



Department of Social Services
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Ms. Maria Ramirez
CELADE – Division de Poblacion
Santiago, Chile

Your Ref:
Our Ref: **SS/7/01**
Date: 1st May, 2013

Dear Ms. Ramirez:

RE: THE BAHAMAS – OLDER PERSONS LEGISLATION INTERMEDIATE DRAFT

Please see the following information that may be included in The International Convention To Protect the Rights of Older Persons.

The Bahamas is now at a place in its development which dictates the drafting of legislation for Older Persons. Life for the elderly is a microcosm of the global picture. Longevity, stereotyping, dysfunctional family history, changing family dynamics and unfair cultural norms have progressively rendered persons over the age of 60 vulnerable to ageism, discrimination, abuse and violence. Laws should reflect the lack of protection in The Bahamian society, in the areas cited below:-

ABUSE

1. Allow Social Workers to take action (banning orders) when an adult may be at risk of harm, thereby acting decisively on suspicion, with powers to remove victims or perpetrators.
2. Investigate institutional elder abuse and neglect; with powers to remove the perpetrators from facilities.

EXPLOITATION

3. Prevent the placement of persons with assets in the Hospital, unless medically indicated. Assets should be liquidated for their care or turned over to the state if admitted; thereby preventing children who refuse to care for parents to place persons in Hospital and inherit assets after death.

4. To ensure the liquidation of property to finance the life/care of the older persons, in cases where elders are living in an undignified manner and the Department is unable to dispose of property because of objections of family /children.

RIGHTS

5. Protect basic human and unique rights as they pertain to the Geriatrics (diseases of aging) and Gerontology (process of aging).
6. Uphold older persons' rights to make decisions, without the consensus of family.
7. Enforce their rights to be in control of income as much as practicable, when institutionalized; having income follow them to the institution and not controlled by family members who are, in the majority of cases, not supportive.
8. Safeguard their right to manage their pensions and other income.

DISCRIMINATION

9. Prevent ageism such as the hiring of younger people over older persons.
10. To prevent discrimination by Emergency Services/Acute Care Facilities/Health Care Facilities.

PROTECTION

11. To ensure that children who are able to and were the beneficiaries of parental guidance, in turn, support their aging parent.

LEGAL DIRECTIVES

12. To ensure the legal designation (clear and conscious mind) of Powers of Attorney (POA), Deeds of Gifts and other Advance Directives.
13. Ensure their right to refuse to do the above.
14. Ensure that persons designated as POA make decisions in the best interest of the elder.
15. To prohibit hurried signing of documents during medical and functional decline.

It is hoped that the information provided can give some insight regarding the Department of Social Services perspective regarding “Upholding Human Rights of Older Persons”.

Rosemary Bain (Ms.)
(for) Director