

BRIEFING PAPER

MAJOR DEVELOPMENTS AND TRENDS IN THE EMPOWERMENT OF OLDER PEOPLE – CREATING AN ENABLING ENVIRONMENT FOR REALISING OLDER PEOPLE’S RIGHTS

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Major Developments and Trends in the Empowerment of Older People – Creating an Enabling Environment for Realising Older People’s Rights

Introduction: Focus on Older People’s Rights

Older people’s¹ rights are recognised in key international agreements. Central to the 2002 Madrid International Plan of Action on Ageing (MIPAA) is the “full realisation of all human rights and fundamental freedoms of all older persons” (paragraph 12). Older people have the same rights as everyone else under the 1948 Universal Declaration of Human Rights and other United Nations human rights conventions. In 1995 the Committee on Economic, Social and Cultural Rights outlined state obligations in realising the rights of older persons in its General Comment 6. The Millennium Declaration in 2000 committed states to the realisation of the right to development for everyone in order to achieve the Millennium Development Goals. In 2005 the UN World Summit reaffirmed states’ obligations to realise the rights of everyone.

Yet millions of older people across the world are still denied their rights. They experience isolation, poverty, violence and abuse and have limited access to health services, education and legal protection. With no regular income older people are often forced to work in low-paid or demeaning jobs to provide for themselves and their dependants.

As the world’s population ages, focusing on older people’s rights is essential if the number of older people living in extreme poverty is to be reduced. Particular attention should be given to the rights of older women since they are often subject to discriminatory inheritance and property laws, and face greater discrimination in access to services. The rights enshrined within UN conventions and the 1991 UN Principles for Older Persons provide a framework for developing equitable policies and practice.

Older people’s rights can be promoted at different levels – from individual and family to international. However national governments have a key responsibility to create an enabling environment for fulfilling older people’s rights. To do this, older people’s rights need to be embedded in national constitutions, legislation and budgets. Practical ways to enable older people to access the services and entitlements linked to those rights must also be included and budgeted for in national policy frameworks and poverty reduction plans.

This paper proposes ways to realise older people’s rights. It highlights the need for social protection measures, specifically social pensions and free healthcare, and non-discriminatory legislation. It discusses the need for identity documents and for data on older people. It looks at how to support older people to advocate on their own behalf. It calls for the integration of older people’s rights into policy processes and the use of donor aid to support programmes that realise older people’s rights. Finally it recommends promoting older people’s rights within the UN human rights system.

¹ An older person is defined by the United Nations as someone over 60 years of age. In reality concepts of old age differ from region to region depending on culture and context and someone as young as 45 can be considered to be old.

1. Deliver universal social pensions, free healthcare and non-discriminatory legislation and practice.

Older people have consistently said that access to health care, a regular income and freedom from discrimination are the three things that would improve their lives most. A tripartite package of universal social pensions, free healthcare and non-discriminatory legislation would considerably reduce the number of older people living in extreme poverty by 2015.

i. Universal social pensions

Everyone has the right to security in old age² and the right to social security³. However about 80% of the world's population have no access to formal social security⁴. Most people in developing countries work in the informal sector and are excluded from contributory pension schemes leaving them vulnerable in old age. Many older people continue to work in the informal sector. Even where there are social pensions, large numbers of older people do not receive them. A 2006 survey by HelpAge International of 17 countries with social pensions showed that 83 per cent of older people did not receive a social pension because they were means tested or the age limit was set too high⁵. The provision of a universal social (non-contributory) pension is a cost effective, feasible and affordable way in which the state can realise their rights to security in old age and social security.

Receiving a social pension also realises other rights. Regular income helps preserve older people's dignity⁶. It gives them more control over their lives and enables them to contribute to household costs and to invest in their own or family businesses. As Nekjun Bibi, a 68-year-old widow from Bangladesh who had been forced to beg after she lost her job as a maid said, "*The money [from my first pension payment] made me happy as I did not earn it from begging but it was from the government and therefore my right.*" Social pensions also promote gender equity, as they generally redistribute proportionately more income to women who are more likely to do informal or unpaid work and are therefore less likely to be eligible for contributory pensions.

