

# Elderly In Belize: Legal Review and Recommendations

September 30, 2003

Michael Peyrefitte

## 1.0 Document purpose

This legislative review on the situation of elderly persons in Belize has three fundamental aims:

1. To seek out and address those areas of the law that are adversary to elderly persons' well-being and make recommendations for amendment of those laws.
2. To seek out and address those areas of the law that promote their well-being and make recommendations that will bolster those laws.
3. Make recommendations toward the creation of laws or policies that will promote their well-being.

This document will target six specific matters of concern that influence or can influence the situation of elderly persons in Belize:

1. Financial support systems
2. Health Care and support
3. Protection from neglect, abuse and exploitation
4. National infrastructure
5. Education
6. Demographics

### 1.1 Business Contacts

Name	Company	Title	Email
Michael Peyrefitte	Law Firm of Michael Peyrefitte	Attorney at Law	<a href="mailto:mpeyre@yahoo.com">mpeyre@yahoo.com</a>

### **1.1.1 Definitions**

**Elder, Elderly, etc.** Elders are identified as persons whose age exceeds that of sixty years (60+). This definition is consistent with the HelpAge research, *The Situation of Older persons in Belize*, United Nations report on *Global Aging* and the *National Policy for Older Persons*, as published by the Government of Belize.

**Spouse:** A partner in marriage. One's legal husband or wife.

**Common-law partners:** Persons living together in the manner of spouses though not legally recognized.

**Caregiver:** a person giving assistance to someone requiring close attention.

**Dependent:** a person who requires the support and attention of another for existence.

## Table of Contents

1.0	Document purpose.....	2
1.1	Business Contacts.....	2
1.1.1	Definitions.....	3
1.1.2	Definitions.....	3
2.0	Introduction.....	7
3.0	Financial Support Systems.....	13
3.1	Retirement (Post-Retirement Benefits/Pensions).....	15
3.2	Employer Pension Plans .....	18
3.3	Work and The Aging Labor Force.....	19
3.4	Investing In Elderly Entrepreneurs.....	20
3.5	Elderly Contract Workers.....	22
3.6	Social Security Insurance.....	22
4.0	Health Care, Nutrition and Care Giving Services.....	25
4.1	Nutrition Services.....	27
4.2	Caregiver Services and Training.....	29
4.3	Medical Services and Insurance .....	31
4.3.1	HIV/AIDS and Elderly Persons.....	33
4.4	Addiction, Alcoholism and Recovery .....	33
4.5	Physical Therapy and Rehabilitation .....	34
5.0	Protection from Neglect, Abuse and Exploitation.....	35
5.1	Neglect By Obligated Family Members.....	36
5.2	Physical and Sexual Abuse/Exploitation .....	37

5.3	Age Discrimination in Employment .....	38
5.4	Protection Against Fraud .....	38
5.5	Legal Assistance for Elderly persons.....	39
6.0	National Infrastructure Standards.....	40
6.1	Public Building Codes .....	40
6.2	Standard Housing Codes .....	41
6.3	Landlord and Tenancy Laws .....	42
6.4	Transportation Codes .....	43
	6.4.1 Modification of Traffic Rules.....	44
	6.4.2 Road and Street Infrastructure .....	45
	6.4.3 Local and National Public Transport.....	46
7.0	Education.....	48
7.1	Access to Technology .....	49
7.2	Secondary and Tertiary Level Opportunities .....	49
7.3	Tuition Assistance .....	50
8.0	Demographics.....	51
8.1	Rural and Urban Populations .....	51
8.2	Aging and Mortality.....	51
8.3	Health .....	52
8.4	Retirement and Benefits .....	52
8.5	Education and Literacy .....	53
8.6	Employment & Entrepreneurship .....	53
8.7	Crime .....	53

9.0	Conclusion.....	54
10.0	Works Cited List .....	55
10.1	Laws .....	55
10.2	Published Reports .....	55
10.3	Internet Resources .....	55
11.0	Recommendation.....	55

## 2.0 Introduction

Movement to address the aging process of the Belizean nation is an important issue to this country's future state of affairs. It is an issue, moreover, which inevitably requires much needed consideration for the handicapped as many of the times elderly persons also suffer from physical debilities that render them handicapped. Responding to the needs of elderly persons then will also implicate and include the needs of handicapped persons.

Ignoring support for the aging Belizean population can effect serious repercussions and overloads on several aspects of the Belizean economy: pension schemes, social security funds, and the health care systems can all succumb to pressures from having to support and manage a large retired sector of the population if no measures are made to address the growing elderly population proactively.

The **National Policy For Older Persons (NPOP)** report indicates that

*...although the percentage of those 60 years and over had remained stable, the proportion of those 70 years and over has increased, albeit slightly, over the past four decades. As our life expectancy (the average number of years a person can live) continues to increase, the 'Oldest old' will become a factor that is bound to alter previously held stereotypes of older persons*

*(Ministry of Development et al., 2002, 2)).*

Fortunately for Belize, the tradition of caring for one's elders is a custom still deeply entrenched in the culture of the people. Government must take full advantage of this tradition by supporting family caregivers in their obligation to care for their parents and grandparents. The United Nations' **Report of the Second World Assembly on Aging, International Plan of Action (UNIPA)**, which discusses the global situation of aging,

strongly encourages a family milieu for elderly persons (A/CONF.197/9, 7, annex). Support, however, that is offered to families caring for their elders should be tangible and reliable if family care giving is to be successful.

Additionally, the government must recognize that the Belizean society is changing as a result of new challenges to the Belizean economy, and that government has an imperative to respond appropriately. As Belizean industry and international relations develop, Belizean employees find themselves commuting more frequently, they travel outside the country more frequently, and their employment makes more demands on their time and energy. With all these changes and demands outside the home, care for loved ones, especially elderly persons, becomes less of a priority. If the proper support nets are not established, elder neglect is a very real possibility. Generating and establishing funds and institutions that will offer support to elderly persons, and their caregivers, will do much to make the society, and inevitably the economy of Belize progress more smoothly.

Meeting the needs of the aging Belizean population will require amendments to the law where pension schemes, employment, education, health care, national infrastructure, and demographics on elderly persons are concerned.

The UN report on aging advocates programs that encourage capable elderly persons to continue working and maintaining themselves beyond retirement (A/CONF.197/9, 7, annex). For them to do so, however, certain laws need to be constituted that will facilitate and protect them in the work place. For example, taxation and fiscal incentive laws, discrimination laws, fraud abatement laws, pension laws, education laws and social security laws are all consequential to their survival in the work place. Amendments to existing laws should move in a direction that will promote effective support systems and



positive images of elderly Belizeans. A positive image of elderly persons includes the concept that the elderly are still useful individuals to the society, that they are still intelligent and capable persons in the society, and that they can still contribute meaningfully to the economy. Encouraging elderly persons to stay in the workplace will have beneficial repercussions to the economy in that the onus of the responsibility to maintain them in advanced age will not be placed squarely on the government of Belize but will be shared among competent, independent elderly persons, their caregivers and the government.

Health care for elderly persons is one aspect of the situation of elderly Belizeans that will require much emphasis. The NPOP report reveals...

*that chronic and degenerative diseases account for more than a third of all death for Belizeans over the age of fifty years... and cardiovascular diseases, malignant tumors and diabetes were... leading causes of hospitalization for persons within this age group.*

*(Ministry of Human Development et al., 2002, 3)*

Health care laws for elderly persons should prioritize addressing these diseases within the affected populations. For example, nutrition services, medical insurance services, caregivers services, retirement homes and adult day care centers, must all fall under a national scheme that is acutely monitored and supported by the government of Belize.

Also of paramount importance to elderly persons are protection laws. Protection for the elderly against abuse (physical and sexual), neglect, discrimination and exploitation is not to be overlooked by the law. It is highly recommended that an act addressing all aspects

of aging and elderly persons be implemented to ensure comprehensive security of their well-being.

To protect the elderly effectively will require the inclusion of the entire society. A network of agencies must collaborate in order to monitor all nature of violence made against elderly people. Institutions offering services to elderly persons (e.g., police forces, banks, clinics, churches, social workers, emergency units, educational institutions, etc.) must work together to seek out and recognize the signs and symptoms that may indicate an elderly person in distress. The implementation of other technical facilities like telephone hotlines and online services that provide information to elderly persons about their rights, advocacies, and other legal counseling services would also foster more effective protection.

Key to the success of the support system is the education of the general Belizean population to the existence and value of the system, and reforming Belizean attitudes as they relate to the elderly. An education program should facilitate all the mechanisms promoting the security and healthy longevity of elderly persons.

Education schemes to provide elderly persons access to technology is also imperative to their survival in the work place. All tertiary level institutions should make it a part of their mission to educate the elderly and keep them current on changes in information. Employers should be expected to assist their elderly employees in a relevant professional knowledge to ensure competency in the work place.

