



POLICY BRIEF

Legislation for older people in Pakistan

Old age population is increasing rapidly due to decline in the fertility rates and increase in life expectancies. This will ultimately result in various new social and economic challenges. Unfortunately, historically, the Human Right Laws did not give older people any preference. However, their rights are now addressed by both national and international organizations. UN Principles for Older Persons (1991) and the Madrid International Plan of Action on Ageing (MIPAA 2002) are the guiding laws for the treatment of older age people.

Moreover, the African Commission is enlisting new rules on the rights of older people to the African Charter on Human and Peoples' Rights. The conception of a new human rights body under the 2008 Association of South East Asian Nations (ASEAN) Charter may provide a good chance for considering older people's rights in South East Asia.

Regional Experience regarding the elderly population care

India

The constitution of India ensures the protection of the rights of senior citizens. Therefore, for the wellbeing of senior citizens, the government of India announced National Policy for Older Persons (NPOP) in 1999. The policy emphasizes on food and shelter security, healthcare, protection against abuse and exploitation and provision of the services necessary to improve the quality of life. Later in 2007, The Maintenance and Welfare of Parents and Senior Citizens Act was enacted that ensures the provision of medical facilities, establishment of old age homes, protection of life and property for the elderly people.

Box 1: WHO's Mandate on Older people

In 2002, the World Health Organisation (WHO) introduce a comprehensive framework regarding the older people i.e. Active ageing: a policy framework. The concept of the active ageing is based on acknowledging the human rights of elderly people and the UN principles of dignity, economic and social participation, independence and self-fulfilment as well. This framework highlights the four important elements that must be included in any health-policy response:

- Excess impairments or disabilities, chronic disease, and premature mortality are all burdens that need to be avoided or reduced.
- Take those steps that are helpful in reducing the factors that are associated with the severe diseases and try to encourage those steps or efforts that promote and protect the health over the lifetime.
- Design such scheme or policies related to health facilities that are accessible and affordable for people of all segments and in addition to that such social services that respond to people's changing needs and rights according to their age.
- Equip caregivers with related training and education

In 2019, updated version of this act Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted in which scope of the facilities for older people is increased.

Bangladesh

According to the constitution of Bangladesh, it is the state's responsibility to ensure the food security, residential facilities, social security, financial

assistance and medical facilities to the widows, orphans and elder people.

Old-Age Allowance Program under social safety net programme was introduced in 1998. Besides this National Health Policy 2008 was introduced which authorizes older people to get service from national and local healthcare centres and hospitals. Similarly, National Policy on older persons 2013, and Maintenance of Parents Act, 2013 were enacted. According to which it is the responsibility of the adult children in the family to provide food, shelter and other necessities of life to their parents or grandparents as well. The welfare of older foundation rules 2018 act was made for older person's development and wellbeing.

China

Law for protection of the rights and interest of elderly population in China was designed and adopted in 1996. The main aim was to protect the rights of senior citizens.

In 2013, revised version of Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly was introduced in which it is made mandatory for the children to take care of the parents aged 60 and above and in case children neglect their parents, parents have the right to file lawsuits against them. In addition to that, Shanghai Ministry of civil affairs formulated a policy in 2016, for the protection of the rights of older people and punishment for the adults who are not taking care of their parents.

Pakistan

Box 2: Constitution of Pakistan (1973)

"The state shall secure the well-being of the people irrespective of sex, caste, creed and race, by raising their standard of living. It is

the responsibility of the state to provide the necessities of life, such as food, clothing, housing, education and medical relief, for all the citizens. Moreover, state provide for all person employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means".

Pakistan is signatory to the UN Madrid International Plan of Action on Ageing 2002, and since its ratification the government of Pakistan had designed the significant policies regarding the protection of the rights of the senior citizens and for their wellbeing.

The National policy 1999 was the first one in this context that focuses on the health of the elderly people. Further, in 2004, government of Pakistan set a special package for senior Pakistani citizens in order to ensure that their basic needs of life are satisfied and that they are treated with dignity in the society. In addition to that, the government of Pakistan proposed senior citizen bill 2007 that covers the wide range of measures to enhance the wellbeing of the elderly people. The bill focused on the provision of the special treatment for the older people in the Public places and income tax concession.

After the 18th amendment, all provinces worked on legislative process to provide comprehensive set of rights to senior citizens. In this case, Khyber Pakhtunkhwa approved senior citizens act 2014, followed by Sindh in 2016 as senior citizens welfare bill and Baluchistan as senior citizen bill in 2017. Punjab act is drafted but not approved yet. Major points of these bills includes provision of health services, financial support, housing facilities and establishment of senior citizen welfare fund.

Moreover, “Islamabad Capital Territory Senior Citizens act 2019” was approved to ensure the welfare and dignity of older citizens living in the federal Capital. This act ensures the establishment of senior citizens council and an old home named Darul shafqat, in addition to other benefits.