Evidence from a number of countries shows that social pensions are an affordable way of reducing poverty⁷. In Brazil social pensions have increased the income of the poorest 5 per cent of the population by 100 per cent at a cost of 0.9 per cent of GDP⁸. In South Africa they have increased the income of the poorest 5 per cent of the population by 50 per cent⁹ at a cost of 1.4 per cent of GDP¹⁰. 55 per cent of recipients of Chile's social

² Universal Declaration of Human Rights, Article 25

³ Inter alia: Universal Declaration of Human Rights, Article 22 & International Covenant on Economic, Social and Cultural Rights, Article 9

⁴ International Labour Organisation, *Social security for all: Investing in global social and economic development. A consultation*, Discussion paper 16, August 2006

⁵ Pension Watch <http://www.helpage.org/Researchandpolicy/Socialprotection/PensionWatch>, 2006

⁶ HelpAge International & IDPM, *Non-contributory pensions and poverty reduction, A comparative study of Brazil and South Africa*, September 2003

⁷ Universal Declaration of Human Rights, Article 25 & International Covenant on Economic, Social and Cultural Rights, Article 11

⁸ Pension Watch, <http://www.helpage.org/Researchandpolicy/Socialprotection/PensionWatch>, 2006

⁹ HelpAge International & IDPM, *Non-contributory pensions and poverty reduction, A comparative study of Brazil and South Africa*, September 2003

¹⁰ Pension Watch <http://www.helpage.org/Researchandpolicy/Socialprotection/PensionWatch>

pension (PASIS) have moved from being extremely poor to poor, and 45 per cent have stopped being poor altogether¹¹.

Social pensions also contribute to the realisation of the rights of older people affected by HIV and AIDS and their families. Regular income from social pensions helps to cover the costs of caring for vulnerable children and orphans; it enables people living with HIV to obtain treatment and food they need to make treatment effective; and it reduces anxieties about being able to make ends meet.

ii. Providing appropriate health care

For many older people physical health is their single most important asset as it enables them to work.

Despite this, healthcare is often inaccessible to older people. Hospitals tend to be concentrated in urban areas, far from where most older people live. Cost of transport can prohibit older people reaching healthcare facilities. Even when older people can get to a health facility they may not be able to afford fees for services or drugs. Lack of information, shortage of supplies, poor management and negative attitudes of medical staff prevent older people benefiting from services. For older people to live in dignity, free and appropriate health care needs to be available to them.

iii. Non-discriminatory legislation and practices

Rights only become meaningful when they are embedded into domestic legislation, translated into policies and have resources allocated to the delivery of services associated with them. Pressure needs to put be on national governments to ensure that this happens and this pressure must come from a variety of sources at all levels, and particularly from older people themselves.

The existence of legislation does not guarantee that older people's rights will be realised. However without non-discriminatory laws and budgeted programmes to implement them, older people, especially older women, will continue to be discriminated against in areas including health care, education, property and inheritance and marriage law. Non-discriminatory legislation provides more opportunities for working with local authorities and institutions, including the police and judiciary, to challenge and redress rights violations against older people.

2. Give older people an identity

One of the main barriers that prevents older people from accessing their entitlements is lack of identification documentation to prove their age and eligibility. A 2005 survey of nearly 4000 older people in eight communities in Mozambique found that 42 per cent had no identification cards, which they needed to claim free health care¹². Women were twice as likely as men to lack identification cards. In Bolivia, 16 per cent of older people have

¹¹ Bertranou F, Pensiones no contributivas: Su relevancia en la reforma provisional, *OIT Notas*, 3 May 2006

¹² HelpAge International, *Baseline Report, Community Tracking and Monitoring in Mozambique*, HelpAge International & HIV/AIDS International Alliance, 2006

no valid documents to prove their right to claim the social pension (Bonosol). As in Mozambique more women than men have no documents¹³.

These situations are common throughout developing countries. Lucitania, a paralegal officer in KwaZulu Natal, South Africa noticed that *“There are two females who are about 72 years old in my village. They don’t possess IDs and they don’t get pensions. They are starving, sleeping without food in their stomach.”* This often arises because the person has not been registered at birth. Even today about 40 million children are born each year and not registered¹⁴. Lack of registration will affect their rights throughout their lives into old age.

Governments and local authorities need to develop ways to provide methods of registration and identity documentation for people of all ages to ensure they can access the services to which they are entitled. For example, many older people in Nepal do not have documentation proving their age and eligibility for the social pension. Instead they have been able to use alternatives such as their election identity card or personal horoscopes, which the government accepts as a record of date of birth¹⁵.

3. Make older people visible in data

Lack of data on older people means that they are left out of national policies, programming and budgets.

For example, data on access to safe water and adequate sanitation is only disaggregated by rural and urban areas. It therefore does not show that many older people are unable to access these services. Published data on HIV prevalence rates has so far been limited to 15 – 49 year olds. This masks the fact that increasing numbers of older people are HIV positive. As Dorothy, 62, who has been living with HIV for a year in Durban, South Africa said, *“Because of my age, [my son] was sure that the clinic had made a mistake. He thought HIV and AIDS was a young person’s illness.”* Without data on older people programmes on water provision and HIV and AIDS will not be designed to respond to older people’s needs and rights.

