

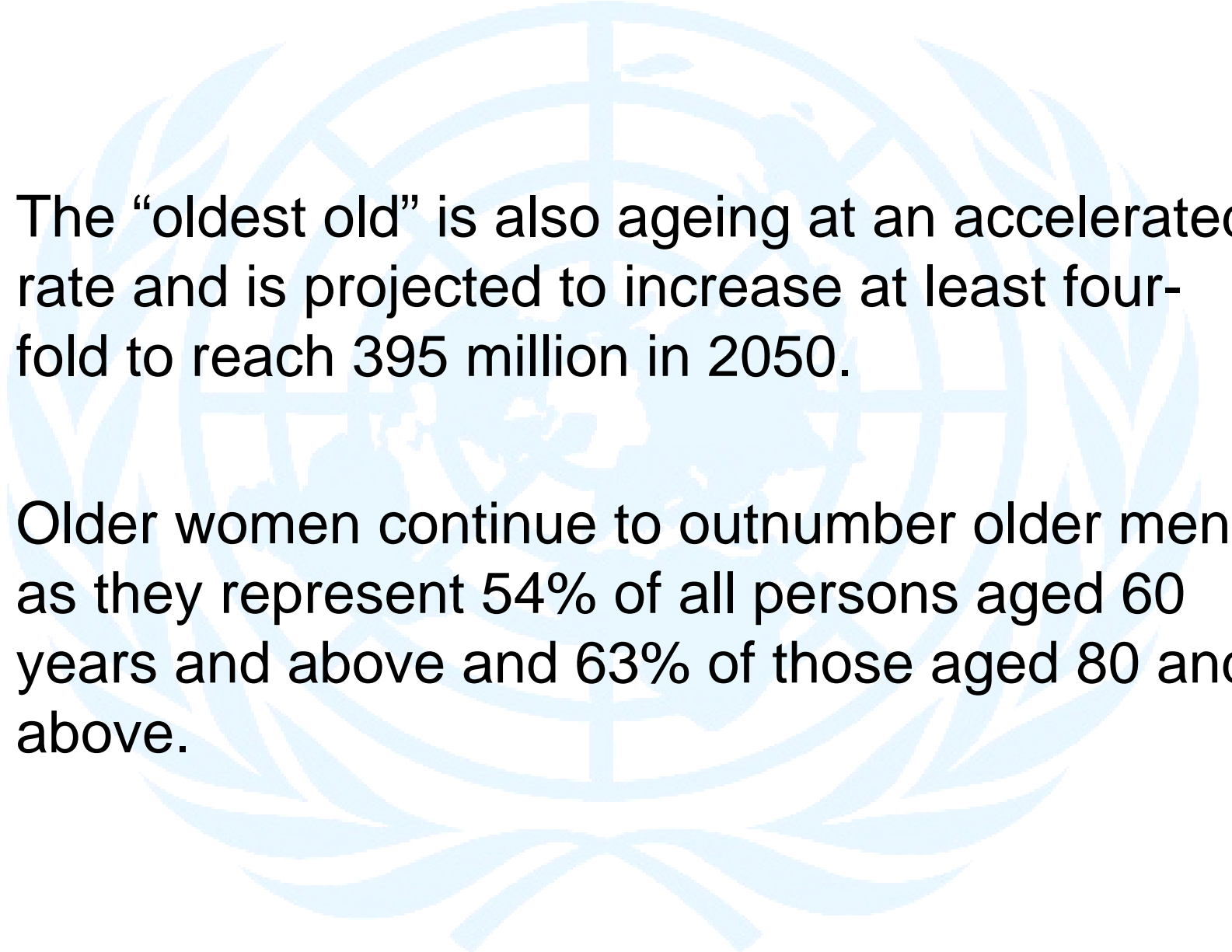


# **The Rights of Older Persons in the World of Today**

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# **The developmental significance of ageing cannot be underestimated.**

- In the more developed regions the numbers of those aged 60 and above are expected to increase in the next 4 decades by more than 50%, rising in absolute terms from 264 million in 2009 to 416 million in the year 2050.
- In the less developed countries, persons aged 60 and above are projected to triple from 473 million this year to 1.6 billion in the year 2050.

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- The “oldest old” is also ageing at an accelerated rate and is projected to increase at least four-fold to reach 395 million in 2050.
  - Older women continue to outnumber older men as they represent 54% of all persons aged 60 years and above and 63% of those aged 80 and above.

# A sign of human progress

This new situation inevitably raises questions

- How will the growing number of older persons be cared for?
- How will adequate income support be provided?
- What kind of employment opportunities can society offer those who wish to remain economically active?
- How can intergenerational solidarity be preserved and enhanced?

