
Contribution of the International Federation on Ageing to the 14th Session of the Open-ended Working Group on Ageing: Normative content on the right to health and access to health services

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Occurring in parallel with an ageing global population is an increased prevalence of noncommunicable diseases, with these diseases now being the leading causes of death and disability globally. (1) With age being a risk factor for many health conditions, older people's access to health care across the care continuum is necessary in order for them to obtain the highest attainable standard of physical and mental health. When defining the contents of such rights, consideration of legal frameworks such as the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, and the African Union Protocol on the Rights of Older Persons ought to occur. (2) While the right to health is outlined in many legal frameworks, there is no framework specific to older persons, leaving them at risk for their right to health and health services not to be realized. We saw the deadly consequences of this during the COVID-19 pandemic, when 80% of deaths in the initial waves of the pandemic were amongst those aged 65 years of age and older. (3) We saw that older people were disproportionately impacted by triage protocols based on ageist and ableist assumptions of human worth. (4–6) Finally, we saw that those providing care to older people were also harmed through older persons' limited ability to exercise their right to health, with health care professionals reporting poor mental health as a consequence of moral injury and distress, PTSD, and burnout due to their workplace experiences. (7–9) Other emerging concerns that impact older persons' health include social isolation and loneliness, the rise of antimicrobial resistance, increasing economic inequalities within countries, and the climate crisis. (10,11)

As a legal concept, the right to health and access to health services has been sufficiently developed, with widespread political consensus that this is a right that all individuals ought to be able to exercise. However, there must be structures in place that support the operationalization of this right, specifically recognizing that older people are disproportionately vulnerable to being unable to attain the highest standard of physical and mental health that they are capable of. A convention on the rights of older people could include a monitoring mechanism by which signatory states can measure their progress of the standard to which older people can attain physical and mental health while creating the conditions with which older people can take ownership of their rights. Codifying the rights of older persons in one document which recognizes older people as rights holders who are uniquely impacted by the consequences of ageism will establish a common global understanding of the minimum standards of practice with which governments must hold themselves accountable. Key normative elements of a right specific to older people's ability to obtain the highest attainable standard of physical and mental health ought to include considerations of:

- i. How environments support older people in improving and maintaining their physical and mental health.
- ii. How human dignity is maintained in the process of accessing care for both care recipients and providers.
- iii. The ability of older people to provide informed consent regarding health interventions they receive.
- iv. How a life course approach is integrated into health initiatives at all levels.
- v. How non-state parties can support older people in accessing the right to health.

Regardless of Member States' practice, protecting the right to health and access to health services is required should we wish to live in a world where older persons are recognized as rights holders and have the ability to take ownership of their rights. Recognizing that non-state parties influence experiences of physical and mental health across the life course, a convention on the rights of older persons would additionally outline the responsibilities of non-state parties and their obligations to older people.

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