



**AN ACT TO PROVIDE FOR PROVISIONS PERTAINING TO THE RIGHTS  
AND WELFARE SERVICES TO ELDER PERSONS, AND ESTABLISH  
THE UNIVERSAL PENSION SCHEME, ITS MANAGEMENT AND  
OTHER MATTERS CONNECTED THEREWITH**

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ACT NO. 2 OF 2020

I ASSENT

{ DR. ALI MOHAMED SHEIN }  
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF  
THE REVOLUTIONARY COUNCIL

*6<sup>th</sup> March* ..... 2020

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ENACTED by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

Short title  
and  
commence-  
ment.

1. This Act may be cited as Elder Persons Affairs Act, 2020 and shall come into force after being assented to by the President and on such date as the Minister may, by notice published in the Gazette, appoint.

Application.

2. This Act shall apply to elder persons, organisations and institutions providing services to elder persons in Zanzibar.

Interpretation.

3. In this Act, unless the context otherwise requires:

“Abuse” means various forms of actions or bad behavior towards elder persons as elaborated in section 22 (2);

“Act” means the Elder Persons Affairs Act, 2020;

“Assistive devices” means implements and tools provided to elder person to enable him carry on his day to day activities;



“Basic services” include provision of food, medical care, housing, sanitation and water;

“Care” means physical, psychological, social or material assistance to an elder person, and includes services aimed at promoting the quality of life and general well-being of an elder person;

“Caregiver” means a person who gives care to elder person;

“Community-based care and support services” means any programme contemplated in Part Four of this Act;

“Elder person” means any person from the age of 70 years or above;

“Elder person in need of care and protection” means a person as contemplated in Part Three of this Act;

“Family” means a group of people closely related by blood, marriage or adoption to the elder person;

“Government” means the Revolutionary Government of Zanzibar;

“Health care provider” means a health care provider as defined by applicable laws in Zanzibar;

“Home-based care” means care provided or services rendered at the place where a frail elder person resides, excluding elders at an institution, by a caregiver in order to maintain such frail member of society's maximum level of comfort, including care towards a dignified death;

“Institution” means an elderly home providing services to elder persons;

“Local Government” means the local governments as defined by the Zanzibar Local Government Authority Act;

“Minister” means the Minister responsible for elder persons affairs;

“Ministry” means the Ministry responsible for elder persons affairs;

“Pension” means payments mentioned under Part Six of this Act;



“Pensioner” means a person qualified to receive universal pension;

“Rehabilitation” means a process by which an elder person is enabled to reach and maintain his optimal physical, sensory, intellectual, psychiatric or social functional levels.

“Scheme” means Zanzibar Universal Pension Scheme (ZUPS);

“Service providers” means an institution or a person who offers services designed to address the needs of elder person;

“Service” means any activity or programme designed to meet the needs of an elder person;

“Shelter” means a building or premises maintained or used for the reception, protection and temporary care of an elder person in need of care and protection; and

“Social assistance” means benefits in the form of kinds or transfers made by government or non-governmental organisation or individuals to households intended to meet the basic needs of elder persons.

## PART TWO GENERAL PRINCIPLES, RIGHTS, ENTITLEMENTS AND OBLIGATIONS

General principles.

4.-(1) All proceedings, actions or decisions in a matter concerning elder person shall:

- (a) respect, protect, promote and fulfil the elder person’s rights, the best interests of the elder person and the rights and principles set out in this Act, subject only to any lawful limitation;
- (b) respect the elder person’s inherent dignity;
- (c) treat the elder person fairly and equitably; and
- (d) protect the elder person from any form of discrimination and violence.

General rights of elder person.

5. Other than the rights prescribed in this Act, an elder person in the society shall have the following general rights to:



- (a) participate in the affairs of society and community in any position appropriate to his interests and capability;
- (b) establish and participate in associations for elder persons;
- (c) participate in activities that enhance his income-generating capacity;
- (d) live in an environment catering for his changing capacity;
- (e) access opportunities that promote his optimal level of social, physical, mental and emotional well-being;
- (f) pursue his personal development;
- (g) manage his own property;
- (h) live in dignity and be free from abuse;
- (i) receive reasonable care and assistance from his family, the Government or any other person;
- (j) access services related to social protection activities; and
- (k) be registered in the elder persons' register.

Right to legal representation.

**6.**-(1) An elder person has a right to legal representation and the right to access all arrangements and support necessary for exercising that legal representation.

(2) Without prejudice to subsection (1) of this section, an elder person has a right to get legal advice in social matters.

Right to identification for accessing social services.

**7.** An elder person has a right to be issued with an Identity Card which will enable him to access essential social services and any other document of identification.

Right to human dignity.

**8.** An elder person has a right to live in dignity, security, free of exploitation and physical or mental abuse.

Right to protection and safety of elder person.

**9.** An elder person has a right to suitable and specialized protection and safety in situations of risk, including situation of armed conflict, humanitarian emergencies, and the occurrence of natural disasters.



Right to health.

**10.**-(1) An elder person has a right to free health services and special treatment in public hospital and any public health centre with priority in accessing such services.