# Visible differences

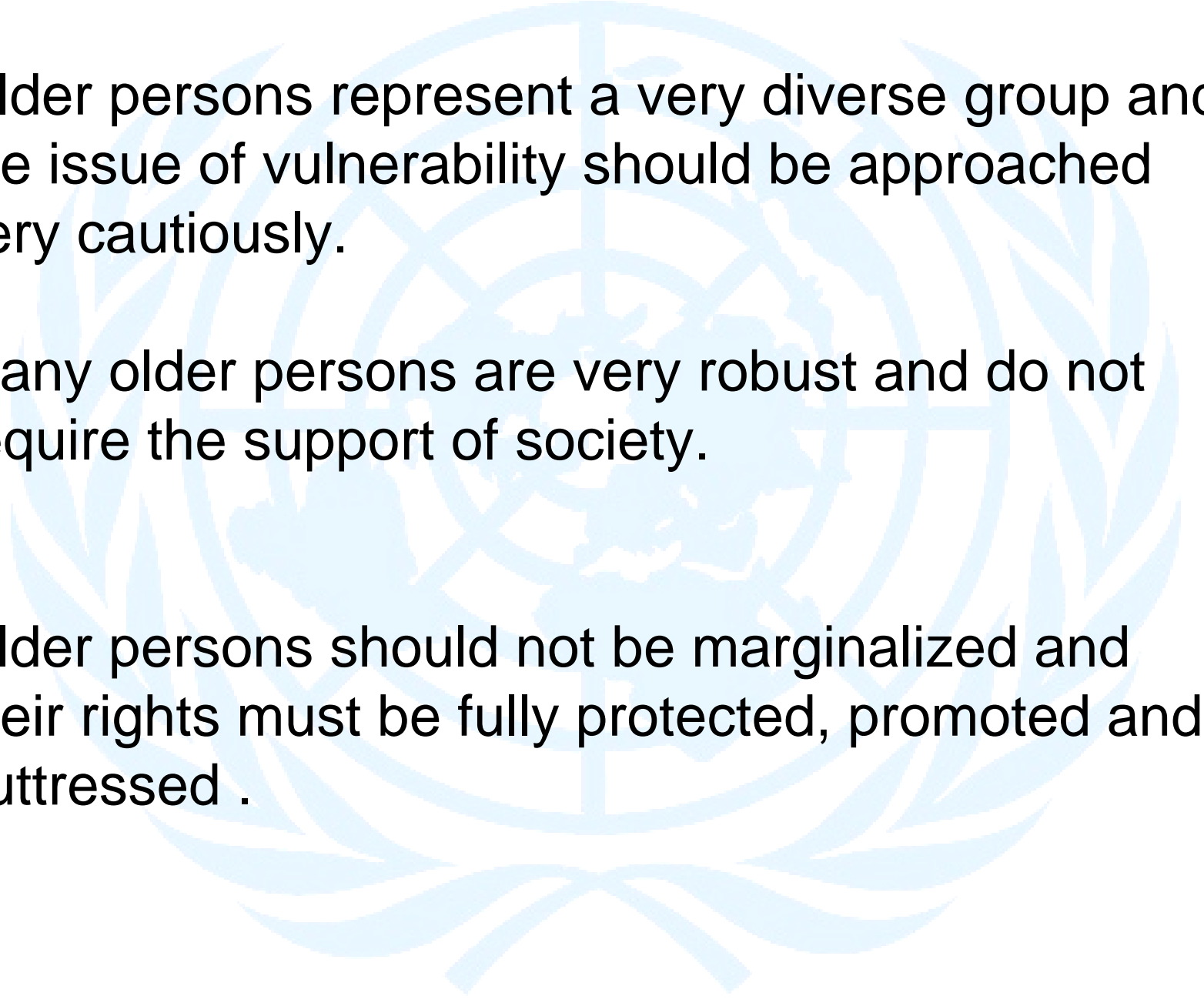
In many higher income countries some degree of progress is being made in meeting these objectives. The situation is completely different in developing countries.

- Changes in family structures and increasing urbanization and migration have left many without traditional family support.
- The situation of older persons in rural areas is particularly difficult.
- The feminization of ageing also presents additional challenges.

# **The Madrid International Plan of Action on Ageing**

The Madrid Plan represents a continuation and further development of the efforts of the international community to address ageing internationally, harnessing the potential of ageing in a much better way.

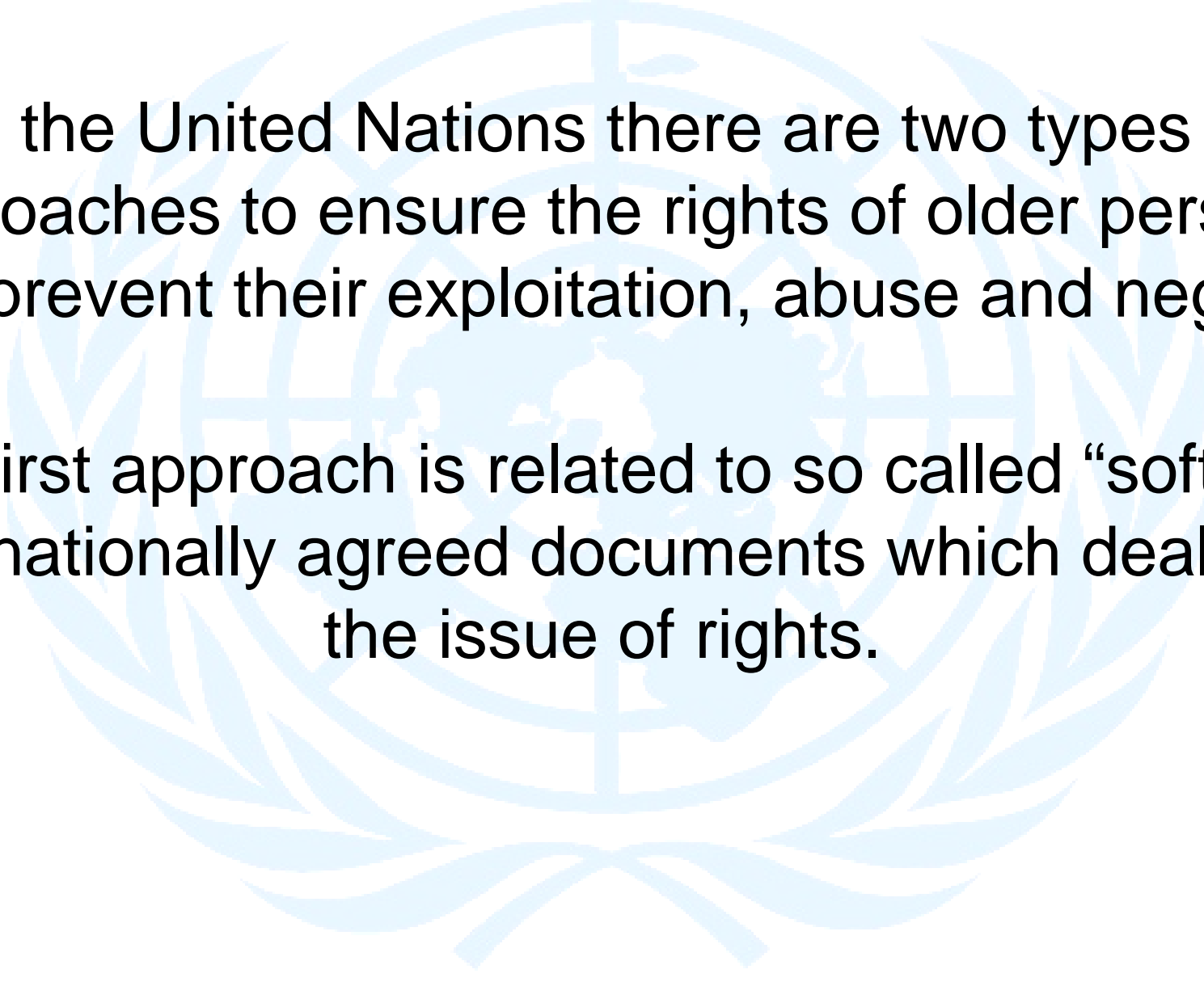
Yet, ageing stays on the periphery of the internationally agreed development goals. That lack of attention is exemplified most obviously by the absence of any reference to ageing in the Millennium Declaration as well the Millennium Development Goals.



