

## **DROITS HUMAINS OCEAN INDIEN Submission on the Normative Content of Social Protection and Social Security (including social protection floors)**

### **11<sup>th</sup> Working Session of the Open-ended Working Group on Ageing, 2020**

#### **Definition**

1. Older persons have the right to a social protection in a sustainable manner defined as an extensive set of social policies and programmes which provide them an extended safety net.

In consideration of national, regional and international legal framework the following definition is proposed: It is a human right that every older person lives without being a victim of discrimination because of age, colour, class, caste, creed, ability or disability so that she or he can live a life of dignity and respect. (Inspired by UDHR Art 22)

#### **Scope of the Right**

##### **2. Autonomy and independence**

Older persons have the right to decide on their own, without pressure or duress from anybody, how to utilize their incomes and resources to which they are entitled from social protection and social security schemes.

##### **Availability**

Older persons have the right to social protection and to social security without discrimination in any given country, in cash or in kind, whether contributory or not contributory. This will reduce and prevent poverty and vulnerability through a mix of schemes: health care, (long term and palliative), medication and assistive devices, and access to support services.

##### **Adequacy**

Older persons have the right to social protection and to social security measures whether in cash or in kind that can allow them to lead a decent life in terms of quantity and quality, live autonomous and independent with dignity throughout the life cycle.

##### **Accessibility**

Older persons have the right to affordable social protection and social security measures. Also as stipulated in the International Covenant on Civil and Political Rights Art 19.2 everyone, the older person as such, has the right to seek, receive and impart information and ideas of all kinds regardless of frontiers.

##### **Equitable access**

Older persons and persons in vulnerable situations, with disabilities, older widows, LGBTIs, migrants and displaced persons all have the right to social protection and to social security measures.

## **Participation**

Older persons have the right to participate as full-fledged members of society in the design, planning and implementation of social protection and social security measures that concern them. They know best what are their needs and such an exercise is in respect of consultation process in a democratic way.

## **Acceptability**

Older persons have the right to cash protection ( for their payment of old age pension) and in-kind social protection and social security (supportive devices such as a wheel chair or a blanket) as acceptable for their needs and preferences.

## **Remedies and redress**

Older persons have the right to make complaints, appeal and seek redress when their right to social protection and social security is denied.

Older persons have the right to know what institutions are there to receive their complaints and how far where they justified in their action.

## **3. State Obligations**

State Parties shall take effective and appropriate measures by legislation to ensure

- i. older persons autonomous use of social protection and social security measures
- ii. Social protection and social security schemes are sustainable and universally available so there is an on-going provision of the same
- iii. that the social protection and social measures are adequate, have enough value, in terms of quantity and quality for the whole life time so the older person enjoy an autonomous, independent life with dignity and fully participate in society.
- iv. that older persons including those without an identity documentation have access to support in application processes for social protection and social security measures
- v. the social protection and social security measures are adapted to be affordable and accessible for all older persons without discrimination
- vi. that older persons have access to information on social protection and social security measures.

## **4. Special considerations**

State parties should consider the provision of old age pension to older persons with disabilities while maintaining the pension for disability they were receiving before they reached the age of

60 for old age pension entitlement. Their special conditions require special efforts so they enjoy equality in their rights.

## **5. Implementation**

**Best practices** in favour of older persons aged 60 and above:

- i. provision of a universal non-contributory old age pension
- ii. provision of free health care, carer's allowance when needed,
- iii. provision of free public bus transport
- iv. provision of social housing

Mauritius has since independence in 1968 developed a highly inclusive society.

Presently all the major political parties going to Legislative Elections on 7 November 2019 have proposed to increase the universal non-contributory old age pension so the older persons can have adequate resources to enjoy their autonomy, independence in dignity.

### **The challenges**

- i. The different operators hereby called the private sector should be brought to increase the quantum of pension paid to its employees as they are relatively inferior to what obtained in the public sector.
- ii. The State should encourage workers in self -employment to adhere to pension schemes so they can avail of a lump sum and a monthly pension in old age on top of the non contributory old age pension.