Education schemes for caregivers are also important. Nursing schools should include and recognize that, in Belize, family members are frequently the caregivers to elderly

persons, so their curriculum should encourage and attract family caregivers as well as others who are interested in the business of providing care.

As previously indicated, the Belizean society faces new economic realities; as a result, Belizeans are experiencing a change in their way of life: standard of living as well as living conditions. In light of this, the government should explore new housing schemes for elderly persons and their dependents. Housing schemes like retirement homes, adult day care and affordable housing communities are now an issue of importance and necessity to Belize.

To take this concept one step further, the general infrastructure of the country will require some changes. New laws that govern building codes should be implemented. These laws will ensure that buildings provide basic assistance to disabled and/or elderly persons. For example, wheelchair ramps and rails, curbside inlets, toilets that provide space and railings to support wheelchairs, elevators in multi-story buildings, water fountains and telephones that are accessible to disabled persons should be mandatory fixtures in any building offering service to the public. Lastly, landlord and tenant laws will inevitably face revision and change to facilitate the needs of elderly persons.

Traffic and vehicle laws, too, will require some amendment. For example, parking lots for businesses must accommodate handicapped persons; buses should be equipped with wheelchair lifts and special seating areas; taxi services should be augmented to serve handicapped persons. Additionally, traffic and safety laws must consider the situation of elderly and handicapped persons.

Lastly, to keep all programs pertaining to the needs of elderly persons intact, consistent reliable statistics must be kept on all agencies providing service to the elderly.

Demographic data on the aging process should keep track of various issues: aging, mortality, health, retirement, education, and crime.

It is important that all Belizeans perceive benefits from the improved status of the elderly. Such improvements will gain importance to the young and middle-aged as they grow older. Their investment in the well-being of the elderly will ultimately result in an improved standard of living for all Belizeans.

### 3.0 Financial Support Systems

*The aim of the International Plan of Action (IPA) is to ensure that persons everywhere are able to age with security and dignity and to continue to participate in their societies as citizens with full rights”*

*(A/CONF.197/9, 7, annex).*

It is part of the fundamental goals of this legislative research and review to ensure that this observation of UNIPA is respected, for it is crucial to the success of any laws or policies made in the interest of elderly persons. Ensuring that elderly persons age with security and dignity hinges greatly on their ability to support themselves financially or that the proper mechanisms exist for them to manage without jeopardy or compromise to their well-being or fundamental rights.

Furthermore, UNIPA recognizes the importance of allowing capable elderly persons to continue providing for themselves:

*It is essential to recognize the ability of older persons to contribute to society by taking the lead not only in their own betterment but also in that of society as a whole. Forward thinking calls us to embrace the potential of the aging population as a basis for future development.*

*( A/CONF.197/9, 8, annex)*

It is also important for Belize to recognize the importance of elderly persons self-sufficiency and make legal provisions that will ensure that elderly persons who are able to contribute capably to their well-being can indeed do so without any discriminations in the law or elsewhere. Encouraging elderly persons to be self-sufficient will be helpful in

palliating the problem of poverty in Belize and ultimately in alleviating the government of the sole responsibility of providing for the aging Belizean population.

The UNIPA report states that...

*“though developed countries have been able to age gradually, they face challenges resulting from the relationship between aging and unemployment and sustainability of pension systems, while developing countries face the challenge of simultaneous development and population aging.” (A/CONF.197/9, 6, annex)*

Belize is one such developing nation; therefore, it must keep in its focus the potential setbacks that development will have on its efforts to address unemployment, sustainability and reliable pension systems for the elderly while Belize undergoes the process of development.

The focus of this section is to make recommendations for implementations that can be helpful to capable elderly Belizeans who desire to sustain themselves free of age or gender discrimination.

The following laws of Belize have been duly examined to ensure that they can better facilitate the self-sufficiency of elderly Belizeans who are still physically and mentally capable of working and providing for themselves: **Business and Income Tax Act, Customs and Excise Act, Fiscal Incentives Act, Social Security Act, Pensions Act, Teachers' Pension Act, Widows' and Children's Act**, and the **Labour Act** (Substantive Laws of Belize 2000).

### 3.1 Retirement (Post-Retirement Benefits/Pensions)

The pension scheme under the government of Belize provides a satisfactory scheme for all government officers wanting to retire at the age of fifty-five. The laws under the **Pensions Act, 2000, Cap.30** (Substantive Laws of Belize 2000) lay out fair and comprehensive decrees to all affected by it. It provides a reliable system of payment to recipients sheltered under that pension and gratuity scheme.

It is time, however, for the government pension scheme to expand its focus to reach persons not employed by the government. The aging statistics from world demographics show that the increasing longevity rates worldwide will create imbalances in young to old population ratios:

*Because of enormous progress in health, education and social welfare in the past decades, the largest generation of youth is alive today- some one billion young people age 15 to 24. While 88 percent of these youths live in developing countries, the old-those age 60 and above-have become the fastest growing generation worldwide. In just 40 years, the old will outnumber the young for the first time in history. (Berg 2000)*

The UN's report on aging illustrates that in Latin America, Belize included, "the proportions of persons classified as older will increase from 8 to 15 per cent between 1998 and 2025..."(A/CONF.197/9, 5, annex). Also, The NPOP report supports the prediction that Belize will experience a noticeable increase in its aging population: "As our life expectancy continues to increase, the 'Oldest old' will become a factor that is bound to alter previously held stereotypes of older persons"(Ministry of Human Development et al., 2002, 2).

Corollary to an aging population is the need for retirement concessions. Pension systems like the **Canadian Pension System** offers a good example of how the government of Belize can expand its pension scheme (Old Age Security and Canada Pension Plan 2003).

The Canadian Pension System (CPS) is divided into three levels: The **Old Age Security (OAS)**, **Canada Pension Plan (CPP)**, and the **Private Pension Savings (PPS)**. All levels of this pension system are interrelated-the last one to a lesser degree, however.

The First two levels, the OAS and the CPP are particularly related to funding by the Canadian government; therefore, it is a good model for the Government of Belize. What is particularly significant and relevant to Belize is that these pension schemes provide for *common-law partners* and they also include some level of insurance to survivors and dependents of the qualified pensioners upon death.

In the OAS system, elderly Canadians receive a monthly pension beginning at the age of 65. The government derives the funds for this benefit from general tax revenues. OAS also has a supplemental aspect for low-income OAS pensioners. This allowance is called the **Guaranteed Income Supplement (GIS)**; it is available to spouses or common-law partners of OAS and their survivors to assist them until they themselves are eligible OAS pensioners. To qualify for the OAS pension the prospective recipient *should have lived* in Canada for at least 20 years after they turned 18 years old.

Adopting this model would benefit all Belizean nationals who have lived at home for most of their lives; it would give them the comfort of knowing they can rely on some level of assistance in their old age.



In the CPP system, the fund pays a monthly retirement pension to people who have worked and contributed to the plan. A person qualifies for the CPP only *by working* in Canada. The CPP functions also as an insurance plan that provides disability and survivor benefits for those who qualify. It distributes a monthly income to the qualified person and his/her dependents if the person is to suffer any severe disability during eligible years. In addition, the CPP provides a monthly income to the qualified persons' surviving spouse or common-law partner and dependent children in the event of death. A lump-sum payment is granted the person's estate upon death.

CPP contributions are based on earnings between a minimum and maximum amount. For example in 2001, only Canadians earning between \$3,500 and \$38,300 (Canadian) paid contributions to CPP. What's more, the CPP contributions are tax-deductible.

In the PPS, the third level of the Canada Pension System, the Canadian government invests in the pension plan of the individual in limited ways. Under this pension plan *the person* takes on more control of his/her retirement plans. This is where the person determines how much is needed for him/her to retire comfortably.

The system of **Registered Pension Plans** (also called employer pension plans) and **Registered Retirement Savings Plans** is the fundamental way in which the Canadian Government assists the person in saving for retirement. For instance, the savings in these plans are tax-assisted, meaning that the contributions are tax deductible and investment income is not taxed as it is earned. The tax is paid when the funds are withdrawn from these plans or received as pension income.

### 3.2 Employer Pension Plans

Belize should encourage, by the force of a specific, comprehensive and clearly stated legislation, a law that requires all large businesses, companies, educational institutions and corporate institutions employing more than 40 people and *profiting* more than Three Hundred Thousand Belize Dollars (BZ\$300, 000.00) a year to develop a clearly planned pension and gratuity scheme for its employees.

The Canadian Pension system encourages an employer pension plan to which most Canadian business, industries and corporations ascribe. The employer, under this system, is registered with the Canada Custom and Revenue Agency and the appropriate federal provincial regulatory authorities. The employer must comply with the tax and pension standards rules (OAS and CPP 2003).