Older persons represent a very diverse group and the issue of vulnerability should be approached very cautiously.

Many older persons are very robust and do not require the support of society.

Older persons should not be marginalized and their rights must be fully protected, promoted and buttressed .



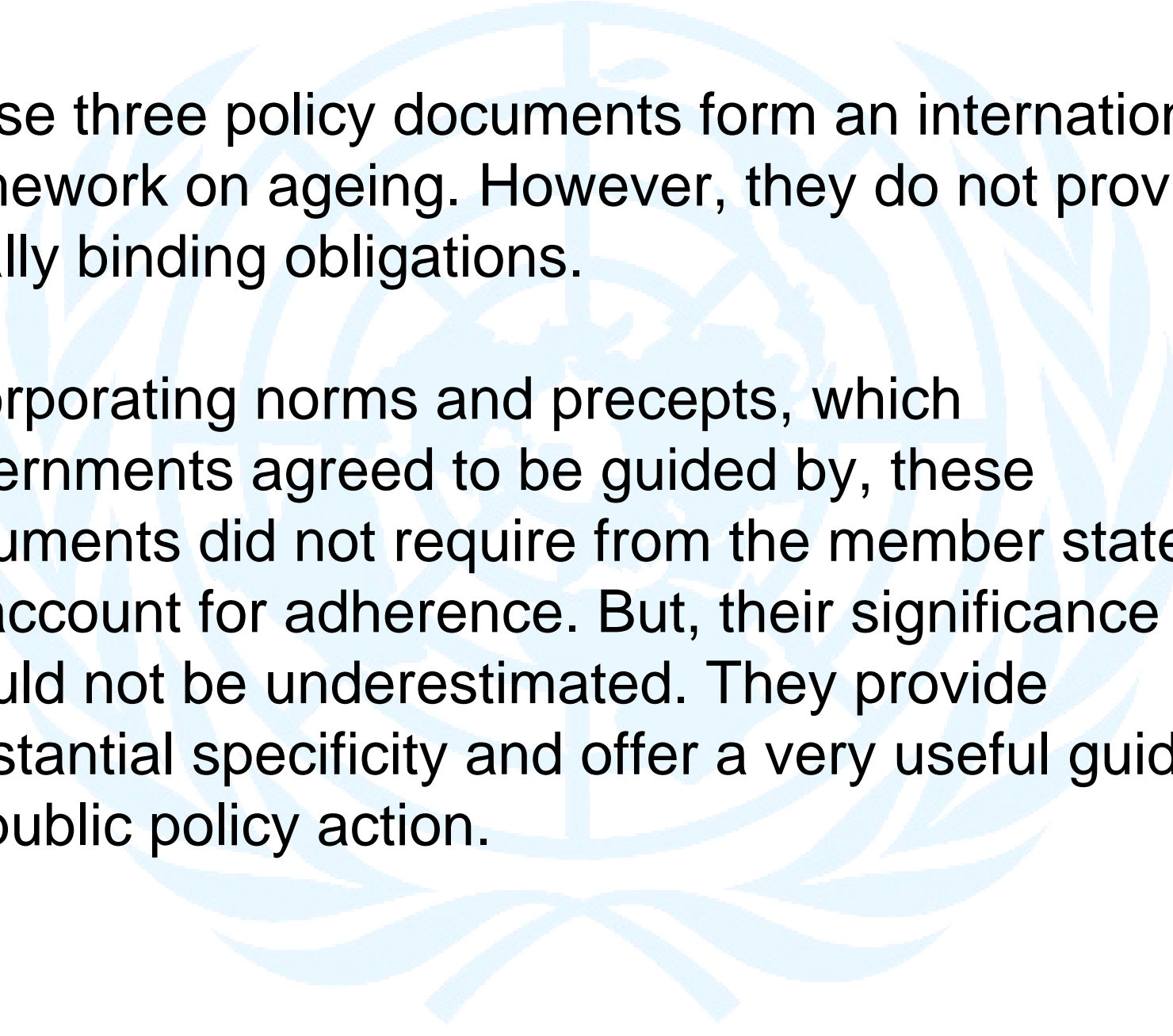
At the United Nations there are two types of approaches to ensure the rights of older persons and prevent their exploitation, abuse and neglect.

The first approach is related to so called “soft law” internationally agreed documents which deal with the issue of rights.