“Parental protection ordinance 2021” promulgated by president of Pakistan is another milestone for protection of rights of elderly people which assures that *“Parents would have protection of residing in their houses even if their siblings are owners of the houses or they have rented out”*.

Table 2.1: Policy reforms by the Federal and Provincial governments for elderly people

Acts for senior citizens	Provisions
National Policy, 1999	The National policy for elderly’s health 1999 includes: <ul style="list-style-type: none"> • Providing training and awareness to the primary doctors in gerontology • Availability of the dental as well as domiciliary care. • Multi-tiered health care delivery system for elder people
Relief package for older people 2004	2004 Relief package for older people includes: <ul style="list-style-type: none"> • Starting the awareness campaign among the young students regarding the respect and care for elder citizens in the society. • To ensure that the basic social as well as health related requirements of senior citizens.
Senior citizen bill 2007	. The focused areas in the bill were: <ul style="list-style-type: none"> • Providing the concession in fares on public transportation, • Feasibility in providing pension and legal services, • Free entry to the public places including parks, museum or zoo, • Separate counter for older people in banks, transport stations and hospitals.
Punjab Senior Citizens Welfare and Rehabilitation Bill 2013	Punjab province has proposed the Senior Citizens Welfare and Rehabilitation Bill 2013, to provide: <ul style="list-style-type: none"> • The health care facilities • Social security, required support in case of any emergency and disability, • To encourage senior citizens to participate in all aspects of life regardless of their age.
Khyber Pakhtunkhwa Senior Citizens Act, 2014	The main objectives of this act were: <ul style="list-style-type: none"> • The establishment of senior citizen welfare council and senior citizen welfare fund. • To conduct the significant research in order to formulate the relevant policies. • Provision of health services, financial support, housing facilities
Sindh Senior Citizen	Government of Sindh passed a Sindh Senior Citizen Welfare, Bill 2016 that includes the following points:

Welfare Bill ,2016	<ul style="list-style-type: none"> • Establish senior citizens lodging establishment, homes for physical, mental, emotional, social and economic well-being of senior citizens; • Promoting participation of senior citizens in activities by using their knowledge, skills and experience in various fields of life; • Co-operation with National and International Agencies and Non-Governmental Organization for providing financial assistance periodically in improving of the well-being of senior citizens;
Balochistan Senior Citizens Bill 2017	<p>Government of Balochistan passed Senior Citizens Bill, 2017. It's main points are;</p> <ul style="list-style-type: none"> • Financial support to families looking after their elder people. • Establishment of senior citizens homes to accommodate homeless and deserted. • Establishment of Senior Citizens Welfare Fund. • Free of charge entry to the public museums, libraries and parks.
Islamabad Capital Territory Senior Citizens Bill 2019	<p>The main points of Islamabad Capital Territory Senior Citizens Bill 2019</p> <ul style="list-style-type: none"> • It is the responsibility of Ministry of Human Rights to establish a senior citizen council and the old age home named “Darul Shafqat” for the senior citizens of Islamabad. • Financial support will also be provided to needy senior citizens by establishing the senior citizen fund. • Senior citizen’s card is provided. • 20% concession on medicine purchase from the designated points, medical treatment/fees, domestic travelling fare. Pension benefits and other dues are directly transferred to the concerned institution or post office. • An application of Maintenance may be made by the elderly parents in case if they are not capable to maintain themselves. • In cases if the elderly person transfer his assets or property to a transferee on the condition that the transferee will be responsible to provide the basic necessities of life to the transferor, but transferee fails to meet this requirement than in that case the court may declare the transfer void on the wish of the transferor.
Parental Protection Ordinance 2021	<p>Bill was passed through presidential orders. Its main points are:</p> <ul style="list-style-type: none"> • Punishment for the eviction of parents. • Parent’s right to evict children • Powers of police to arrest the culprit without any warrant. • Culprit is punished with one-year imprisonment, fine or both.

Conclusion and Policy Recommendations

Ageing is a natural part of the human life cycle. The term "ageing" refers to a decrease in the functional capability of the human being, which happens mostly because of physiological changes. Elderly people citizens are a valuable repository of knowledge, experiences, and deep insights and most of them are capable to contribute significantly in the wellbeing of the country.

Government of Pakistan has been continuously making efforts to address the challenges faced by the elderly people for the wellbeing of aged population by designing various policies and laws at the federal as well as on the provincial levels. Recently, "Parental protection ordinance 2021" was passed which provides protection to the older parents against eviction and domestic violence. However, proper implementations and more work needs to be done for the protection of the rights of the older population in Pakistan. In this context, some recommendations are mention below:

- It is critical to focus on implementation of the existing policies into action.
- Make availability of the resources for the evaluation of policies and programs.
- Mainstreaming the problems of elderly people into all sectors of public policy.
- Ensure that older people are involved in policymaking process.
- Elderly people if given the appropriate opportunities, they can make a significant contribution in the development of their nation.

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