

**United Nations General Assembly Open-ended Working Group for the purpose of strengthening the protection of the human rights of older persons**

**Eleventh working session**

**Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:**

**Education, Training, Life-long Learning and Capacity-building**

**Abstract:**

*Education at an elderly age – as well as life-long learning, training, capacity building – plays an important role in the social participation and preservation of autonomy for older persons. Studies have shown a clear correlation of positive self-perception of aging adults to learning and engagements in educational activities.<sup>6</sup> Such elderly peoples depict a maintenance of physical and mental fitness, as well as participation in their communities, in politics and in “intergenerational dialogue”. Thus, from both an individualistic, societal and all around holistic perspective it is important to not only promote, but facilitate through tangible policy educational and capacity building activity among the elderly.*

**Definition:**

1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The rights of older persons to education, training, life-long learning, and capacity building was been well established in international human rights laws:

**I. Universal Declaration of Human Rights (UDHR) 1948 – Article 26**

- I. Everyone has the right to education. Free at least at elementary and fundamental levels.
- II. Education shall be directed to the full development of human personality and to the strengthening of respect for human rights, and fundamental freedoms, promote tolerance, understanding, and friendship<sup>1</sup>

**II. International Convent on Economic, Social, and Cultural Rights (ICESCR) 1966 – Article 13**

- I. “Recognition of the right to education to be directed towards full development of the human personality and the sense of dignity... Education shall enable all persons to participate effectively in a free society”<sup>7</sup>

- II. E. “The development of a system of schools at all levels shall be actively pursued..”
- III. **Convention on the Rights of Persons with Disabilities (CRPD) 2006**
  - I. “...Parties shall ensure an inclusive education system at all levels and life-long learning...”
  - II. E. “Effective Individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.”<sup>5</sup>

In efforts to see to the expansion and application of this right in regard to more specifically a life-long and life-course approach, the following legal frameworks emerged to offer more detailed outlines and policies to exemplify this right:

- IV. **UNESCO 2015 Recommendation on Adult Learning and Education:**
  - I. “Lifelong learning is rooted in the integration of learning and living, covering learning activities for people of all ages in all life-wide contexts through a variety of modalities (formal, non- formal and informal) that together meet a wide range of learning needs and demands”
  - II. This document outlines suggestions for implementing comprehensive, inclusive, and favorable policies, establishing and managing institutions, and engagement at various levels of governance (federal, localities, and otherwise) <sup>9</sup>
- V. **Inter-American Convention on Protecting the Human Rights of Older Persons 2015:**
  - I. “Older persons have the right to education, on an equal basis with other sectors of the population and without discrimination, in the modalities determined by each State Party; to participate in existing educational programs at all levels; and to share their knowledge and experience with all generations.”
  - II. This document too outlines guidelines to “...ensure effective exercise of the right to education for older persons..”<sup>10</sup>
- VI. **Rehabilitation Act of 1973 – Section 504 in conjunction with Americans with Disabilities Act of 1990**<sup>11</sup>
  - I. These two pieces of legislation, the latter expanding on the former, promote the right to adult education free from discrimination and outline policies for adult education and literacy programs to adhere to<sup>12</sup>
- VII. **Workforce Investment Act (WIA) 1998 led to the creation of the Adult Education and Family Literacy Act (AEFLA)**<sup>3</sup>
  - I. Established to promote life-long learning, vocational training, and adult workplace literacy
  - II. AEFLA established the one stop system to align adult education with “local education and workforce partners”<sup>12</sup>

## Scope of the Right:

2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.

As per the prevailing legal frameworks that are outlined above, the right of older persons to education, training, life-long learning and capacity building is a recognized right to be upheld. Older persons have the right to life-long learning and education free from discrimination, and this right encompasses vocational training, retraining, digital education, recreational/ community based education, and education in information and communication technologies. In order for the effective compliance, that is fulfilling the aim of education to the “full development of the human personality and the sense of its dignity” the following elements must be considered in practice:

- I. **Availability:** Opportunities for life-long learning and education for older persons must be made available with equal access to all. Suitable educational opportunities must be formatted to fit the needs, preferences, motivations, and cultural identities of those who are pursuant under the Inter-American Convention on Protecting the Rights of Older Persons.
- II. **Accessibility:** Older persons right to educational activities, and life-long learning must be made accessible to them including in their communities, job settings, and in their care and support setting
  - a. The ADA and Section 504 of the Rehabilitation act mandate accessible and “barrier-free” adult learning programs<sup>12</sup>
  - b. Learning and educational opportunities must also be made affordable to be truly inclusive
    - i. Many of the Legal Frameworks cited above do state the progressive goal of a State eventually providing universally free education
    - ii. In the United States, older workers may take advantage of variety of federal, and state programs to help pay for educational institutions, as well as training opportunities:
      1. The Higher Education Opportunity Act offers federal aid, including the Pell Grants; federal tax deductions and credits;

and there are also federally funded public workforce and education programs<sup>11</sup>

2. At the state level appropriation to public institutions are made.

Many states offer grants and tuition wavers to older persons<sup>11</sup>

III. **Adaptability & Acceptability:** In accordance with the Inter-American Convention, the development of programs must be formatted to meet the educational requirements, needs and preferences of older persons, and be acceptable to them.<sup>10</sup> Studies have shown how vastly different adult learners are to children learners. They are far more pragmatic, autonomous, intrinsically motivated, and within any given group have a richer and thus more varied background. For this reason adult training and education programs must be learner oriented in their approach. Thus in their design they should be fundamentally adaptable.