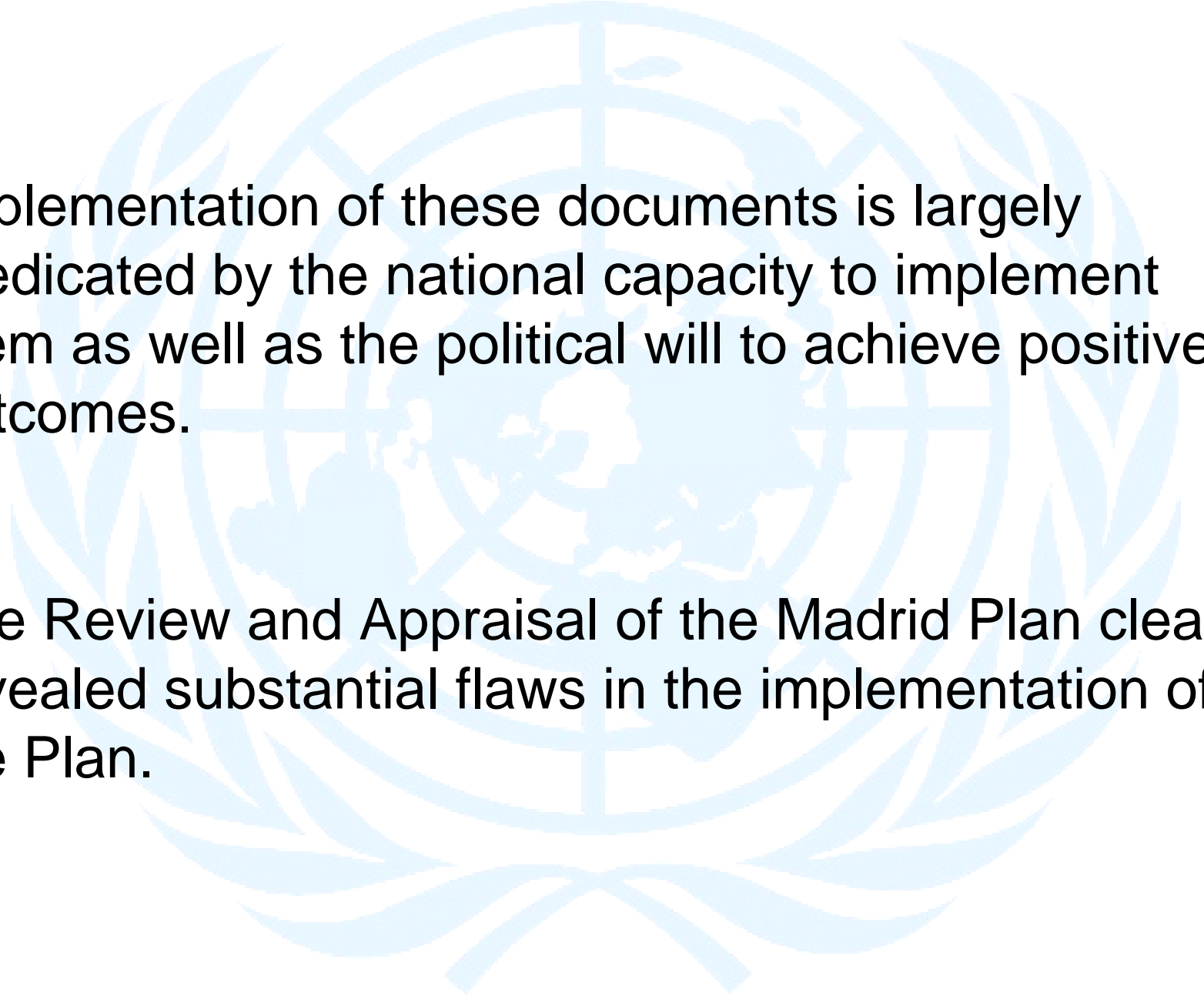
# **The international policy framework on ageing**

- The Vienna Plan of Action on Ageing
- The Madrid Plan of Action on Ageing
- The Principles for Older Persons



These three policy documents form an international framework on ageing. However, they do not provide legally binding obligations.

Incorporating norms and precepts, which governments agreed to be guided by, these documents did not require from the member states an account for adherence. But, their significance should not be underestimated. They provide substantial specificity and offer a very useful guide for public policy action.



Implementation of these documents is largely predicated by the national capacity to implement them as well as the political will to achieve positive outcomes.

The Review and Appraisal of the Madrid Plan clearly revealed substantial flaws in the implementation of the Plan.



## **Another set of documents adopted by the international community belong to the realm of human rights**

- The Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights and its two optional protocols
- The International Covenant on Economic, Social and Cultural Rights

**None of these instruments, however, explicitly refers to age as one of the prohibited grounds.  
Why?**

To a certain extent it could be explained that the major demographic trends became apparent much later compared to the time when these ground documents were conceived and conceptualized.

In these documents the rights of older persons are alongside the rights of everyone else. Is it sufficient?