Even when data is disaggregated by age and sex, it is not necessarily analysed or disseminated. National statistics offices and international agencies must be supported to collect, analyse and disseminate disaggregated data. For example, a collaboration between HelpAge International and the Bolivian National Institute of Statistics revealed that 63 per cent of older people live in poverty compared to 59 per cent of the population as a whole. It also showed the depths of older people’s poverty with 59 per cent of older people living on less than US\$1 a day¹⁶.

¹³ HelpAge International, *Bolivia: Características socioeconómicas de la población Adulta Mayor, Encuesta de hogares MECOVI, 2001*, HelpAge International and Bolivian National Institute of Statistics, La Paz, 2002

¹⁴ Plan International, *A third of world’s children are denied an identity*, www.plan-international.org/identity Visited 21/12/06

¹⁵ HelpAge International, *Age and Security*, HelpAge International, 2004

¹⁶ Bolivia: *Características socioeconómicas de la población adulta mayor, MECOVI 2001*, HelpAge International & Bolivian National Institute of Statistics, La Paz, 2002

4. Support older people to advocate for their rights

Promoting poor older people's access to services means more than having policies in place – it means supporting older people to demand their rights. Older people's associations can be a powerful force for both policy change and the delivery of better services. Relationships can be developed with local and national authorities to promote understanding of older people's issues. In many countries the move to decentralised government has opened doors for community members to participate in development planning. Population ageing means that older people are gaining an increasing share of the vote. By mobilising and using their voice, older people can be powerful agents of change.

In order to do this, older people need to know what their rights are, what services they are entitled to, and how to access them. They need to demonstrate why they need services and what barriers are preventing them from accessing them. This gives politicians the information they need to persuade governments to take action. Without pressure from organised and informed older people, even the best designed policies are unlikely to reach the poorest older people.

Older Citizens Monitoring

HelpAge International has supported older people's groups in five countries to monitor the delivery of government services and the implementation of MIPAA. In all five countries (Bangladesh, Bolivia, Kenya, Jamaica and Tanzania) older people chose to monitor their access to health care and pension programmes. An underlying principle of the project was that older people should become experts on their rights. Policies and entitlements were analysed, data was collected on ageing and poverty, stakeholders were analysed, older people's concerns were identified and prioritised, decisions were made on what to monitor, and support was given to older people to monitor service delivery and advocate for change. This type of community monitoring takes time but has powerful results, not only in terms of improved services but also in increasing older people's standing and involvement in the community.

Increasing pensions in Bangladesh

In Bangladesh the non-governmental organisation (NGO) Resource Integration Centre (RIC) helped older people in Pubail, a suburb near Dhaka, and Sreeramkathi in the rural south-west, to form committees to monitor older people's access to services. These committees agreed to focus on three entitlements – the old age allowance, the widow's allowance and access to health services. Their research revealed that there were significantly higher numbers of older people than were recorded in the latest government census and that many eligible older people were not receiving entitlements. In Pubail only 85 out of the 978 who were eligible were receiving the old age allowance. As a result of the older people's monitoring and advocacy the number receiving pensions increased to 480 in Pubail alone. At a national level, the government increased the rate of the old age allowance from US\$2.50 to US\$2.75 per month in 2005 and extended coverage from 1 million to 1.32 million people.

Translating healthcare policy into improved services in Bolivia

Bolivia has a number of policies that are designed to support older people, including discounted services and taxes, an annual pension and free health care, but these do not always reach the poorest older people. Older people's groups based in five cities, including La Paz, decided to monitor the implementation of free health care for older people with no health insurance. Their findings confirmed that healthcare services for older people were inadequate. Service providers were unable to deliver free services to older people since the Treasury owed them nearly US\$15 million. By presenting these findings to the Bolivian vice-finance minister (who later became the finance minister), the older people secured a commitment from the Treasury to pay the debt to the service provider in instalments. Members of the older people's group in La Paz have subsequently sat on a commission tasked with drafting revisions to the law regulating free health insurance for older people.

5. Integrate older people's rights into policy processes

Implementing the recommendations of MIPAA and realising older people's rights cannot be done in isolation. Ageing and older people's rights must be integrated into other policy processes and older people must participate if poverty reduction targets and human rights commitments are to be met.

Millennium Development Goals

As we reach the half-way point of the Millennium Development Goals (MDGs) in mid 2007, there is a growing recognition that new strategies are required to include and target the poorest. But older people, who disproportionately experience chronic poverty¹⁷, are invisible in both the MDGs themselves and in the indicators used to monitor progress towards them. Interventions designed to make progress towards the MDGs must include older people if older people are to benefit from the global effort to eradicate poverty.

Poverty Reduction Strategies

Poverty Reduction Strategies (PRSs) are intended to be nationally owned and driven. They are one of the key frameworks for channelling development assistance to resource poor countries. However, a survey by HelpAge International in 2003 found that older people and other marginalised groups were rarely included in consultations about the allocation of resources. There was little intergenerational analysis in poverty monitoring and policy decision-making processes, and limited resources were allocated to interventions aimed at vulnerable groups¹⁸.