Persons contributing under this plan incur deductions from his/her pay cheque for any contribution they he/she is required to pay. The employer is responsible for reporting the total amount each year, and the annual contribution is tax-deductible.

There are four types of employer pension plan:

1. The **Defined Benefit Plan** that promises the person a pension income that is determined by a formula, such as a combination of earnings, job classification, and length of time the person worked for the employer (OAS and CPP 2003).
2. The **Defined Contribution Plan** (or money purchase plan) is where the amount of money that the person receives is not pre-determined; instead, the employer and the person define the amount as a percentage of earnings (Ibid).

3. There is also the **Group Employer Pension**. It is similar to the aforementioned plan except that the employer deducts the contributions from the person's cheque and deposits it into a registered retirement savings plan for the person.
4. Lastly, under the Canada Pension System an employer can establish and offer a **Deferred Profit-Sharing** plan to his employees. The employer makes contributions based on the company's profits of a specified maximum. The savings under this plan are tax-assisted. The contributions and investment income remain tax-sheltered until amounts are paid out of the plan (Ibid).

### **3.3 Work and The Aging Labor Force**

In order to facilitate elderly persons who wish to continue working after having reached or passed retirement age a few recommendations are submitted in areas of the law concerning the **Fiscal Incentives Act, 2000, Cap.54; Income and Business Tax Act, 2000, Cap.55; Customs and Excise Act, 2000, Cap.48** (Substantive Laws of Belize 2000).

To assist and encourage elderly entrepreneurs, their consideration in the **Fiscal Incentives Act**, would do great service to their needs as possible entrepreneurs.

To be specific, the Fiscal Incentives Act can include in **Section 6(1)(a)-(9)**, which addresses the granting of tax holidays for businesses in their embryonic stages, an additional subsection that speaks directly to elderly entrepreneurs who are interested in establishing a business enterprise. All laws encompassed in this said Act, such as the **Customs and Excise Act**, should also be relevant and give special consideration to elderly entrepreneurs.

In terms of tax exemption and reductions where income and business taxes are concerned it is essential that elderly entrepreneurs be granted tax exemption and/or reduction for five (5) years in order to encourage the development of their business venture.

A special schedule of tax rates should be developed for businesses owned by elderly entrepreneurs and added to the **Income and Business Tax Act**. This law would specifically affect elderly small business holders. Other elderly business holders whose businesses had been established five (5) years or more before retirement age (55 years) would not be sheltered under this law. They, instead, will adhere duly to the laws of **Section 107(1)-(5)(b)** of the **Income and Business Tax Act**; this law should be designed to lend assistance and encourage independence and self-sustenance to elderly persons *in most need of it*.

In **Section 8** of the Income and Business Tax Act, which makes provisions for tax exemption, a recommendation for amendment is submitted so that a subsection be construed that specifically states an exemption or easement from income taxes if elderly persons' income exceed more than BZ\$20,000.00 per annum exacted under **Section 16(1)-(2)** of the **Income and Business Tax Act**. This law would pertain to those elderly persons who, after retirement, seek continuous work in established work places and government offices.

### **3.4 Investing In Elderly Entrepreneurs**

Investing in elderly entrepreneurs may seem like nothing but a colossal risk to investors; however, it has been done before and it proves to be more of a benefit than a risk to investors who support elderly entrepreneurs. For example, the **National Association of Seed and Venture Funds**, a U.S. network of private, public and non-profit organizations

investing and facilitating investment entrepreneurs, illustrated in a report by Marcus Gleisser that many elderly persons who start businesses late in life tend to be successful in their venture (Gleisser 2001). In the article Gleisser points out that “many new entrepreneurs who start out after the so-called retirement find that [age] is not a part of the picture at all (Ibid). He goes on to assert that for these people the invigoration that comes with “...being their own boss and running their own lives...” coupled with their “ambition and willingness to work hard” is the fundamental motivation for elderly entrepreneurs (Ibid).

Gleisser cited elderly entrepreneurs like Maria Luz Galindo “who started a successful restaurant at 64 and still is expanding the business at the age of 84; or George Sapin, 77, ...who came out of retirement to launch a dot-com business to find jobs for the 50-and-older-crowd; or, lastly like Marty Thalgot, who moved from the computer world and bought a carpet store at 62”(Ibid).

A **HelpAge** International report on the Caribbean also offers an example vouching for investment in older people:

*In Haiti, HelpAge International and the Haitian Society for the Blind (SHAA) lent money to 120 older people and trained them in business management. The increased income from their business, which included training in clothes, confectionary, household items and foodstuffs, and agricultural activities, benefited a further 600 people in their households. (HAI Report 2002)*

The government of Belize should adopt a similar funding and support program for elderly entrepreneurs under **BELTRAIDE** [the commerce organization developed under the **Belize Trade and Development Investment Service Act, 2000, Cap. 282** that engineers

the law provisions under the **Fiscal Incentive Act**] to facilitate the development of elderly entrepreneurs. In addition to this, web programs that assist elderly persons to promote their trade should be established for them. For example, in the United States there is a special web site called “Geezer.com” (<http://www.geezer.com>) which is an e-commerce web site that provides elderly entrepreneurs a nationwide market in the US for their products. Such a web site is likely to benefit and promote elderly persons commerce in Belize.

### 3.5 Elderly Contract Workers

Where contract work is the *sole* source of income for an elderly person, **Section 112(4)** of the **Income and Business Tax Act** should be amended to allow elderly contract workers exemption from contract tax if the amount earned from a single contract is less than \$5,000.00.

### 3.6 Social Security Insurance

In respect to social security for elderly persons, the **Social Security Act, 2000, Cap.44** discriminates against people over sixty-five years of age; it denies them coverage under Social Security insurance. In Part two of the **Social Security Act, Section 3(1)**, it states:

*“Subject to this Act, every person... being over the age of fourteen years and under the age of sixty-five years [emphasis added], who is employed in insurable employment shall become insured under this Act:*

*Provided that the minister may by Order published in the Gazette prescribe that persons in any employment specified in such Order shall, notwithstanding that they are over the age of sixty-five years, be insurable against employment injury and against prescribed diseases*

*for such length of time and conditions as the minister may specify in that Order.* (Substantive Laws of Belize 2000)

This section of the law should be amended to include persons sixty and more to be coverable under the Social Security Act. Their inclusion in this section will significantly impact their eligibility for any medical provisions created to support them under the **National Health Insurance** or any medical coverage scheme designed to filter through Social Security.

Also, under **Section 21(3)** of the **Social Security Act**, the law discriminates in the conditions under which elderly persons can receive medical coverage:

*Except as regulations may otherwise provide, constant attendance (person so severely incapacitated as to require constantly the attendance of another person)[definition added] allowance shall not be payable to insured persons for any period during which he receives treatment as an inpatient free of charge at a hospital or if the cost of such treatment is paid in whole or in part out of the fund.* (Ibid)

Such a law as the preceding should be amended not only to allow elderly persons the privilege of accepting free medical assistance while they are receiving constant attendance allowance but also for them to receive coverage when necessary.

UNIPA calls for the elderly, especially incapacitated elderly persons, to be treated with utmost consideration for the fundamental reason that their advanced age (and infirmity, that sometimes accompanies old age) places them at a disadvantage in society. So it is with this consideration in mind that **Section 21(3) of the Social Security Act** is called to examination and amendment.

Also recommended under the **Social Security Act** is a provision under the finances of the **Social Security Fund, Section 46(1)-(4)(b)**, that would furnish the needs and insurance of elderly persons. There ought to be a special reserve fund primarily for elderly persons. (See also section 4.3, Medical Services and Insurance, of this report).



## 4.0 Health Care, Nutrition and Care Giving Services

The United Nations' Report of the Second World Assembly on Aging expressed the following on the importance of healthy lifestyles for elderly persons:

*Older persons are fully entitled to have access to preventive and curative care, including rehabilitation and sexual health care. Full access for older persons to health care and services, which include disease prevention involves recognition that health promotion and disease prevention activities throughout life need to focus on maintaining independence, prevention and delay of disease and disability treatment, as well as on improving the quality of life of older persons who already have disabilities. The health care and services need to include the necessary training of personnel and facilities to meet the special needs of the older population. (A/CONF.197/9, 22, annex)*

Health Care provisions for the elderly in Belize are severely deficient in light of the recommendations made in this report on elderly health care. The HelpAge research on older Belizeans illustrate that most elderly Belizeans cannot afford proper medical care, and that they lack availability of support organizations that would address less physical aspects of health care like psychosomatic illnesses brought on by loneliness or disabilities (HelpAge 2003, 14). For example, the report reflects that “a significant number of older persons report[ed] either good to excellent overall health”; however, in that same paragraph it shows that “whereas one individual may have five co-morbid health

problems to deal with, and report feeling just fine, another subject [who] has only arthritis... “Sometimes... want to die and stop suffering” (Ibid). This indicates that, while some elderly persons may be in good health physically, emotionally they lack the proper support nets to encourage them to feel worthwhile and valued. Our health care system should develop a network of care when it comes to dealing with older persons. This network would require coordinating all and any social services that can be of assistance to elderly persons. A health care system that would adequately address the needs of elderly persons should include an abuse and emergency response hotline for the elderly, nutrition programs, caregivers training and services, and easy, affordable access to medical care.

