

Fit for purpose?

Older people's rights and the existing international framework









Attention by treaty bodies

Treaty Body	No. of references
CEDAW	295
CESCR	75
CAT	5
HRC	4
CERD	2

Attention to civil and political rights

Civil and political rights	No. of references
Torture	9
Property and financial credit	7
Participation and right to vote	6
Name and nationality	5
Racial discrimination	3
Right to life, liberty and security	3
Enforced disappearances	3
Legislative framework	1
Slavery and trafficking	1
Conditions of detention	1
	<i>Total</i> 39
<i>Percentage of total references (444)</i>	9%

Economic and social rights

Economic and social rights	No. of references
Adequate standard of living	63
Health	60
Social security	40
Education	29
Work	26
Housing	8
Food	3

Other areas addressed by the international framework

- Multiple discrimination
- Lists of vulnerable groups
- Concerns raised vs recommendations

Older people's rights are not being adequately protected

- Failure to capture discriminatory practices
- Failure to prohibit age discrimination
- Gaps in protection
- Dispersal of standards
 - inconsistent attention to narrow range of rights
 - lack of clarity

A convention would provide:

- A definitive, universal position
- Legally binding protection
- Accompanying accountability mechanisms
- Clarity for duty bearers and rights holders

A convention would:

- Bring together existing rights standards
- Redress the present imbalanced focus on economic and social rights
- Provide a framework to guide policy responses
- Provide a powerful advocacy and education tool



International Human Rights Framework	Art.	Provision
Universal Declaration of Human Rights (1948)	25	The right of everyone to security in old age
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	11.1.e	The equal right of women to social security, including in old age
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	1.1 and 7	Prohibits discrimination based on age
Convention on the Rights of Persons with Disabilities (2008)	13.1	Recognises the need for age-appropriate accommodations to ensure disabled people's access to justice
	16.2	Age-sensitive measures to prevent abuse
	16.4	Age-sensitive recovery and rehabilitation
	23.1.b	Age-appropriate information on reproductive health
	25b	Provide services to minimise and prevent further disabilities among older people
	28.2.b	Ensure older people with disabilities' access to social protection and poverty reduction

Regional Human Rights Framework	Art.	Provision
American Convention on Human Rights (1969)	4.5	Prohibits capital punishment for people under 18 or over 70 years of age
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol San Salvador" (1988)	9.1	The right to social security in old age
	17	Special protection (facilities, food and medical care for those that cannot provide for themselves, work programmes, establishing social organisations) in old age
African Charter on Human and Peoples' Rights (1981)	18.4	Provides older people with the right to special measures of protection in keeping with their physical or moral needs
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)	22b	Provides for special protection for older women and their right to freedom from violence and abuse
Arab Charter on Human Rights (1997)	38	Provides for outstanding care and special protection for the aged
Charter of Fundamental Rights of the European Union (2000)	21.1	Prohibits discrimination based on age
	25	Respects the rights of older people to lead a life of dignity and independence and to participate in social and cultural life
	34.1	Respects entitlement to social security in old age

Special Procedures

Internally displaced people	11
Extrajudicial, summary or arbitrary executions	8
Violence against women	7
Adequate housing	6
Racial discrimination	4
Democratic People's Republic of Korea	4
Indigenous peoples	3
Sudan	3
Human rights and extreme poverty	2
Torture	2
Myanmar	2

