

Right to Autonomy and Independence of Older Persons

- 1) In 2001, Mauritius was the first country in Africa to have adopted a national policy on the elderly. Following the adoption of the Madrid International Plan of Action on Ageing, 2002, Mauritius revised its national policy in 2008, shifting its focus from the welfare dimension of ageing to a developmental approach and the active ageing concept. Consultations on a new national policy on ageing (2014–2024) were completed in May 2014. It is hoped that adequate measures will be taken to publicize and implement the new policy. Rodrigues subscribes to the national policy and, in addition, has a number of programmes tailored to the needs of older persons and persons with disabilities.

The Protection of Elderly Persons Act was passed in 2005 with a view to providing protection from abuse and neglect to elderly persons who, at that time, represented more than 10% of the population. The Act also set up a Protection of Elderly Network, which will comprise representatives of the Monitoring Committee, the Elderly Protection Unit, every Elderly Watch and Rodrigues Committee for the Elderly. The Act makes it an offence for any person to commit an act of abuse on an elderly person or to willfully fail to provide an elderly person under his care with adequate food, medical attention, shelter and clothing.

The Act was amended and reinforced in 2016. It empowers Officers, dealing with reported cases of abuse, to summon the perpetrator if he/she does not cooperate or respond. Failing to attend may result in a 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.

2)

- ✚ *EQUAL RECOGNITION BEFORE THE LAW*
- ✚ *ACCESS TO JUSTICE*
- ✚ FREEDOM FROM TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.
- ✚ FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE
- ✚ PROTECTING THE INTEGRITY OF THE PERSON

3) (A) Discrimination.

Creole is the common language spoken by all groups in Mauritius, notably the older generation, but it does not have any official status. English and French are the two languages that are commonly used in all offices, written media, administrative processes and in parliament. Therefore, most elderly who uses creole can feel discriminated against and excluded from participating in the prevailing social system.

(B) Violence and abuse

The forms of abuse registered are:

- Physical abuse
- Financial abuse
- Emotional abuse, and
- Neglect

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

(c) Adequate standard of living, autonomy and participation

- Housing is a critical element in the lives of older persons. The provision of adequate, affordable and barrier-free housing significantly affects the autonomy of older persons.
- Accessibility is an issue of concern in all areas of Mauritius, notably public services, transportation, communication and information. While older persons in Mauritius are entitled to travel freely on public transport, very few buses are low-floored buses, which would enable the elderly to properly access public buses. This has a significant impact on the mobility of older persons. There is a need for appropriate infrastructure for older persons in terms of accessible, affordable and barrier-free housing, user-friendly public transport and easy and safe access to public and private buildings.

(d) Social protection and the right to social security

The PENSIONS ACT 1951 provides that the basic retirement pension differ 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

4) As at the beginning of 2018, it is estimated that Mauritius would have 7.5 percent of population aged 65 years and above. As an ageing society, the State *inter alia* has implemented the following steps to aid in the autonomy and independence of the Elderly in Mauritius:-

- ✚ Domiciliary visits are provided to elderly persons with disabilities as from the age of 75;
- ✚ The Ministry of Social Security, National Solidarity and Reform Institutions has devised a 'Carer's Strategy' to provide training to some 3,000 formal and informal carers within a period of 5 years to support persons with disabilities and elderly persons staying at home;
- ✚ The Officers from the Ministry of Social Security, dealing with reported cases of abuse, have the power to summon the perpetrator if he/she does not cooperate or respond. A person who fails 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.

5) Treaties

Mauritius has ratified several international treaties that are of relevance to older persons. Mauritius is party to the following:-

- (a) The International Covenant on Civil and Political Rights and the Optional Protocol thereto;
- (b) The International Covenant on Economic, Social and Cultural Rights;

- (c) The International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) The Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;
- (e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto;
- (f) Mauritius is a member of the African Union and has ratified the African Charter on Human and Peoples' Rights as well as the African Charter on the Rights and Welfare of the Child.

The National Human Rights Commission recommends that Mauritius ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons.

Domestic Laws

The Equal Opportunities Act of 2012, explicitly prohibit discrimination based on age. in various spheres of activity, namely employment, education, the provision of goods, services or facilities, accommodation, access to premises and sports, disposal of immovable property, and societies, registered associations and clubs.

Policy

The protection of older persons and vulnerable populations is also enshrined in the 2015–2019 Government Programme.

- 6)** The responsibility for older persons cuts across several ministries in Mauritius. The Ministry of Social Security, National Solidarity and Reform Institutions is the main government ministry in charge of the social welfare of older persons in Mauritius. It provides a diverse range of social services and assistance to older persons, such as the non-contributory pension, social aid and assistance and the income support scheme. It is also entrusted to empower and integrate older persons and to enhance their quality of life.

The National Human Rights Commission has been actively involved in some cases relating to the rights of the elderly. A few examples for 2017:-

- ❖ In the case of B.L, there was an allegation that B.L. was being sequestered and ill treated by his sister. The Ministry of Social Security was requested to investigate into the matter. However, no sign of abuse was found.
- ❖ An elderly person made a complaint regarding noise disturbance by his neighbours. He alleged that the actions taken by several institutions that he contacted in connection with his issue were unsatisfactory. The Commission conducted an enquiry and the matter was resolved.
- ❖ The complainants, aged 76 and 60, alleged that they were victims of domestic violence at the hands of the son and daughter-in-law and their living conditions had deteriorated. The Office of Probation and Aftercare Service was solicited for a Social Enquiry Report and to conduct mediation among the parties concerned as they had to live under the same roof.