Social security taxes are compulsory for most employed Belizeans and are currently undergoing modifications under the NHI program (see cited internet resources). It is recommended that the needs of elderly Belizeans be regarded as a priority in the social security tax restructuring effort. The result of the restructuring should include provisions to ensure that Belizeans are able to take advantage of social security benefits once they achieve advanced age (60+).

The NHI program as it currently exists under the social security system severely ignores the health situation of elderly Belizeans. For example, the NHI manual states that it does not provide “home care rehabilitation, Hip replacement services and prosthesis services” (Ibid); all of which are important health care services to elderly persons. If the aim is to encourage and assist elderly persons to be more self-sufficient and secure, then a crucial part of helping them to achieve that is rendering them access to quality health care. Legislation to ensure that elderly persons are recognized under the Social Security and

Medical Services and Institution Acts is strongly recommended in the ways to be prescribed.

#### **4.1 Nutrition Services**

Nutrition services are a vital part of caring for the elderly and ensuring that they enjoy healthy longevity. Because many of our elderly Belizeans are poverty-stricken and some incapacitated, the establishment of more national and private nutrition centers is important to successfully deal with the health of elderly persons. Despite their limited resources, the **Mercy Kitchen** of Belize City does an outstanding job of feeding the elderly; however, the government needs to encourage *and support* more such programs. Furthermore, for such nutrition programs to be successful, the government should establish a nationally focused nutrition agency that offers an expertly devised menu and outreach program for elderly people. This agency should also be charged with monitoring and inspecting all centers that provide food services to elderly persons .

The NHI program, then, would need to fit into its plans a project that lends assistance to and develops other places such as the Mercy Kitchen that already have a mechanism in place to feed elderly people. The feeding program should have a government unit designed to manage specifically the nutrition needs of elderly persons, and it should be supervised by a nutrition specialist whose role it would be to oversee the nutrition programs and to develop a diet guideline for elderly persons, one that would be sensitive to the nutritional needs and to different diseases that commonly affect elderly persons in Belize. A survey to determine common ailments that affect elderly Belizeans would logically be another important instrument in this nutrition program.

This nutrition program, furthermore, should provide, for five days or more a week, *at least* one hot or other appropriate meal per day and any additional meals that may be seen as necessary for special cases. Also this program should be a nation-wide feeding service to elderly Belizeans. It will be important then that these nutrition centers be located in areas where elderly persons can access them easily by means of public transport.

An outreach program with special delivery service should be coordinated for incapacitated elderly persons or those that live in remote villages or remote areas of villages. Here again, a study should be conducted to determine the time frame within which the foods need to be delivered and to determine how the feeding programs will deal with elderly people in remote villages or in hard to reach areas; nonetheless, every effort must be made to reach them and see that their needs are met.

It is imperative that such outreach feeding programs maintain quality service ethics, which recognize the importance of punctuality, courtesy and sensitivity to the specific situations and needs of elderly persons.

In addition to feeding the elderly, these centers must offer nutrition evaluation to elderly persons in need of such service. The food centers must always maintain public health laws on cleanliness, food handling, and safety.

Private clinics must be encouraged to develop nutrition and outreach programs for their elderly clientele or to coordinate with governmental efforts to establish such a program.

The benefactors of this would be any elderly person 60 years of age and older or any person suffering from a physical disability and who is covered under Social Security/NHI or indigent persons in need of nutrition be it a minor or an elder.

Essential to the feasibility of a feeding program is a thorough research to evaluate and determine and remove out all the possible constraints to such a program. The data collected from this research must be kept in archives and at the disposal of the public and for future reference in case of need to restructure the program.

## **4.2 Caregiver Services and Training**

Caregiver services are another essential segment in the health care of elderly persons. Caregiver services are suggested to come in three forms: care by family members, care through agencies that offer services to the elderly and care through retirement homes.

Care providers for elderly persons, be it a family member, an agency or retirement home, must have properly trained caregivers and must offer adequate care and facilities; Therefore, a national program should include information to caregivers about the available services; assistance to caregivers in gaining access to the services; individual counseling where needed; organizations of support groups; caregiver training that would assist them in making decisions and solving problems relating to their care giving roles; respite care to enable caregivers to be temporarily relieved from their care giving responsibilities.

The training of caregivers is paramount in health care service to elderly persons. Where family members are caregivers, access to available information and training centers are especially important in their ability to efficiently and effectively care for their elders. The training centers should make concerted efforts to encourage family members to take part in courses that educate on appropriate care for elders in the home in the interest of maintaining multigenerational family interaction for the psychological well-being of the elderly person. UNIPA also supports the idea of... “the crucial importance of families,

and intergenerational interdependence...” as a means of developing a health support net for elderly persons (A/CONF.197/9, 17).

Lastly, and most importantly, all persons and agencies in service to the old must have the proper qualifications and must be licensed in the area of care. Caregiver services must be keenly managed under a national health care service and must be tightly coordinated with private clinics to ensure that the standards and quality of service to elderly persons are maintained nation-wide.

The law must make provisions that address any manner of abuse or exploitation under these caregiver services. Consequently, technical assistance such as hotline services for report of abuse to elderly and emergency response units should be elemental services to elderly persons.

Family caregivers should be encouraged and provided tangible support. Support can come in way of previously mentioned services that offer training in care for elderly persons, nutrition outreach services, medical assistance and financial support where necessary and applicable.

For elderly persons who are caregivers to children or other dependents, support must be rendered in the way of medical and financial assistance and/or day care services to children and eligible dependents.

Moreover, to assist family caregivers, who maintain employment outside the home or have other important obligations during the daytime, the establishment of Adult Day Care Centers is recommended and should fall under the national mechanism for elderly care.

Also necessary are the establishment of decent, attractive retirement homes for elderly persons or a retirement community that has special housing projects at affordable rates and payment plans for the elderly.

### **4.3 Medical Services and Insurance**

Nutrition and caregivers services are only a part of the health care picture for elderly persons. Medical services for elderly persons are indeed the most essential part of ensuring healthy longevity for them. According to the HelpAge report, hospital and clinical care is often unaffordable for elderly persons. Family caregivers, carry the brunt of hospital costs (2003, 15). This is where the NHI program must play the most instrumental role in assisting elderly persons and family members providing care to elderly persons.

According to the HelpAge report, most elderly Belizean females attend private doctors when sick as opposed to the general hospital. The males, on the other hand, seek the services of the public hospitals. This reflects that the public hospitals have poorer quality of care when it comes to ailments specific to women and/or less elderly males have the kind of financial support needed to seek the attention of private clinics. Whatever the case may be, the result of this report illustrate that there are identifiable deficiencies in the public as well as private health care systems especially where elderly persons are concerned. Public health as well as private clinics must be equal in terms of how they treat their elderly clientele. More than this, development of a national medical coverage plan that assists elderly persons to meet their medical costs and needs is clearly a necessary mechanism.

Since the NHI is an existing program offering insurance to all enrolled under social security, it is the most practical place to implement such medical coverage for elderly Belizean persons. This insurance plan should aim at coverage to elderly persons and/or offer them coverage via their family caregivers. It must not only provide health insurance for people over the age of 60, but also for people younger than 60 who are permanently or congenitally disabled and/or dependent on someone for care.

Poverty should not be the sole criteria of eligibility for medical insurance under the proposed plan; however, it must be accessible to poor elderly persons and people who have paid into the social security plan. Under this insurance, spouses, and disabled children, and dependents of elderly people should be eligible for health insurance.

This insurance plan should cover medical necessities as well as preventative and routine care. This medical insurance must provide for medically reasonable and necessary services ordinarily provided by a hospital; extended care services in a skilled nursing facility, for a maximum of 100 days per period of illness; home health services for qualified individuals who are confined to their home; this includes intermittent nursing care, physical, speech or occupational therapy, direct personal assistance, medical supplies and appliances; hospice (home for destitute) services for a person who is terminally ill with a medical prognosis of six or fewer months to live.

This medical insurance also should cover at least 80% of the charge for doctors and other health care professionals; Services and supplies incidental to the physician's professional services, including drugs that cannot be self-administered; physical, speech, and occupational therapy; x-rays and other diagnostic tests; Outpatient hospital and mental health services; durable medical equipment furnished for use in the home; transfusions of



blood and blood components furnished on an outpatient basis; outpatient surgery; prosthetic devices; screening mammography annually for all women age 40 and older; pap smear screening and pelvic exam every three years unless a woman is at high risk for cervical cancer; certain colorectal screening tests and diabetes screening tests; bone mass measurement screenings for high-risk persons.