(2) Without prejudice to the provision of subsection (1) of this section, the Government, subject to its financial capacity, may enter into an agreement for the purpose of enabling the elder person to acquire treatments in private hospitals.

Right to information.

**11.** An elder person has a right to receive information which is relevant to his welfare and well-being.

Right of admission into public and private premises.

**12.**-(1) An elder person has a right to:

- (a) admission into any premises to which members of the public are ordinarily admitted; or
- (b) the provision of any services or amenities to which members of the public are entitled.

(2) The owner of private premises which provide social services shall not prohibit the right of admission of an elder person to enter into his premises.

Sports, recreational, leisure and cultural right.

**13.**-(1) An elder person has a right to participate in sports, recreational, leisure and cultural activities including national and international sports events.

(2) An elder person shall be entitled free of charge to use recreational or sports facilities owned or operated by the Government during social, sporting and recreational activities.

(3) Subsection (2) of this section shall not apply where facilities are provided by private owner.

Right to privacy.

**14.**-(1) An elder person shall not be subjected to arbitrary interference and intrusion with his privacy, family, home or correspondence or other types of communication.

(2) A public or private institution shall protect the privacy of personal, health and rehabilitation information of elder person.

Property rights.

**15.**-(1) An elder person is entitled to hold and dispose of his property in a manner that he deems fit according to his capabilities.

(2) An elder person has a right to be educated on the need of making wills and powers of attorney to protect his property.





Support to  
elder persons  
taking care  
of vulnerable  
children.

**16.** The Minister shall set measures to support elder persons who take care of vulnerable children.

Obligations  
of elder  
person.

**17.**-(1) Every elder person has responsibilities towards his family, community, the Government and international communities.

(2) Subject to subsection (1) of this section, an elder person shall:

- (a) mentor and pass on knowledge and experience to the children and younger generations;
- (b) facilitate dialogue and solidarity within his family and communities; and
- (c) play a role in mediation and conflict resolution.

(3) An elder person shall not misuse the rights or privileges given under this Act.

Obligations  
of the  
family.

**18.** In caring for the elder person, a family where such elder person lives shall have the following obligations to:

- (a) provide love, affection, food, shelter and accommodation;
- (b) complement the efforts of the Government and local Government in providing medical expenses for the elder person suffering from illness and provide him with nursing care;
- (c) facilitate him to stay with his spouse unless there are compelling circumstances for them to be separated;
- (d) sustain the possession of his properties including houses, estate or any other income from such properties owned by him; and
- (e) provide any other relevant assistance where necessary.

Obligation of  
community.

**19.** A community shall have the obligation to safeguard the best interest of elder persons in the society.



### PART THREE

#### ELDER PERSONS IN NEED OF CARE AND PROTECTION

Elder person  
in need of  
care and  
protection.

**20.** An elder person who is in need of care and protection is one who:

- (a) has been removed from his house against his wishes or who has been unlawfully evicted from any property lawfully occupied by him;
- (b) has been neglected or abandoned without any means of support;
- (c) lives or walks on the streets, or begs for a living;
- (d) abuses or is addicted to a substance and is without any support or treatment for such substance abuse or addiction;
- (e) lives in circumstances likely to cause or expose the person to abduction or exploitation including sexual or economic exploitation;
- (f) lives in or is exposed to circumstances which may harm that person physically or mentally or is in a state of physical, mental or social neglect; or
- (g) lives in any other circumstances that Ministry deems as elder person qualifies.

Duty to  
report.

**21.**-(1) A person who reasonably believes that an elder person needs care and protection shall report such finding to either:

- (a) Sheha;
- (b) Police station;
- (c) District Social Welfare Officer; or
- (d) Recognised elder persons' associations or organisations;
- (e) Ministry.

(2) Subject to the provisions mentioned in subsection (1)(a) and (b) of this section, the information provided shall be sent to the District Welfare Officer or relevant ministry.

Offence  
against elder  
person.

**22.**-(1) A person who abuses or causes an elder person to be abused is guilty of an offence and shall, on conviction, be liable to imprisonment for a term of not exceeding fourteen years or a fine of not less than Two Million Shillings or both penalties.



(2) For the purposes of subsection (1) of this section, “abuse” includes physical, sexual and psychological, and:

- (a) “physical abuse” means any act or threat of physical violence towards an elder person;
- (b) “sexual abuse” means any conduct that violates the sexual integrity of an elder person and any other sexual offense under the Penal Act;
- (c) “psychological abuse” means any pattern of degrading or humiliating conduct towards an elder person, including:
  - (i) repeated insults, ridicule or calling bad name;
  - (ii) repeated threats or false accusations that may cause emotional pain; and
  - (iii) repeated invasion of an elder person’s privacy, liberty, integrity or security.

#### **PART FOUR COMMUNITY BASED CARE AND SUPPORT SERVICES FOR THE ELDER PERSONS**

Establishment  
of community  
based care  
and support  
services.

**23.**-(1) Local Government Authority may establish community based care and support services for the purpose of accommodating elder persons residing within.