# **There are several key provisions outlined in the basic documents on human rights that have a particular relevance to the lives of older persons**

There are core tenants such as:

- Non discrimination and equality
- Equal rights of men and women
- Rights relating to work
- The right to social security
- Protection of the family as the basic unit of society
- The right to an adequate standard of living
- The right to physical and mental health
- The right to education and culture
- The Convention on the Elimination of Discrimination against Women makes references to older persons with respect to the right to social security

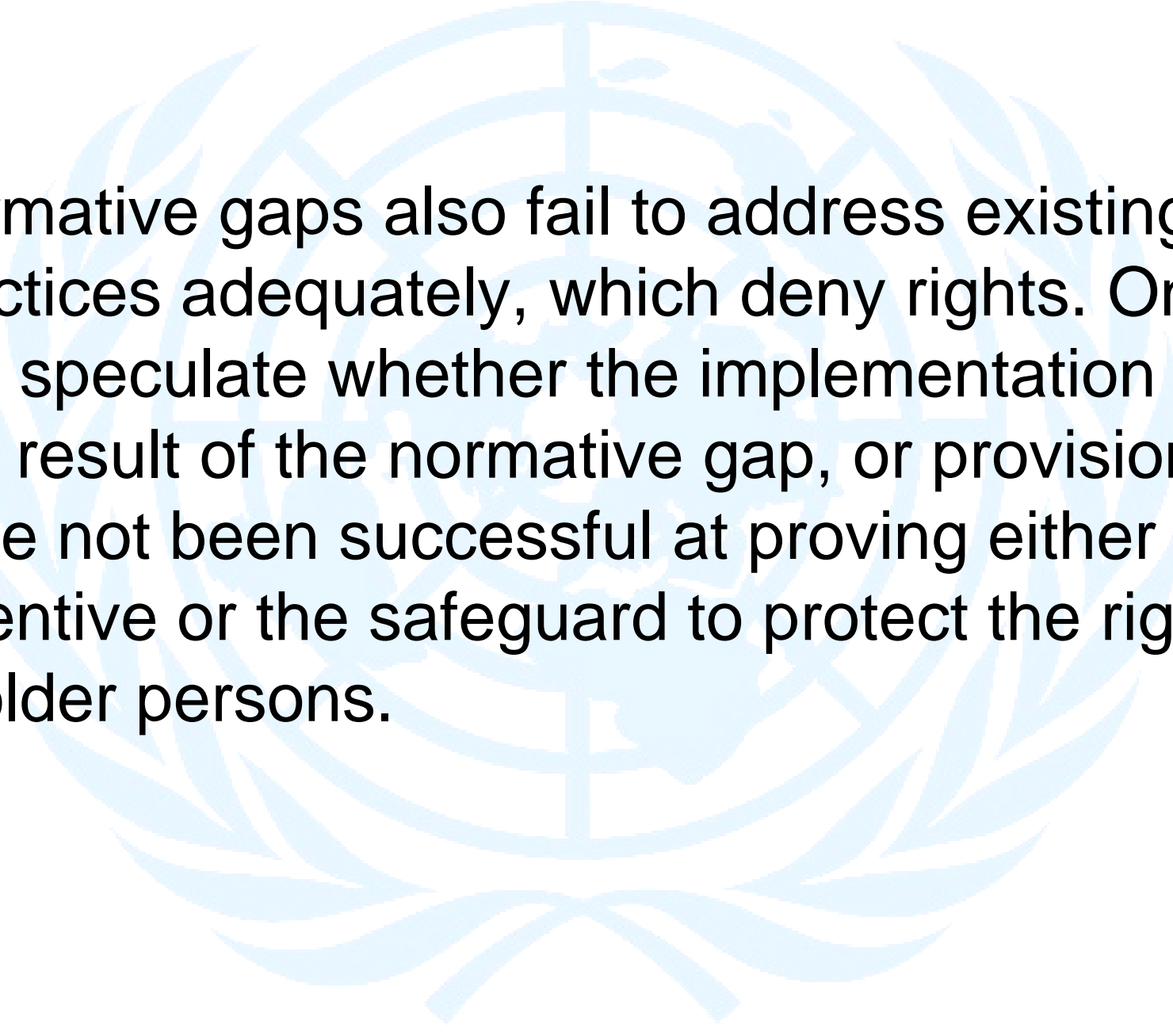
## **Overall analysis of the documents and international legal instruments point to the existence of a certain “normative gap”**

- Age is not identified as a prohibited ground for discrimination resulting in discriminatory experiences of older persons worldwide.
- Standards which offer older persons protection are dispersed through various human rights texts.
- National human rights instruments remain invisible for both Government and the general public.
- The obligations of private sector actors and individuals are not well developed.

# **There are distinct differences between normative gaps and implementation gaps**

- The failure of states to abide by the commitments they have undertaken represents an implementation gap.
- Normative gaps result from a failure of current provisions to provide specific guidance on how to give content and effect to existing norms.

