industry relies on the interest earned from the loans. Additionally, life and general insurance companies are exploring products and services which are tailored for persons aged 50 years and over, given the average life expectancy for men at 78 years and women at 81 years in Trinidad and Tobago.

Age-based benefits – the government provides free access to persons aged 60 years and over to public [bus] transport, medication for chronic diseases, cataract surgery, and assistive devices as Trinidad and Tobago is an ageing population with 13.4% of its total population aged 60 years and over as at 2011. Also, means-tested grants can be accessed by the vulnerable, poor and indigent older persons for pension, basic food supplies, special pharmaceuticals, medical equipment, funeral and burial, household items, house repairs, and homecare services.

B. 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 Division of Ageing, through the OPIC (referred above), records and follows up on reported cases of various forms of elder abuse from walk-ins, telephone and email (at divisionofageing@gmail.com or opiccentre@gmail.com), and an annual OPIC report is generated. Also, the Crime and Problem Analysis Unit of the Ministry of National Security maintains a database, from which crime statistics can be gleaned to ascertain the trends in violence and abuse experienced by older persons. The Victim and Support Unit of the Trinidad and Tobago Police Service also records and responds to cases of violence and abuse experienced by the elderly. The Trinidad and Tobago Coalition of Domestic Violence, an NGO, also conducts studies on violence and abuse meted out to 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?***

The various forms of violence, abuse and neglect which are recorded by the agencies listed above include physical, verbal, emotional, psychological, sexual, financial abuse, and self-neglect. The most prevalent setting in which the violence and abuse occur is residential, often in the domiciles owned by the older persons, who are victims of their relatives. To a lesser degree, cases of elder abuse in institutions (namely, Homes for the Aged) are reported by 'whistle-blower' caregivers or members of the public, under cover of anonymity. At the institutions, the perpetrators are primarily the Homeowners, followed by the caregivers.

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

Self-neglect particularly affects single elderly women who live alone, with substandard personal hygiene which is sometimes exacerbated with hoarding of refuse and discarded items. The poor and indigent elderly, who live in makeshift or dilapidated houses without indoor plumbing and basic amenities, are often victims of house-fires which are caused by un-supervised candles or lanterns, or faulty electrical wiring. The infirm and bed-ridden elderly women are sometimes victims of neglect and/or sexual abuse from male and female caregivers. And older persons who suffer from dementia or Alzheimer's are at-risk to verbal, physical and emotional abuse from their caregivers who are for the main part unaware of the early signs of detection. Financial abuse is prevalent among older persons, who are mobility-challenged and have to depend on a relative or caregiver to transact their financial affairs, which include the encashment of their pension cheques and withdrawals of funds from their bank accounts. The perpetrators are bestowed with general powers-of-attorney, in some cases, and squander the savings and property of the older persons.

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 country's legislation does not explicitly address issues of violence, abuse and neglect against older persons per se, but rather against all citizens. However, the Homes for Older Persons (HOP) legislation, which awaits proclamation has a Section on "Offences and Penalties" in which it treats with elder abuse in Homes as an offence. Section 34(1) of the HOP Act No. 20 states that:

"Notwithstanding any other written law, if any licensee or Manager or any other employee of a Home for Older Persons, who has in his care an older person, wilfully assaults, ill-treats, neglects or exposes such older person to be assaulted, ill-treated or neglected, that person is liable to"

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

There is no existing legislation which protects older persons specifically against financial abuse, including inheritance abuse. However, in light of the findings of the data (referred earlier) which revealed more cases of violence, abuse and neglect against older persons in the communities, the Government proposes to formulate a legislative policy for the elderly, out of which omnibus legislation for older persons would be crafted.

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Date: May 11, 2017