#### **4.3.1 HIV/AIDS and Elderly Persons**

Because of the predominance of HIV/AIDS in Belize, a study should be conducted to determine how much this disease affects elderly persons, and to determine methods for assisting or treating elderly persons affected by HIV/AIDS. United States' **Administration on Aging (AOA)** studies are showing that an increasing number of people aged 50 and over are falling victims to HIV/AIDS because of the availability of new sex enhancement drugs on the market (see cited internet resources). These drugs are also available in the Belizean pharmaceutical market. So it can be expected that, like the US, Belize will experience an increase in the amount of elderly persons affected by this disease.

Moreover, provisions must be made to assist elderly persons who become caregivers to minors (e.g., grandchildren) as a result of parents succumbing to HIV/AIDS. Measurements need to be put in place that would protect the grandparents from risk of contraction of the disease and from psychological trauma due to the negative stigma connected to this disease.

#### **4.4 Addiction, Alcoholism and Recovery**

Drug addiction and alcoholism are problems that plague the Belizean society. These addiction problems are often left unchecked because of lack of proper support to drug and

alcohol abusers. Factors associated with aging can also compound the effects of the addiction. Drug and alcohol rehabilitation, therefore, should be included in all programs of medical care to elderly persons and it should be covered under their health insurance.

#### **4.5 Physical Therapy and Rehabilitation**

Osteoporosis (brittle bones) is one of the common conditions elderly persons, especially elderly females, suffer. Medical care, therefore, should cover therapy and rehabilitation for elderly persons who need to recover from broken bones as a result of this disease. Centers for physical rehabilitation of elderly persons should be available so that they may regain confidence in their motor skills after suffering broken bones or similar injuries. Other diseases that plague older Belizeans, such as diabetes, sometimes result in amputation of legs and arms of these patients; prosthetic rehabilitation, therefore, should be another medical service covered under health insurance for elderly persons.

Loss of sight and hearing are two common infirmities of aging. Belize, therefore, should adopt an animal-assisted therapy program for blind and deaf persons. This program would train dogs to serve as guides to persons suffering from deteriorating eyesight and hearing. Programs to train seeing-eye dogs and hearing-ears dogs would require that the person or elderly person be trained to manage these dogs. Web sources such as Guidedogs.com (see cited internet resources) offer many dog training centers and programs that can be useful in the development of such a service to blind and deaf persons in Belize.

## 5.0 Protection from Neglect, Abuse and Exploitation

One of the most wearisome aspects of aging is losing the ability to protect one's self. Older persons are often perceived as disposable and vulnerable. Perhaps the most important thing to achieve in this legislative assessment are laws that destroy such negative and adversary images of older individuals for the important reason that these images are the catalysts for society's inclination to abuse, exploit and neglect elderly persons.

Some of the enactments in the laws of Belize are construed in such a way that they provide protection against abuse of elderly persons; for example, the **Families and Children Act, 2000, Cap.173**; **Protection Against Sexual Harassment Act, Cap.107**; **The Criminal Codes Act, 2000, Cap.101**; and the **Domestic Violence Act, 2000, Cap.178** (Substantive Laws of Belize 2000) all address issues of abuse to elderly persons albeit in a general nature. It is recommended that the government of Belize ratify its legal canon to include an act that *specifically* addresses the issues of concern to the elderly. Therefore, paramount in the recommendations of this legislative assessment is the development and enactment of a *definitive law* that makes illegal all foreseeable acts of neglect, abuse, discrimination and exploitation against elderly Belizeans. We can start in the Criminal Code by making all offences as defined and punishable under that code bearing double the fine and mandatory imprisonment if the offence is committed against an elderly person. This act should clearly express the legal rights of an elderly Belizean and it must also make provisions for lawful establishment of mechanisms that offer assistance, and counseling and protection for elderly persons who may have fallen victim to any manner of abuse, neglect or exploitation. Hotlines, emergency response units,

internet resources for elderly Belizeans, counselors, a long-term care ombudsman, and legal aid offices are examples of agencies that should be established in order to produce an extensive support net for elderly persons in concern of their rights.

## **5.1 Neglect By Obligated Family Members**

**The Families and Children’s Act, 2000, Cap.93, part VI, sections 50-57** adequately addresses family members obligation to care for elderly parents and grandparents.

*50-(1) Every person born in wedlock has a moral obligation to maintain his father or mother, and grandfathers and grandmothers in case the father or mother or grandfather or grandmother is, by reason of old age or bodily or mental infirmity, unable to maintain himself or herself.*

*50-(2) Every person not born in wedlock has a moral obligation to maintain his mother, and also the man, if any, with whom his mother openly cohabited with at the time of his birth, if that man recognized and treated him as his child during his childhood, in cases where the father or mother or that other person as aforesaid or all or any of those persons are, by reason of old age, or bodily or mental infirmity, unable to maintain himself, herself or themselves. (Substantive Laws of Belize 2000)*

This law does well in providing protection against neglect of the elderly by family members; however, it should be extended to cite neglect by *caregivers* who may not be family members but hired persons whose job it is to assist elderly persons. These caregivers must be lawfully managed by a code of conduct and ethics that would discourage them from violating elderly persons in their care.

## 5.2 Physical and Sexual Abuse/Exploitation

Under the **Domestic Violence Act, 2000, Cap.178**, a provision is made to protect elderly persons from physical abuse and sexual abuse in the home:

*“domestic violence offence” means a prescribed offence committed by a person against... a spouse of the person... a child or dependant of the person or of a spouse of the person... or... a parent[emphasis added];*

*“prescribed offence” includes...murder ,or attempted murder... manslaughter or attempted manslaughter... rape or attempted rape...cruelty to children; or... the use or threatened use of any other violence or physical or...mental injury to a prescribed person [emphasis added]. (Substantive Laws of Belize 2000)*

This section of the **Domestic Violence Act** not only implicates shelter from physical abuse for elderly persons, but it also implicates protection from sexual abuse such as rape, marital rape and incest which are all also covered under **Criminal Code Act, 2000, Cap.101, Sections 46-53** (Ibid).

The **Protection Against Sexual Harassment Act, 2000, Cap.107** (Substantive Laws of Belize) addresses the issue of harassment from a primarily institutional perspective, and only addresses sexual violation against elderly persons who are in “places of custody,” **Section 2(1)**. While this is important, sexual harassment laws must be broader in spectrum to include elderly persons in all circumstances. It is assumed from the language of the law that they are protected under this Act from sexual harassment only in the work place, but the law should be restated in a manner that speaks specifically to elderly persons in all social circumstances.

### **5.3 Age Discrimination in Employment**

The laws of Belize fail to protect against age discrimination. Section 16 (3) of the Constitution Act states that... “ ‘discriminatory’ means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinion, colour or creed whereby persons...” Section 16 (3) has to include age when defining discrimination. The establishment of such laws is critical to the protection of the elderly. For example, the fixing of capricious age limits without regard to the actual productive potential of job applicants creates arbitrary disadvantages for qualified older persons. It is, thus, important that laws are construed to promote the employment of older persons based on their ability rather than age, and one that forces work places to find ways of remedying problems that are borne of age discrimination in employment. Age discrimination laws should encompass discrimination in employment institutions, educational institutions, health care institutions, government institutions or any place open to public use. Enforcing an age discrimination law would foster healthy work environments for elderly persons who choose to continue working beyond retirement and healthy educational environment for those who wish to achieve higher education. Most importantly, age discrimination laws will ensure that elderly persons are fairly and respectfully assimilated into whatever realm or environment they choose to venture.

### **5.4 Protection Against Fraud**

The **Amandala** newspaper published an article on an elderly couple who had been defrauded of their monies by social workers (Amandala 2003). Despite a lack of statistics

to demonstrate the frequency of such crimes, this singular case is dramatic enough to suggest the creation of laws to address fraud against elderly persons. **Criminal Damage to Property, Title X; Criminal Misappropriation and Fraud, Title XI; and Forgery, Title XII of the Criminal Codes Act** all address issues of fraud and exploitation of personal funds or property of others (Substantive Laws of Belize 2000). These laws should be construed in a distinctive act protecting older Belizeans from being defrauded of their property-their land, home, or other productive personal assets- so that incidents like the aforementioned can be stanching and discouraged.

To secure elderly persons from fraud requires two fundamental projects: an enactment in the law that addresses acts of fraud against elderly persons and a network of support by the community. In regards to the latter, for example, the National Sheriff's Association of the United States has created a network of support for elderly persons called **TRIAD**, which protects elderly persons against abuse or fraud, and/or lends assistance to them when the TRIAD network perceives any signs of crisis or victimization to elderly persons (see internet resources). Belize should establish similar networks to secure elderly persons from any manner of abuse, victimization or fraud.