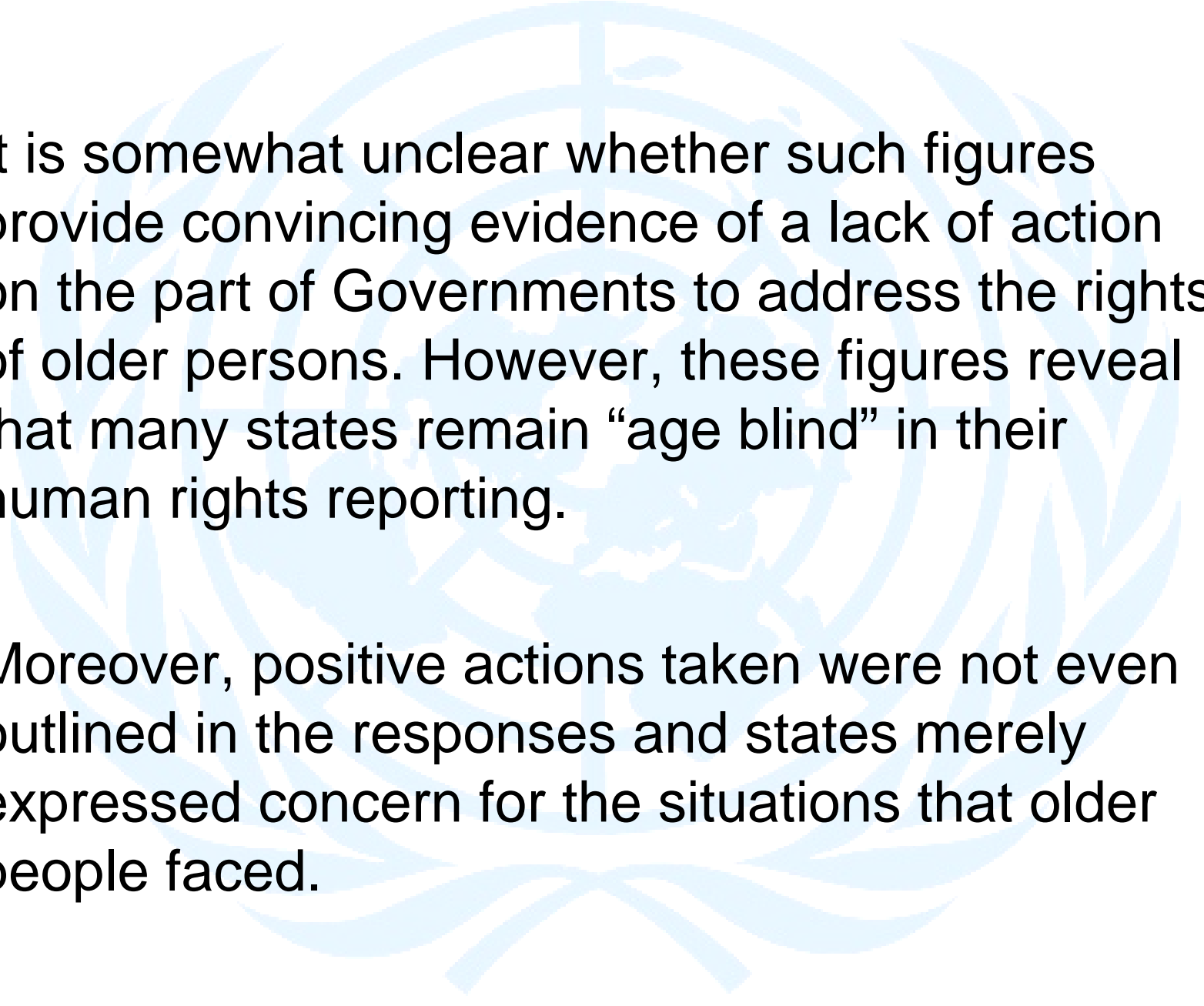




Normative gaps also fail to address existing practices adequately, which deny rights. One can speculate whether the implementation gap is a result of the normative gap, or provisions have not been successful at providing either the incentive or the safeguard to protect the rights of older persons.

Evidence of the lack of capacity of existing human rights instruments to effectively protect the rights of older persons can be revealed from an analysis of the reports that member states submit to human rights monitoring bodies.

For example, from 2000-2008, the Human Rights Committee considered 124 State Reports in the contexts of scrutinizing Government committees under the International Covenant on Civil and Political Rights. The figures are very revealing: only three made specific reference to actions taken to address age discrimination and just one highlighted the vulnerability of older persons in long-term care homes.



It is somewhat unclear whether such figures provide convincing evidence of a lack of action on the part of Governments to address the rights of older persons. However, these figures reveal that many states remain “age blind” in their human rights reporting.

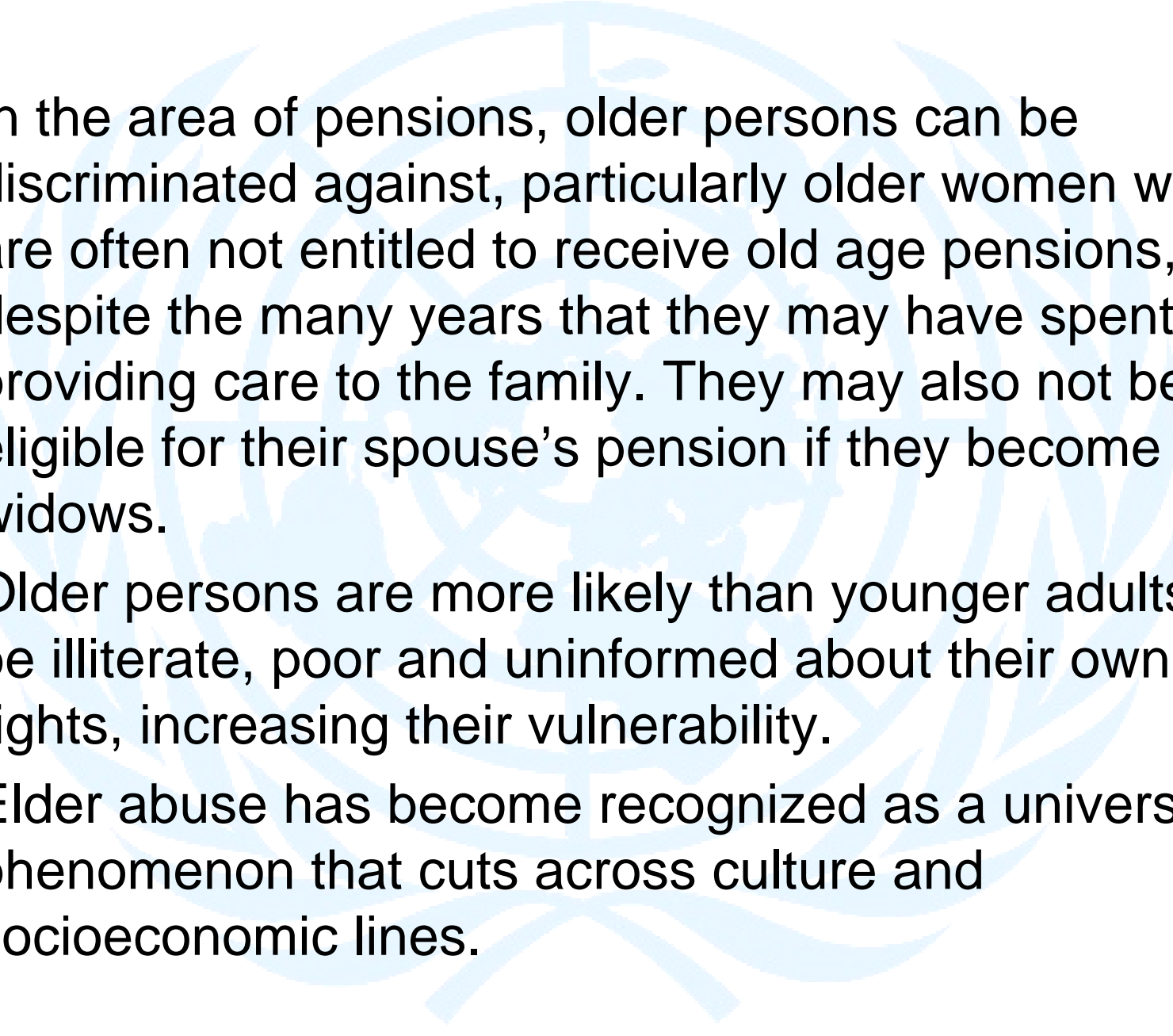
Moreover, positive actions taken were not even outlined in the responses and states merely expressed concern for the situations that older people faced.