(2) The Minister may issue guidance on the establishment of Community based care and support services.

(3) Support services mentioned in subsection (2) of this section may include:

- (a) legal aid;
- (b) psychological support;
- (c) health services;
- (d) nursings; and
- (e) any other support depending on the circumstance of the elder person.



Rights of elder person in the community based care and support services.

**24.** An elder person receiving community based care and support services has, in addition to the rights contemplated in Part Two of this Act, the rights to:

- (a) reside at family home or institution for as long as practically and reasonably possible;
- (b) pursue opportunities for the full development of his potential; and
- (c) benefit from family and community care and protection in accordance with society's system of cultural values.

Monitoring and evaluation of community based care and support services.

**25.-(1)** The Ministry shall monitor and evaluate community based care and support services.

(2) The procedures of monitoring and evaluation of such services shall be prescribed in the Regulations.

#### **PART FIVE REGISTRATION OF ELDER PERSONS INSTITUTIONS**

Applications for registration.

**26.-(1)** An elder persons' institutions shall not operate without attaining official registration.

(2) Procedures for the registration shall be prescribed in the Regulations made by the Minister.

Refusal to register.

**27.** The Ministry may, if satisfied that the applicant has failed to meet the prescribed requirements for registration under the Regulations, refuse to register such applicant, and shall inform the same in writing the reasons of such refusal.

Suspension or cancellation of registration.

**28.-(1)** Where an approved institution for elder persons fails to maintain the required standards, the Ministry may suspend or cancel the registration.

(2) Before suspending or cancelling the registration, the Ministry shall:

- (a) inform the applicant in writing the intention to suspend or cancel the registration; and
- (b) give the applicant the opportunity to be heard or to be represented.

(3) The Ministry may, by notice in writing, require the applicant to remedy defects in the running of the institution.



(4) Where the applicant fails to comply with the requirements of the notice under subsection (3) of this section, the Ministry may proceed to suspend or cancel the said registration.

Review.

**29.** A person who is aggrieved by the decision of the Ministry for refusing to issue or suspend or cancel a registration under this Part, may apply for review to the Minister within thirty days from the date of such refusal or suspension or cancellation.

Role of Government.

**30.**-(1) The Ministry shall monitor and supervise to ensure that all elderly homes are in good condition and managed accordingly.

(2) The Minister shall initiate implementation of policies and programs relating to elder persons.

## PART SIX UNIVERSAL PENSION SCHEME

Establishment of Universal Pension Scheme.

**31.** It is hereby established a Universal Pension Scheme which shall be coordinated by the Ministry.

Amount.

**32.**-(1) There shall be an amount to be given to every elder person who qualifies to receive pension from the Universal Pension Scheme.

(2) The amount stated in subsection (1) of this section, shall be paid in monthly basis.

(3) The Minister, after official approval by the Revolutionary Council, shall publish in the Government Gazette the amount to be paid to elder persons.

Application and eligibility for Universal Pension Scheme.

**33.**-(1) An elder person shall apply to the Ministry through his Sheha and respective District Commissioner for enrolment to the Universal Pension Scheme.

(2) An elder person shall not qualify to apply for enrolment to Universal Pension Scheme unless he:

(a) has seventy years old or above;

(b) is a Zanzibari; and

(c) has been a resident of Zanzibar for more than ten years consecutively.



(3) The application made under subsection (1) of this section, shall be accompanied with the following:

- (a) two recent passport size photographs;
- (b) birth certificate or affidavit of birth; and
- (c) Zanzibar Identity Card.

(4) The age provided in subsection (2)(a) may be reduced or increased by the Minister upon the consultation with the Revolutionary Council.

Cessation or removal.

**34.**-(1) The pensioner shall cease or be removed from receiving monthly pension in the occurrence of the following events:

- (a) death;
- (b) misrepresentation; or
- (c) fraud.

(2) The procedures for notification upon occurrence of events under subsection (1) of this section, shall be prescribed in the Regulations.

## PART SEVEN MISCELLANEOUS PROVISIONS

Establishment of elder persons associations or organisations.

**35.**-(1) The Ministry may advice on the establishment of independent elder persons' associations or organisations.

(2) In establishing associations or organisations, the elder persons shall consider the following matters:

- (a) association or organisation bringing elder persons together to pursue their interests;
- (b) coordination of the co-operation between elder persons and the Government, private sectors, civil societies and other institutions of similar interest;
- (c) advocating and advising the Government at national and local level on the various issues of communities' interests; and
- (d) monitoring and guiding children and young generation in the society.



General  
penalty.

**36.** A person who contravenes any provision of this Act, save section 17(1), for which no penalty is specifically provided, shall be liable to a fine of not exceeding One Million Shillings or to imprisonment for a term not exceeding one year or both penalties.

Regulations.

**37.** The Minister may make Regulations in any matter which is necessary for the better implementation of the provisions of this Act.

**PASSED** by the House of Representatives of Zanzibar on 6<sup>th</sup> February, 2020.

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(RAYA ISSA MSELLEM)

*Clerk of the House of Representatives of Zanzibar.*