## **5.5 Legal Assistance for Elderly persons**

A major part of the networking to support elderly persons must come in the way of availability of information to elderly persons about their rights and methods for protecting their rights. Technical assistance would be an effective mode of disseminating such information to elderly persons. Thus, hotlines and internet resources can provide information regarding available services. Belize Legal Aid office is the ideal place for such a system to be derived and be managed.

## 6.0 National Infrastructure Standards

Access to private and public buildings is preponderant to the rights of elderly persons. Housing and building structures that fail to accommodate elderly persons and the disabled marginalizes them in society, as it infringes on their freedom of movement. Building codes outlined in **Schedule Two** of the **Belize City Buildings Act, 2000, Cap.131**, should be amended to include guidelines that are sensitive to their needs (Substantive Laws of Belize 2000). Not only must building and housing codes be amended but also the general transportation and access infrastructure of the country. Roads, streets and public transportation all should be reformed to include accommodations for disabled and elderly/disabled persons; thus, the **Motor Vehicle and Traffic Act, 2000, Cap.230**, requires amendment (Ibid). Reformation to national infrastructure would encourage a more independent elderly population and it would facilitate better family caregiving arrangements. Such reformation would also be beneficial to the population at-large.

### 6.1 Public Building Codes

Schedule Two of the **Belize City Buildings Act** addresses the construction of staircases in **Section 26**. It is recommended that Section 26 be amended to include a sub-paragraph that addresses the mandatory inclusion of handrails for staircases, wheelchair ramps and rails, or elevators for multi-story buildings (Substantive Laws of Belize 2000). In addition, the amendment should include a section that stipulates that public restrooms must have toilet facilities for the disabled: toilets that facilitate easy usage, support railings, and adequate space to accommodate a wheelchair. Also public bathrooms should have washbasins that are accessible to disabled persons. The accessibility of other



facilities such as automatic teller machines (ATM), water fountains, telephones, doors, etc. should also be included in this amendment. The **United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)** devoted a decade to the development of accessible environments for disabled persons. Under that program Asian and Pacific nations actively worked to make all public facilities more accessible to disabled persons. The scheme and specifications that they utilized may be applicable and practical for use in Belize as well (see internet resources).

## **6.2 Standard Housing Codes**

The HelpAge report indicates that fifty-one percent of older persons live in inadequate housing (2003, 19). The report showed that many elderly Belizeans live in wooden homes that are in severe states of disrepair and are not designed to withstand hurricanes, as the roofs are porous and frailly constructed. In addition, the homes of the elderly are lacking basic facilities such as indoor toilets, sewage systems, and kitchens as well as basic utilities such as electricity and telephones.

The **Housing and Town Planning Act, 2000, Cap.182, Schedule 3, Part II** (Substantive Laws of Belize 2000), should be amended, to accommodate disabled and elderly persons. A standard housing code should be established to mandate the fundamental requirements of new structures. New residential constructions should come equipped with all fixtures that would facilitate easy maneuvering through the residence. Such fixtures would include handrails in hallways and staircases, wheelchair ramps, easy to reach work and kitchen areas, lever handles on doors, walk-in showers with grab bars, or bathtub grab bars and seats, and reachable toilet seats with grab bars close by. Also the

homes should have all the basic utilities (water, light, gas) including telephones installed, prior to occupation. (see internet resources)

Housing provisions for elderly and disabled persons should take several styles: home retirement centers, adult day care centers, and special housing communities for the elderly. These housing provisions should be erected in areas that are regarded as culturally and socially conducive to elderly community members.

Furthermore, the government should establish financial assistance to elderly and disabled homeowners, or landlords who provide housing to elderly/disabled persons, to assist with home adaptations with the expressed purpose of accommodating the elderly or disabled. Such assistance would enable many citizens to live independently in their own dwellings.

The landlords and elderly homeowners should be eligible for assistance if the occupant of the apartment or house is sixty (60) years of age or older; the person has a difficult time achieving daily living activities because disability or deteriorating abilities due to aging; the person has a low household income; or the person is a permanent resident of the dwelling unit which is to undergo adaptation work. For disabled persons in wheelchairs or needing walking assistance, their eligibility should be guaranteed. All housing provided to the elderly should be available at affordable rates, and should meet a minimum standard of livability as determined by the appropriate government offices.

### **6.3 Landlord and Tenancy Laws**

The **Landlord and Tenancy Act, 2000, Cap.189** (Substantive Laws of Belize 2000) should be amended to make special provisions for elderly and disabled persons to protect them against illegal landlord actions. The elderly/disabled tenant should be protected against unfair, illegal, and discriminatory evictions. Also, elderly/disabled tenants should

be protected against housing and renting discrimination. For example, the landlord should not refuse to rent to a person because the person is elderly or handicapped. Neither should the landlord refuse to rent to elderly/disabled persons to avoid potential inconvenience to the landowner, or to avoid making required modifications to the existing structure. When a landlord and tenant situation has developed and eviction by the landlord against an elderly tenant becomes a legal option, the Landlord and Tenant Act should implore on the Courts taking into consideration the hardship that would bear upon the elder if the eviction is executed. The landlord should be disallowed to segregate elderly/disabled persons into certain areas of the housing complex. Lastly, it should be illegal for a landlord to refuse to allow a disabled person to make reasonable accommodations or adaptations in the apartment or house for improved maneuverability and/or access. Where the elderly or disabled persons are blind or deaf, the landlord, where necessary, should make exceptions to allow these persons to keep their seeing-eyes dogs or hearing-ears dogs in the places of residence. Failing to adhere to the new laws or regulations would be regarded as discrimination on the part of the landlord.

## **6.4 Transportation Codes**

The ability to move around freely and independently is significant to all persons and it is fundamental to their rights. Elderly/disabled persons should not be denied freedom of movement. Roads and street laws under the **Motor Vehicle and Road Traffic Act, Cap.230**; and the **Public Roads Act, 2000, Cap.232** (Substantive Laws of Belize 2000) should be amended to accommodate elderly and disabled persons.

#### 6.4.1 Modification of Traffic Rules

To ensure the safety of elderly drivers the traffic department of Belize should revise its licensing requirements. International studies demonstrate that older drivers are involved in a disproportionate amount of traffic accidents. Care should be taken to avoid construing these statistics in a manner that would disadvantage elderly drivers. Instead, steps should be taken to ensure the ability of all drivers for the safety of the general population. Such measures could include stringent screening and testing to ensure that licenses are extended to elderly drivers whose vision, motor skills and mental health are sound.

US studies have shown that age-related conditions might affect a driver's performance in several ways:

*Mental deterioration in a driver of any age can slow reaction time and lead to inattentiveness or poor judgment. These impairments can become more pronounced as the driver ages... Aging also is associated with increased visual deterioration such as reduced sharpness of vision, poor adaptation to nighttime conditions and slow recovery from glare... More so, older drivers are susceptible to diseases such as glaucoma and cataracts... Changes in posture, arthritis, reduced muscle strength, Parkinson's disease and loss of coordination also can affect older drivers. With age, people are at an increased risk of illness and are more likely to take medication with side effects that make driving more dangerous... (Crane 1999, 6)*

Belize traffic laws should recognize that older drivers require special provisions before driving privileges are extended. Requirements for elderly drivers should include mandatory vision tests for persons sixty (60) years of age and older who are applying for

licenses; annual road tests for renewal of their licenses; personal application for renewal of licenses.

In addition to these special requirements for elderly drivers, the study suggests that traffic departments develop special programs that pinpoint “questionable drivers”(Crane, 7). The Traffic Department of Belize also should develop such a program under specific criteria: drivers who have been involved in three (3) or more accidents within a six (6) month period, drivers between the ages of 25 and 65 years of age with three (3) or more accidents within a six (6) to nine (9) month period, and drivers under 25 years of age or over 65 with three (3) or more accidents within a nine (9) month period. The Traffic Department should require a written and practical test for any one falling into any of these categories to determine their qualification for a driver’s license.

It is important, nonetheless, that the Traffic Department avoids discriminatory practices in their methods of handling elderly drivers. Age alone should *not* be the criteria for denying a person sixty (60) years of age and older a license. Safe driving does not automatically deteriorate with age, so there should be a process implemented that would remove unsafe drivers from the road, irrespective of age. In doing so, the safety of elderly drivers, and that of the general population, would be ensured.

#### **6.4.2 Road and Street Infrastructure**

Roads and streets also must facilitate easy mobility of elderly and disabled persons. The **Public Roads Act, 2000, Cap.232**, should amend its laws to include specific infrastructures that are accommodating to elderly and disabled persons (Substantive Laws of Belize 2000). For example, the **Belize City Council** should ensure that upon construction of a new street or roadway, consideration is made also for the optimum

placement and construction of walkways and/or bridges that meet certain standard of usability (to be determined by the appropriate government office). Curbside inlets on the streets should be smooth and create no impediment to the disabled/elderly person accessing a sidewalk.