With the present association of better aid with country driven development processes such as PRSs, inclusion of poor older people's rights within PRSs is essential to ensure that funds are allocated to services that will reach them. It is important, therefore, that an overall social protection strategy, which includes social pensions and free health care, is included in a country's PRS.

¹⁷ Chronic Poverty Research Centre, *The chronic poverty report 2004-05*, Chronic Poverty Research Centre, 2004

¹⁸ HelpAge International, *Off the margins: older people, human rights and poverty reduction in Africa in the 21st century*, October 2003

Decent Work Agenda

Another policy process, the Decent Work Agenda, is increasingly proving its relevance to a wide-ranging policy agenda, from the social dimensions of globalisation to poverty reduction strategies. It consists of four pillars: the creation of jobs, rights at work, dialogue and negotiation, and social protection. At the 2005 UN World Summit, as part of their efforts to achieve the MDGs, member states committed to making decent work for all a central objective of their national and international policies as well as development strategies, including PRSs¹⁹. Also in 2005, the European Union called for strengthening the promotion of decent work for all in line with the International Labour Organisation's Decent Work Agenda.

It is important that this policy debate is linked to other development policy processes and that it includes older people in developing countries. The Decent Work Agenda is relevant to older people because many poor older people still work, often in the informal sector, they earn very little and are not eligible for contributory pensions. The less developed the country, the higher the percentage of older women and men in the labour force. In least developed regions 71 per cent of older men and 37 per cent of older women are still working²⁰. Older people are often discriminated against in the workplace. In Moldova the NGO Second Breath found that 77 per cent of older people they surveyed said that employers would not hire them because of their age²¹.

It is essential, therefore, that the rights of older people to work and to social security are integral to the implementation of the Decent Work Agenda. Delivering on all four pillars at once may be too much for some developing country governments. A first step could be the introduction of a social protection package that includes social pensions, which would at least guarantee regular income to all older people to supplement their low-level earnings or support them when they stop working.

6. Encourage donor support for programmes that realise older people's rights

Donor states and others are obligated to progressively achieve the full realisation of the rights set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR, article 2) through international assistance. Support for national social pension schemes, for example, would fulfil donor states' obligations and be an effective use of development aid.

In 2006, ministers and senior representatives from 13 African countries at an inter-governmental regional conference on social protection in Livingstone, Zambia, recognised that social protection is a right. They highlighted the need for international assistance to help make this right a reality, calling for "*African governments to put together costed national social transfer plans within 2/3 years that are integrated within*

¹⁹ UN General Assembly, *2005 World Summit Outcome, A/60/L.1*, September 2005, paragraph 47

²⁰ UNDESA, *Population Ageing 2006 Wallchart*, 2006

²¹ HelpAge International, "Pressing for Rights in Moldova", *Ageing and Development*, Issue 19, February 2006, page 3

National Development Plans and within National Budgets, and that development partners can supplement.”²²

7. Systematically address older people’s rights within the UN human rights system

Older people’s voices need to be better heard within the UN human rights system if the UN rights mechanisms are to influence national governments to realise older people’s rights.

Engaging with the UN rights system provides another opportunity for civil society to work with national governments to ensure their legislation, policies, budgets and practices further the rights of older people. The UN human rights system is a channel through which to make recommendations that will contribute to the better implementation of MIPAA and the realisation of older people’s rights.

NGOs and community based organisations need to work more closely with national human rights organisations to ensure that older people’s issues are included in national reporting processes to the UN treaty bodies. NGOs and community based organisations (CBOs) can provide evidence to both governments compiling official state reports and to civil society organisations producing shadow reports. They can submit evidence and recommendations for government action directly to the treaty bodies. After the treaty bodies have made recommendations for government action, NGOs and CBOs can lobby governments to implement these recommendations. Evidence and recommendations can also be submitted to the special rapporteurs. Alliances need to be made with the disability and children’s lobby to ensure an intergenerational and unified approach.

Taking forward older people’s rights

As this paper demonstrates, concrete steps can be taken to create an enabling environment for the realisation of older people’s rights and the implementation of MIPAA. These include:

1. Deliver a tripartite package of a universal social pension, free healthcare and non-discriminatory laws and practice
2. Ensure older have identity documentation
3. Disaggregate and disseminate data by age and sex for targeted policy making
4. Support older people to advocate for their rights
5. Integrate older people’s rights into other policy processes
6. Encourage the donor community to support programmes that realise older people’s rights through international assistance
7. Systematically address older people’s rights within the UN human rights system

For more information see www.helpage.org

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²²Social Protection – *A Transformative Agenda, The Livingstone Call for Action*, African Union and Government of the Republic of Zambia, March 2006.