# **Existing infringements include discrimination against older persons as a gross violation of rights**

- The roots of discrimination are connected to negative stereotypes related to older persons.
- Discrimination reinforces a negative image of older persons as dependant people bound to have a decline in intellect, cognitive and physical performance.
- Results in the perception of older persons as a burden on society rather than an asset, and contribute to vulnerability.

# **Discrimination against older persons is well documented**

- In the workplace they can be denied promotional opportunities or even lose their jobs.
- In healthcare they can be denied access to services or receive substandard or insufficient care.
- In terms of education and culture, opportunities, including training and retraining schemes need to be made for people throughout their lives.

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- In the area of pensions, older persons can be discriminated against, particularly older women who are often not entitled to receive old age pensions, despite the many years that they may have spent in providing care to the family. They may also not be eligible for their spouse's pension if they become widows.
  - Older persons are more likely than younger adults to be illiterate, poor and uninformed about their own rights, increasing their vulnerability.
  - Elder abuse has become recognized as a universal phenomenon that cuts across culture and socioeconomic lines.

# Rights of Older Persons

An Expert Group Meeting was convened to provide the General Assembly with an independent expert opinion on the question of the rights of older persons.

The meeting explored:

- How fundamental rights could be assured and deepened
- How the Madrid Plan could be meaningfully implemented

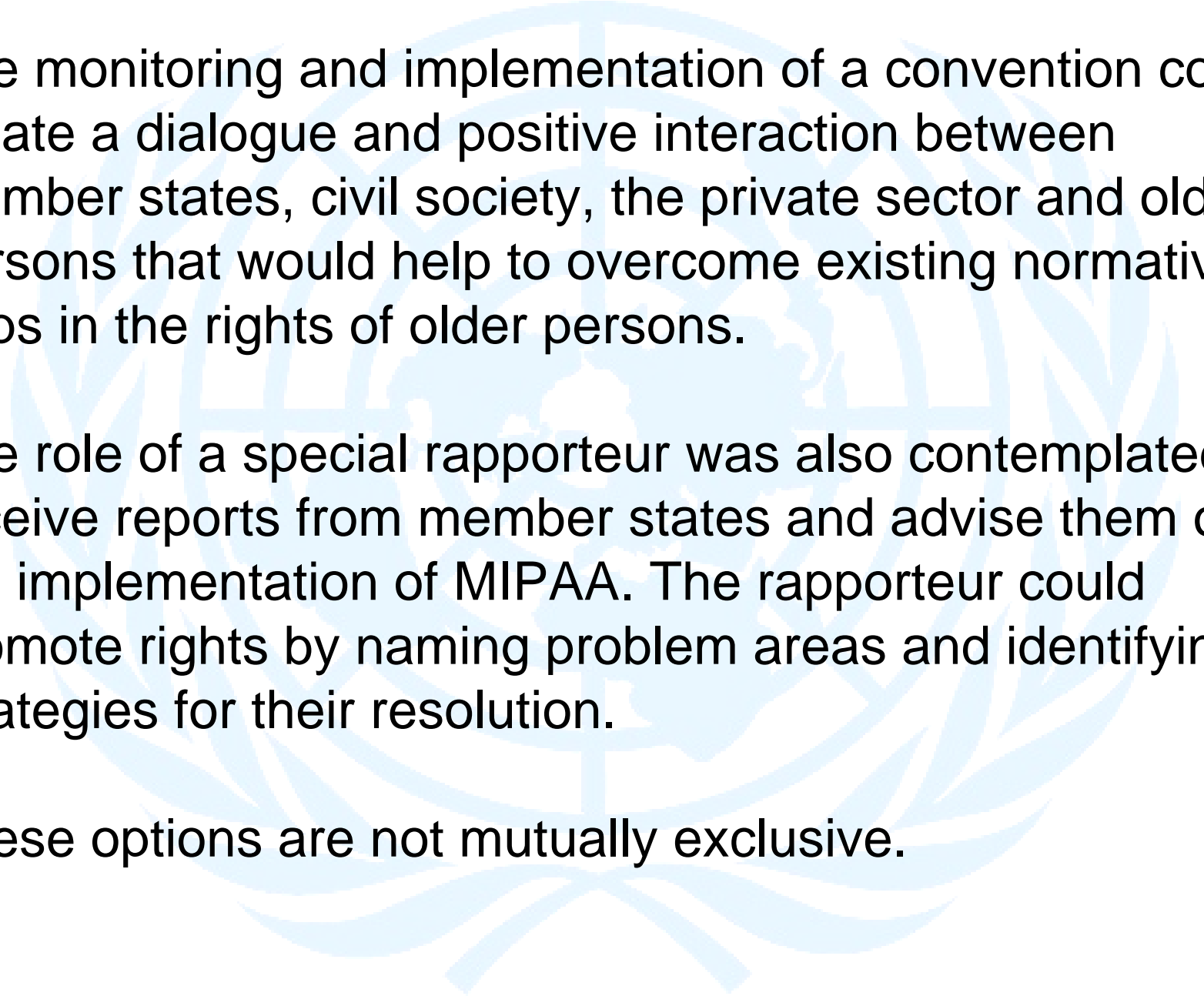
The recommendations focused on:

- How to help older persons with identification
- Abuse and violence
- Gender issues
- The possibility of an international convention

A convention cannot be elaborated without the political will of member states acting in close cooperation with civil society organizations. However, experts agreed that convention could address many important issues.

- Institutional ageism
- Provide a clear definition of the specific obligations of member states with regard to the rights of older persons
- Strengthen and complement existing international policy documents on ageing and provide redress for the violation of human rights
- Encourage a more equitable allocation of resources for older persons
- Create new rights and principles
- Provide older persons with more visibility and recognition

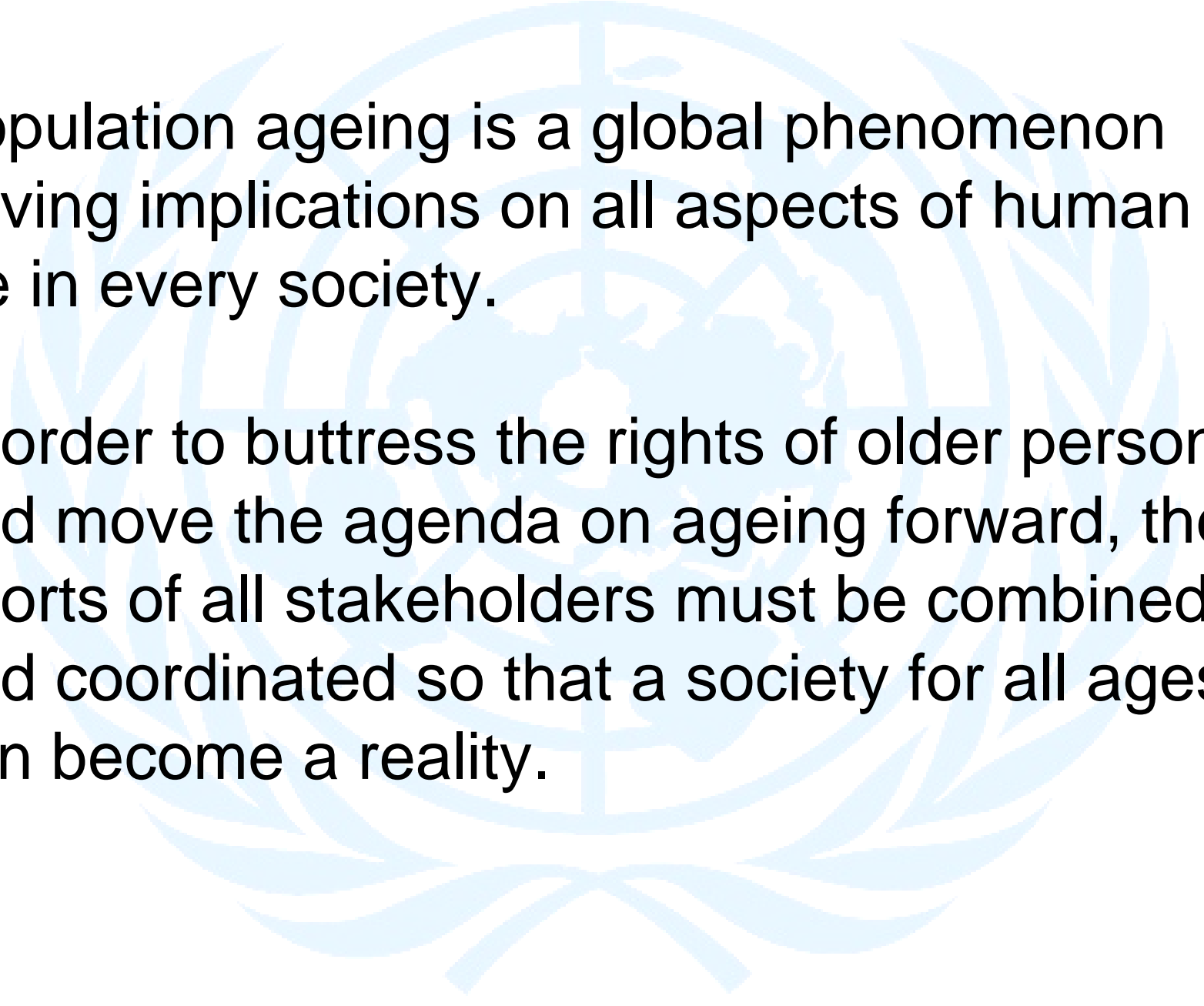




The monitoring and implementation of a convention could create a dialogue and positive interaction between member states, civil society, the private sector and older persons that would help to overcome existing normative gaps in the rights of older persons.

The role of a special rapporteur was also contemplated to receive reports from member states and advise them on the implementation of MIPAA. The rapporteur could promote rights by naming problem areas and identifying strategies for their resolution.

These options are not mutually exclusive.



Population ageing is a global phenomenon having implications on all aspects of human life in every society.

In order to buttress the rights of older persons and move the agenda on ageing forward, the efforts of all stakeholders must be combined and coordinated so that a society for all ages can become a reality.



**Thank you**