The streets must have parking specially designated for elderly/disabled persons. Taxis and public transportations that provide service to elderly/disabled persons should be allowed to utilize these special parking areas if they are offering service to disabled patrons. All public buildings and banks should provide parking spaces and queue spaces specifically for elderly people; also public buses must accommodate wheelchair patrons and have priority seating for the elderly

#### **6.4.3 Local and National Public Transport**

The public transportation services in Belize should reform their systems to include elderly and disabled persons in their service targets. Public bus services, for example, should invest in new vehicles equipped with wheelchair lifts and special seating for elderly and disabled persons. Bus routes should be strategically planned to make stops near centers, homes, or places of service to elderly persons. Elderly and disabled persons should be allowed special rates to use public transportation systems.

Taxicab services also should make allowances for elderly and disabled persons. Taxicab services should provide mini-vans and mini-buses that are equipped with lifts and special seating for elderly/disabled persons.

Water taxis also should make appropriate provisions to accommodate elderly and disabled persons. The vessels should be equipped with areas where wheelchairs can be securely placed. The mandatory use of life vests, especially in the case of elderly/disabled

passengers, should be enforced. All vessel operators should be trained in the proper and safe handling of elderly/disabled passengers to ensure their safe travel. The **Motor Vehicles and Road Traffic Act**, therefore, should extend its meaning of the word “taxi” in Section Two of that law to one that includes boats that are used as public means of transportation.

## 7.0 Education

The **Education Act 2000, Cap.36** (Substantive Laws of Belize 2000) is not construed in a way that discriminates against or hinders the education of elderly persons; however, the Education Act should broaden its scope to programs that will explicitly and resolutely encourage and attract elderly persons to the classroom.

For example, a multi-leveled education program should be developed to support the recommended mechanisms for the elderly. Education should come in three forms: educating the masses on supporting elderly persons, educating the elderly to cope in a changing society, and enabling the elderly to fulfill self-improvement goals.

The first mode of education is essential to the success of all support systems to the elderly for it is through this means that the proper values and respect for the elderly will be disseminated to the general public. For example, the media must play a significant role in teaching and reforming the public's perception and attitude toward the elderly. All levels of schooling-primary, secondary, tertiary-must promote a healthy image of the elderly that will sensitize them to the concerns of the aged.

The second mode of education is one of the most essential aspects of any system of support to elderly persons as it is through this mode that the elderly will learn to equip themselves to cope with the challenges of aging. Inadequate education is one reason many elderly persons find themselves incompetent and threatened in the job market. Therefore, education programs that aim at keeping elderly persons current with technology and ones that aim at allowing them access to information and learning on all levels is indeed an issue of utmost importance to the situation of elderly Belizeans.



The third mode of education would allow elderly persons general access to education. In other words, elderly persons under this provision would be able to return to the classroom to pursue any nature of course for the personal enhancement or other goals (e.g., vocational or academic).

## **7.1 Access to Technology**

The government should coordinate with educational institutions to develop computer training programs for elderly persons. These computer classes should offer training in relevant applications especially those that would be beneficial to them in the job market. For example, the programs should be designed for convenience and matched to individual job development needs. Perhaps a special institute that offers computer classes to the general public, but makes special allowances for elderly persons would be a practical addition to state education.

## **7.2 Secondary and Tertiary Level Opportunities**

More schools of continuing studies should be established to accommodate the needs of elderly persons. Schools for adult education should become an integral part of the educational system of Belize. Such schools would cater to adults ages 30 and beyond who wish to continue their education for vocational competence or self-improvement.

Tertiary level educational institutions should open their classrooms to programs that support elderly persons on two levels: programs that train individuals in geriatric care and programs that offer elderly persons access to courses and programs that would enhance their chances of employment.

For example, In the United States the **Experience Works** organization “is a non-profit organization that provides training and employment services for mature workers” (see

cited internet resources). The services include a senior community service employment program that is funded by the American government; training services in computer-skills, technology training, and other job training programs.

Similar models could be employed in Belize to the benefit of elderly workers seeking vocational training.

### **7.3 Tuition Assistance**

At tertiary level, the government should grant free tuition to elderly persons returning to school. Under **Part Nine sections 44-45** of the **Education Act**, the law provides for free education at only primary and secondary level (Substantive Laws of Belize 2000). For the cause of elderly persons this law should be extended to make special tuition provisions, which would grant them free education at all levels.

## 8.0 Demographics

The successful development of a support system for elderly persons requires a broad range of relevant information to support the establishment of the system. The **National Statistical Center of Belize** should create a survey system that can render the necessary information on the situation of elderly Belizeans to demonstrate a realistic depiction of the population prior to any practical program planning. **The Census Act, 2000, Cap.155**, and the **Statistics Act, 2000, Cap.158** (Substantive Laws of Belize 2000), therefore, should make provisions in their respective schedules to ensure that the situation of elderly persons is one of the specific targets of the survey.

The following sections describe key points of data to be collected, and suggest potential benefits of the gathered knowledge.

### 8.1 Rural and Urban Populations

Statistics on the elderly should indicate the geographic disposition of elderly persons. For example, statistics should show the population density of elderly Belizeans in rural versus urban settings. This information will be vital to any nutrition, health, financial, education or caregiver services designed for elderly persons in Belize. Furthermore, a thorough understanding of the population distribution will foster a fair allocation of support programs for the greatest positive impact.

### 8.2 Aging and Mortality

International statistics reveal that within 40 years, the elderly will outnumber the young for the first time in history (Berg 2003). UNIPA shows, also, that “average life expectancy at birth has increased by 20 years since 1950 to 66 years and is expected to extend a further 10 years by 2050...In Asia and Latin America, the proportion of persons

classified as older will increase from 8 to 15 percent between 1998 and 2050...”(A/CONF.197/9, 5, annex). Belize should work to understand its own position in this global aging trend. The current **Census Act** is designed to track age and mortality in Belize. This information, however, must now be garnered to indicate the quality of life of the elderly and determine how it can be specifically used to develop supporting programs and advocacies in Belize. It is important to all programs that information on aging trends in Belize is available so that the government can plan adequately to address issues resulting from an aging population.

### **8.3 Health**

In terms of health, statistics should reflect the diseases and infirmities that most commonly afflict elderly Belizeans. Specifically, they should reflect the impact of HIV/AIDS on aging populations, as well as malaria, small pox, rubella and dengue fever. Health statistics among the elderly is essential to the efficacy of support systems targeting them, as it will indicate the nature of care needed for them and the extent of the services and budgets needed to adequately protect and support them.

### **8.4 Retirement and Benefits**

Statistics that illustrate the rate of aging in Belize will play a significant role in determining the magnitude and nature of the retirement and benefits system that Belize should establish. The budget to support elderly persons must be sufficient to meet the identified needs. Where health and nutrition is concerned money should be readily available to the elderly persons who require such support, but being able to set aside such provisions will depend on reliable depiction of the financial need of the aged in Belize.

## **8.5 Education and Literacy**

The HelpAge report on elderly Belizeans demonstrates that of the elderly people surveyed 73% had attended school at some point in their lives; 40% of that amount had completed school as far as standard six. While a standard six level of education indicates a certain degree of literacy, the statistics reflect that they are under skilled to survive in corporate situations; thus, they are limited to only certain low income employment options. Statistics, therefore, should record the level of literacy among elderly Belizeans to determine how the education system of Belize can minimize illiteracy.

## **8.6 Employment & Entrepreneurship**

Employment is an area that is monitored by the Statistical Center of Belize; however, employment statistics should be extended to reflect the rate and types of employment among elderly Belizeans. The data from this statistic will be helpful in determining the development of markets for elderly entrepreneurs and it will also be helpful in determining appropriate types of training and education programs that will be most beneficial to them.

## **8.7 Crime**

Data on the types of crime that most commonly beleaguer elderly persons should be recorded to assist police and other advocacies for elderly persons in developing a network of protection for them. These statistics should reflect crimes like fraud, abuse (physical and sexual), robbery and homicide committed against elderly persons.

## 9.0 Conclusion

The disclosures and recommendations of this legislative research and review would be deemed futile if the government fails to recognize the dire need for the legislation of an act that resolutely and comprehensively addresses all the prescribed needs and essential services for the elderly.

The fundamental purpose of such an act should be to assist elderly persons of *Belizean nationality and residence* in maintaining their independence and dignity. But most importantly the aim should be to assist those elderly persons in most need of social and economic support; nutritional and medical attention, adequate housing, financial support, and legal protection should be basic provisions offered to them under the new act.

The next logical step should include the setting of programmatic priorities, feasibility, budgets, schedules, resources, cultural appropriateness and geographic allocation of services.

Legislating laws that provide for the needs of the elderly and which protects their basic human needs and rights will ultimately improve the quality of life for all Belizeans as these laws will be inextricably bound to the productive pre-retirement years of all Belizeans.

