

A UN convention on the rights of older people

Five reasons why we need one

1 Older people are being denied their human rights

For example, across the world, older people are being denied their rights to:

- **Freedom from violence, abuse and neglect:** In a survey of 133 countries, only 41 have laws to prevent violence, abuse and neglect of older people that are fully enforced.¹
- **Health:** Sixty per cent of older people surveyed in low- and middle-income countries² and up to 10 per cent in high-income countries³ say they cannot obtain the healthcare they need because of the cost.
- **Social security:** Globally, 32 per cent of people over retirement age do not receive a pension. In most low-income countries, the figure is more than 80 per cent.⁴
- **Care and support for independent living:** Globally, 13.6 million more formal care workers are needed to provide the care and support that older people need.⁵

2 Older people are subjected to ageism and discrimination

Ageism (the stereotyping of, and prejudice and discrimination against, older people) is rife in all societies.⁶ Older people are subjected to different forms of discrimination:

- age discrimination based on their known or perceived age
- intersectional discrimination based on their age combined with other characteristics, such as their sex, ability or marital status
- cumulative discrimination, when the impact of discrimination against them on a number of occasions over time accumulates

As a result, older people say they feel invisible, obsolete, humiliated and patronised.⁷

3 Existing international human rights treaties are not enough

Existing treaties include few specific references to older people's rights. Those that are included are scattered and inconsistent. In addition, there are areas where older people's rights are not adequately protected, such as age discrimination, freedom from violence, abuse and neglect, care and support, palliative care, "ageing in place", end-of-life care and justice in older age. There is little data or other information on older people's rights. Treaty monitoring bodies have failed to adequately monitor whether states are meeting their obligations towards older people.

4 A new UN convention is the best option

Only a new convention could address the gaps in the existing human rights system. It would cover areas of older people's lives that are currently not adequately provided for. It would clarify states' human rights obligations and responsibilities towards older people and require states to implement laws and policies that promote older people's equality, dignity and autonomy. It would also require states to collect, disaggregate, analyse and disseminate information on older people's rights. It would establish dedicated monitoring and accountability systems. No other instrument could do all this.

5 A new UN convention would transform older people's lives

A new convention would assist governments and others to address population ageing positively, eliminate age discrimination and better protect older people's rights. It would generate financial and other resources for programmes and interventions to support older people and make the implementation of recommendations in ageing and development policies, such as the Madrid International Plan of Action on Ageing and the Sustainable Development Goals, more likely. It would help us change our attitudes towards older people and see older age as a time when we can continue to flourish and develop.

Five things that should be in it

1 Purpose and scope

The purpose of the convention should be to protect all human rights in older age. Its scope must therefore cover everyone who may be subjected to ageism and discrimination in older age.

What defines someone as “older” may vary from one context to another. There is no single chronological age when older age starts. Ageism, including age discrimination, can be based on perceived older age or characteristics associated with older age. A definition of an older person based on chronological age, such as someone over 60 or 65 years, should not therefore define the scope of the convention because it would exclude people below this age who may be subjected to ageism or denied their rights on the basis of their older age.

2 Principles

Cross-cutting human rights principles should include non-discrimination, respect, dignity, autonomy, equality, self-fulfilment and personal development, full and effective participation and inclusion in society, respect for difference and diversity, accessibility and reasonable accommodation.

3 General obligations

General obligations should include an obligation on state parties to conduct mandatory equality assessments on the impact on older people of all legislation, policy and budget decisions, in particular, on age-related policies.

4 Rights

The convention should prohibit all forms of discrimination based on older age, whether alone or in combination with other factors. It should cover a comprehensive range of political, civil, economic, social and cultural rights.

5 Implementation, monitoring and accountability

Systems for these must be as robust as for other human rights treaties. Implementation mechanisms should include national coordinating mechanisms, government focal points and capacity building of state parties. Independent national monitoring bodies should include older people and civil society organisations. They should set up enforceable individual complaint mechanisms. There should be an independent treaty body to monitor implementation. The treaty should be open to signature and ratification and/or accession by regional integration bodies.

1. WHO, UNODC, UNDP, *Global Status Report on Violence Prevention 2014*, 2014
2. WHO, *World Report on Ageing and Health*, 2015, p.91
3. WHO, *World Report on Ageing and Health*, 2015, p.91
4. ILO, *World Social Protection Report 2017–19: Universal social protection to achieve the Sustainable Development Goals*, 2017, p.75
5. Scheil-Adlung X, *Extension of Social Security: Long-term care protection for older persons: A review of coverage deficits in 46 countries*, ESS-Working Paper No. 50, ILO, 2015, p.xii
6. *Current Status of the Social Situation, Well-being, Participation in Development and Rights of Older Persons Worldwide*, UN Department for Economic and Social Affairs, 2012, p.50 www.un.org/esa/socdev/ageing/documents/publications/current-status-older-persons.pdf
7. GAROP, *In Our Own Words, What older people say about discrimination and human rights in older age*, 2015

Published by HelpAge International
PO Box 70156
London WC1H 9GB
United Kingdom
www.helpage.org
Registered charity no. 288180

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