### State Obligations:

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?

The aforementioned legal frameworks and normative elements that address and describe the right of education, life-long learning, training, and capacity building in regards to older persons is a fundamental human right that must be promoted and facilitated by the governing structures of the state.

I. UNESCO 2015 depicts a thorough set of suggestions and guidelines that member states may adopt to promote and apply the right of older persons to education.<sup>9</sup>

Some among them state:

1. The state should put forth a comprehensive set of policies that may address the learning needs of all adults. To develop such policies, they should involve local governments and civil society organizations so as to make such programs accessible.

a. Under the WIO and AEFLA in the United States, the federal government provides funding to States for adult education programs and training and capacity building programs<sup>3</sup>

b. The Adult Education Programs and Policy (AEPP) in New York is an example of the states thus funding educational opportunities<sup>12</sup>

II. As per the Inter-American Convention, States must ensure the Acceptability and

Adaptability of policies that educational programs ascribe to:

1. The ADA and Section 504 mandates administrative policies including one that states each adult educational program must have a thorough grievance policy, and regulations of the review of grievances have also been set<sup>12</sup>
    - a. Each program must also conduct self-evaluations
- III. The Inter-American Convention also highlights the need for accessibility, and creating measures to remove barriers to pursue educational and training programs, especially in regards to women and groups of particular vulnerability, such as minorities and those with strenuous socioeconomic backgrounds.<sup>10</sup>
1. The US federal government provides federal aid and grants to those seeking higher education such as the Pell Grant program that 5,400 public and private institutions, including postsecondary vocational programs participate in<sup>11</sup>
  2. Under the WIO, there are various federal and workforce training programs such as:
    - a. Senior Community Service Employment Program (SCSEP), which serves low income Americans 55 and older. Of approximately 80,000 participants 65% of their participants are women, and 47% are minorities.<sup>11</sup>
    - b. Trade Adjustment Assistance (TAA), provides skills training and capacity building. Those who are enrolled receive benefits, such as health care support, and relocation assistance. Of approximately 53,000, 79% found employment within 3 months of completing the program<sup>11</sup>

#### Special Considerations:

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

In developing policies that promote the rights of older persons to education training, and life-long learning and capacity building there are various special measure and specific considerations that must be taken into account.

- I. In many of the legal frameworks that denote this right, accessibility to all was rightfully highlighted. Promoting adult education programs needs to be considered with care, because information is rarely available in formats easily accessible to older persons. Programs to aid in accessing adult education services are underutilized due to a lack of awareness
- II. In the course of drafting and designing educational and training programs, in efforts to make them all inclusive, they must be adaptable and tailored to the needs of elder persons in an individualistic manner. Adult learners are far more varied from each other in a number of ways, from their backgrounds, to their

intrinsic motivations, to their socioeconomic status. This has to be taken into account, and prepared for so that all older persons, regardless of background, may enrich their lives through life-long learning.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity- building?

Non-state parties, including the private sector, have a responsibility in the context of continuing education for the elderly to the extent that they have a responsibility to represent and reflect the goals of the government regarding diversity and inclusion. Thus, recruitment and diversity quotas may be set so that such goals may be met. Training and capacity building courses can be incentivized to be offered to the ageing workforce as a low risk investment for groups that are already trained, experienced and professionalized.

## Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

With the higher life expectancy, there is naturally an emergence of increased opportunities and programs in the context of the rights of older persons to education. The steady increase of these programs shows more than promise, but a positive shift in the ideological frameworks regarding old age, viewing it less with disregard or disdain, but rather as an opportunity for wellbeing and development. However, there are still massive hurdles to overcome, and although there is a general consensus that the right to education and life-long learning of older persons is a fundamental human right, in application it is still sorely lacking and leaves much

to be built upon, and expanded. For example:

- I. Through WIO and AEFLA the US government provides funding for adult educational and capacity building programs. However, some of these programs are not as efficient as possible, and needs to be expanded upon.<sup>3</sup>
  - a. For example studies show that there are 9 million SCSEP- eligible adults, but the program only has the means of serving 80,000 participants
    - i. In addition, evaluations of SCSEP enrollees in 2012 showed they lacked up-to-date computer skills<sup>11</sup>
  - b. WIA funding has decreased in recent years, even though there is an increasing demand for it, and only a handful of states in the US have been seen to implement “robust” programs<sup>11</sup>
- II. The Higher Education Opportunity Act offers federal aid, including the Pell Grants; federal tax deductions and credits; and there are also federally funded public workforce and education programs<sup>11</sup>
  - a. Older persons are not seen taking advantage of such pathways towards

continuing education, because of a lack of awareness and restrictions

- i. Tuition waiver policies will have age requirements, or restrictions as to what they cover (certain courses) and other conditions
- b. Even though the Federal Grant Aid quadrupled from 2000-2010 (from 10 billion to 38 billion) only 2.3% of grant receipts were made to those over 50<sup>11</sup>

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