**MINISTRY OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE**

**(HUMAN RIGHTS DIVISION)**

**Resolution:** **Promotion and protection of the human rights of older persons**

**1.0 Legislative Framework**

Mauritius is a democratic state and every citizen is treated equally. The State of Mauritius ensures that the physical, psychological, emotional, social and economic rights of the elderly persons are protected. It also ensures and promotes the well-being of elderly persons so that they are able to play a meaningful part in society. There is a wide array of legislative and policy measures for the promotion and protection of the human rights of elderly persons.

**A. Constitution**

The Constitution is the supreme law of the Republic of Mauritius. Section 3 of the Constitution provides for the fundamental rights and freedoms of all individuals without discrimination. Section 16 (3) of the Constitution defines “discriminatory” as “affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex”. Therefore, both Sections 3 and 16 of the Constitution guarantee protection from discrimination.

**B. Workers’ Rights Act**

The Workers’ Rights Act protects the elderly persons from discrimination. Section 5(5) of the Act, “discrimination includes affording different treatment to different workers attributable, wholly or mainly, to their respective description by age, race, colour, caste, creed, sex, sexual orientation, HIV status, impairment, marital or family status, pregnancy, religion, political opinion, place of origin, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”.

Furthermore, Section 64 of the Workers’ Rights Act 2019 also specifies that “an agreement shall not be terminated by an employer by reason of:

“a worker’s race, colour, caste, national extraction, social origin, place of his origin, age, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, impairment, marital status or family responsibilities”.

Section 123 (2) of the Act further provides that any person who contravenes section 5 of the Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding Rs 25,000 (USD 625) and to imprisonment for a term not exceeding 2 years.

**C. Equal Opportunities Act**

The Equal Opportunities Act also provides for protection from direct and indirect discrimination on the ground of a person’s status, which includes a person’s impairment (except in limited circumstances), as well as discrimination by victimisation. Any aggrieved person, including persons with disabilities, may lodge a complaint with the Equal Opportunities Commission as provided under section 28 of the Act, setting out the details of the alleged discrimination.

Moreover, under section 19 of the Equal Opportunities Act, no person shall discriminate against another person in the provision of accommodation. Section 18 of the Act also provides that a person who provides goods, services or facilities, which includes accommodation in a hotel, guest house or similar establishment, cannot discriminate against another person by refusing or failing to provide him with those goods, services or facilities, or, in the terms or conditions on which, or the manner in which, he provides that other person with those goods, services or facilities.

**D. Protection of Elderly Persons Act**

The **Protection of Elderly Persons Act** was amended in 2016 to enhance the level of protection and assistance to elderly persons including elderly persons with disabilities. This Act also empowers Officers of the Ministry of Social Integration, Social Security and National Solidarity (MSISSNS) to summon perpetrators of elder abuse and in case of non-attendance, the perpetrator is liable to be Rs 5,000 or imprisoned for a period not exceeding 6 months. Cases of elder abuse are reported to the Welfare and Elderly Persons Protection Unit of the MSISSNS.

The Protection of Elderly Persons Act 2005 provides, inter-alia, for the institution of Elderly Watch Committees around the island to identify and report abuse against the elderly. There are 20 Elderly Watch Committees which would be increased to bring a “*service de proximité”* to:

1. promote the welfare of elderly persons in the region for where it is responsible; and
2. endeavour to prevent acts of abuse on elderly persons.

**E. National Pension Act**

 According to the National Pension Act all elderly persons who has attained the age of sixty are in receipt of a basic retirement pension. The Act also makes provisions for financial support to widow’s, orphans and invalid persons.

**F. Social Aid Act**

The Social Aid Act provides financial assistance to any person who is temporarily or permanently incapable of earning adequately his livelihood due to any physical or mental disability and as well as to vulnerable groups.

The Government provides grants of up to Rs 5,000 for the purchase of assistive devices such as wheelchairs, hearing aids and Rs 2,000 for the purchase of spectacles.

Other Financial Assistances provided to needy elderly persons include:

1. incontinence allowance to elderly aged 70 and above and to those who are bedridden;
2. carer’s allowance;
3. rent allowance to elderly persons living alone; and
4. allowances for dentures, income support, funeral grants in respect of beneficiary or any of his/her dependent, grant for the purchase of medicine to centenarians.

In addition, all persons who are bedridden or severely disabled in receipt of carers allowance benefit from medical domiciliary visits. Free bus transport is also provided to the elderly.

**2.0 Mobility**

The Building Control Act 2012 provides for enhanced accessibility to buildings by disabled persons. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 provide for a universal design requirement in respect of new buildings and building under major renovation. For the granting of the Land Use and Building Permit, a technical sheet of the Planning Policy Guidance regarding access for people with disabilities, which gives guidance for the needs / requirements of people with disabilities.

In partnership with the private sector, the Government has already embarked upon the design and construction of front access ramps in more than 200 public buildings.

**3.0 Cultural, recreational, leisure and sports activities**

The State of Mauritius adopts appropriate policies that geared towards promoting active and healthy ageing of older persons, which consider their particular needs and care, and the special protection that should be afforded to them.

Three recreation centres are currently in operation with an approximate annual intake of 34,000 residents. A fourth recreation centre at Riambel, which would soon be available to increase our annual intake capacity to 46,000 residents. Two independent homes would also be constructed for the elderly living alone and in rented dwellings. The Government is making necessary provision to meet the increasing demand for carers. Training programmes are carried for carers in collaboration with Mauritius Institute for Training and Development.

With a view to promoting lifelong learning and to enable the elderly to keep pace with development issues, the Ministry of Social Integration, Social Security and National Solidarity has set up Computer Clubs in all of its 20 Elderly Day Care Centres. IT literacy programming in some of these centres are held for the elderly. 24 Health Clubs were set up where educational, adult literacy, IT Literacy, Handicrafts and Embroidery classes, proper cooking methods and health programmes are organized. Senior Citizen Association use Day Care Centres and Recreation Centres to provide Legal Counselling Programmes and to enhance legal and financial protection to the elderly.

The Ministry of Arts and Cultural Heritage is mandated to preserve and foster cultural values both at individual and collective levels. It aims at fostering a balanced and harmonious Mauritian society through consolidation of existing pluralism, promotion of creativity and the celebration of cultural values.

The Ministry of Tourism organizes national events which target the whole population including elderly persons. These events include open day at nature parks and leisure parks.

The Ministry of Tourism is involved in the organisation of outdoor leisure activities which target the whole population, whereby buses are provided to registered clubs and associations across Mauritius in line with the Ministry’s policy. Special arrangements are made with bus companies for the provision of low floor buses for easy accessibility for elderly persons.

Several registered associations/clubs have benefited from sponsorship from the Ministry of Tourism for the promotion of leisure, recreational and sports activities within their local community. Sponsorship is mainly offered for logistics arrangements, prizes and medals and entertainment. Many associations involving participation of people with disabilities benefit from such sponsorship.

**5.0 Health facilities**

There are numerous social protection schemes for elderly persons in Mauritius. Free health care services are offered to all the citizens of Mauritius irrespective of age. There is no discrimination in facilities provided in rural and urban areas for elderly persons.

**29.11.2021**