## 10.0 Works Cited List

### 10.1 Laws

Substantive Laws of Belize Revised Edition. Edited by Office of the Chief Parliament Counsel and Law Revision. Belize: Government Printer, 2000. Also available online at <http://www.Belizelaw.org> and on CD-Rom.

- 2000. BELTRADE ACT, Cap. 282. Belize: Government Printer, 2000
- 2000. Belize City Buildings Act, Cap.131. Belize: Government Printer, 2000
- 2000. Census Act, Cap. 155. Belize: Government Printer, 2000
- 2000. Criminal Codes Act, Cap. 101. Belize: Government Printer, 2000
- 2000. Domestic Violence Act, Cap. 178. Belize: Government Printer, 2000
- 2000. Education Act, Cap. 36. Belize: Government Printer, 2000
- 2000. Families and Children Act, Cap. 173. Belize: Government Printer, 2000
- 2000. Fiscal Incentives Act, Cap. 54. Belize: Government Printer, 2000
- 2000. Housing and Town Planning Act, Cap. 182. Belize: Government Printer, 2000
- 2000. Income Tax and Business Tax Act, Cap. 55. Belize: Government Printer, 2000
- 2000. Landlord and Tenancy Act, Cap. 189. Belize: Government Printer, 2000
- 2000. Motor Vehicle and Road Traffic Act, Cap. 230. Belize: Government Printer, 2000
- 2000. Pensions Act, Cap. 30. Belize: Government Printer, 2000
- 2000. Protection Against Sexual Harassment Act, Cap. 107. Belize: Government Printer, 2000
- 2000. Public Roads Act, Cap. 232. Belize: Government Printer, 2000
- 2000. Social Security Act, Cap. 44. Belize: Government Printer, 2000
- 2000. Statistics Act, Cap. 158. Belize: Government Printer, 2000
- 2000 Constitution, Cap. 4, Belize Government Printer, 2000

### 10.2 Published Reports

United Nation Report of the Second World Assembly on Ageing. *International Plan of Action on Ageing* (Madrid: UNIPA, 2000), 5-42.

Ministry of Human Development, Women and Children and Civil Society. *National Policy for Older Persons*. Belize: Government Printer, 2000.

HelpAge Belize. *Situation of Older Persons in Belize*. Belize: Government Printer, 2003.

### 10.3 Internet Resources

Berg, Robert J. "Population Pileups: Global Surge of Youths and Old Hammering at Mainstream's Door". *The Worldpaper* February 2000. <http://worldpaper.com/2000/feb2000/berg.html>

Canadian Pension Systems and Old Age Security. <http://hrdc-drhc.ca/isp/conmon/home.shtml>

Crane, Melanie. "For Safety' Sake". *National Highway Traffic Safety Administration*. <http://nhtsa.dot.gov/people/nca>, Spring 1999

Geezer.com. <http://geezer.com>

Guide Dogs. <http://guidedogs.com>

HIV, AIDS and Aging. United States Government report. <http://aoa.gov/NAIC/hivaging.html>

King, Kimberly. "Alleged Swindler Knocks Elderly Couple". *Amandala Newspaper* July 24, 2003. <http://amandala.bz>

Marcus, Gleisser. "Entrepreneurs' Stories Prove It's Never too late to Start Anew". *National Association of Seed and Venture Funds*. August 24, 2001. <http://nasvf.org>

National Health Insurance Manual. Belize Social Security Board. [http://belize.gov.bz/social\\_security/nhi\\_manual.html](http://belize.gov.bz/social_security/nhi_manual.html)

National Sheriff's Association/TRIAD

<http://www.culpeper.to/triad.htm>

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). "Asia and Pacific Decade of Disabled Persons: Accessible Environments"  
<http://www.unescap.org/decade/publications/pnedp/batoilets.htm>



## 11.0 Recommendations

Page	Subject	Policy/Legislation	Recommendation
15	Financial Support Systems	Pensions Act	Time for government pension scheme to expand its focus to reach persons not employed by the government.
16 & 17	"	"	Should adapt something like the Canadian Pension System making contributions to a pension plan tax deductible and the income not taxed until it is withdrawn.
18	"	"	All large businesses, companies, educational institutions and corporate institutions employing more than 40 people and making more than \$300,000.00 to develop a clearly planned pension and gratuity scheme for its employees.
19	"	Fiscal Incentives Act	Additional subsection to be added to section 6 (1) (a) 9 speaking directly to elderly entrepreneurs i.e. elderly entrepreneurs to be granted tax exemption for five years.
20	"	Income & Business Tax Act	Exemption from income tax even if income is more than \$20,000.00
21	"	Policy/Legislation	Adaption of funding and support program for elderly entrepreneurs under Beltrade.
22	"	Income & Business Tax Act	Should be amended to allow elderly contract workers exemption from contract tax if the amount earned from a single contract is less than \$5,000.00.
23	"	Social Security Act	Act to include persons sixty and over to be covered under Social Security Act.  Should be amended to not only allow elderly persons the privilege of accepting free medical assistance while they are receiving constant attendance allowance but also for them to receive coverage when necessary.

24	"	Social Security Act	Act to be amended to provide for a special reserve fund primarily for elderly persons
26	<b>Health Care, Nutrition and Caregiving Services</b>	Policy/Legislation	Need to develop network of care when it comes to dealing with older persons. Legislation is necessary to ensure that elderly persons are recognized and given priority in the Social Security Tax Scheme and the NHI Program. Manual needs to include at least home care rehabilitation, hip replacement and prosthesis services.
27. & 28		"	Government possibly through NHI needs to develop more feeding programs like the one at Mercy Kitchen along with a government unit designed to manage specifically the nutrition needs of elderly persons and overseeing by a nutrition specialist also attached to this would be an effective outreach program.
28		"	Private clinics must be encouraged and made to develop nutrition and outreach programs for their elderly clientele or to coordinate with governmental efforts to establish such a program.
29 & 30		"	Establishment of caregiver training centers to encourage and train family members to take part in courses that educate in appropriate care for elders in the home as all persons and agencies in service to the old must have the proper qualifications and must be licensed in the area of care.
30		"	Establishment of adult care centers or a retirement community that has special housing projects at affordable rates and payment plans for the elderly.
31		"	Development of a national medical coverage plan to assist elderly to meet medical cost.

33		''	Study to be conducted and analysed to determine how AIDS affects older persons and to determine methods for assisting or treating elderly persons Affected by HIV/AIDS; also drug and alcohol rehabilitation should be included in all programs of medical care to elderly persons and should be covered under their health insurance
34		''	Explore possibility of programs to train seeing eye dogs and hearing ear dogs.
35	<b>Protection from Neglect, Abuse and Exploitation</b>	Policy/Legislation	There needs to be a new act that addresses the needs of the elderly or a new part to the Criminal Code specifically dealing with older people and make a section saying that if such crimes are committed against an older person the fine should be doubled and imprisonment mandatory.
36		Families & Children Act	Families & Children's Act should be amended to include caregivers who are not family members
37		Protection Against Sexual Harrassment Act	The elderly should be protected from sexual harassment in all places and not limited to "places of custody"
38		Constitution Act	Age should be included in Section 16 of the constitution
39		Policy/Legislation	Stiffer penalties-doubled fines plus mandatory imprisonment along with a policy of network support for elderly persons such as hotlines, internet resources and legal aid.
40	<b>National Infrastructure Standards</b>	Belize City Buildings Act	Public buildings must be built to accommodate the elderly eg. Elevators, wheel chair ramps etc.

41 & 42		Housing and Town Planning Act	Housing and Town Planning Act should be amended to accommodate disabled and elderly persons and mandatory financial assistance to elderly home owners and landlords who provide homes to elderly/disabled persons that are elderly/disabled friendly
43		Landlord and Tenant Act	Should be made illegal to be refuse accommodation solely on the basis of being an elder and when eviction is a possibility hardship to the elder has to be considered.
44		Policy/Legislation	Stringent screening test required for those over 60 who want to drive.
45		Public Roads Act	Upon the construction of new street or road way standards should be in place to accommodate elderly people.
46		Policy/Legislation	All public buildings and banks should provide parking spaces and queue spaces specifically for elderly people; also public buses must accommodate wheelchair patrons and have priority seating for the elderly.
46		Motor Vehicles and Road Traffic Act	Should extend meaning of word "taxi" to include water taxi.
47	<b>Education</b>	Education Act	The act should broaden its scope to include programs that will explicitly and resolutely encourage and attract elderly persons to the classroom especially for development of computer skills and general adult education.
49		Education Act	Elderly person should be given free education at all levels, primary secondary and tertiary.
50	<b>Demographics</b>	Census & Statistics Act	They should make provisions in their respective schedules to ensure that the situation of elderly persons is one of the specific targets of the survey in order to indicate their quality of life.