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**GUIDELINES FOR THE INTERNATIONAL CONVENTION TO
PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF OLDER
PERSONS**

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GUIDELINES FOR THE INTERNATIONAL CONVENTION TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF OLDER PERSONS

1. PURPOSE

1.1 South African Context

The purpose of the convention must be to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons, and to promote respect for their inherent dignity. (Sourced from the Convention on the Rights of Persons with Disabilities - amended Article 1 – par 1)

1.2 Regional Context

The comprehensive and integral international convention will promote and protect the rights and dignity of older persons, will guide Member States as they design, implement, monitor and evaluate appropriate integrated national policies and programmes to meet the individual and collective needs of older people (AU Policy Framework and Programme of Action, page 7)

1.3 International Context

The need for a new international instrument on older people's rights is motivated by the following:

- Age discrimination and ageism are prevalent across the world;
- Older people face abuse, violence and denial of their rights;
- The number of older people likely to experience discrimination and violation of their rights worldwide is growing at an unprecedented pace;
- There are clear gaps in terms of the protection available to older people through existing human rights standards; and
- Older people's rights are neglected by the current human rights monitoring system.

(Extracts from: 5 Reasons Why We Need a New International Instrument on Older People's Rights, page 1)

2. PRINCIPLES

2.1 South African Context

2.1.1 General Principles (South African Older Persons Act: Chapter 1, No 5)

All proceedings, actions or decisions in a matter concerning an older person must:

- respect, protect, promote and fulfil the older person's rights; the best interests of the older person;
- respect the older person's inherent dignity;
- treat the older person fairly and equitably; and
- protect the older person from unfair discrimination on any ground, including on the grounds of the health status or disability of the older person.

In any matter concerning an older person:

- an approach which is conducive to conciliation and problem-solving should be followed and a confrontational approach should be avoided; and
- a delay in any action or decision to be taken must be avoided as far as possible.

2.1.2 Principles and Values (SA Policy on Older Persons; p17, No 2.4)

- The family, in its diverse forms, is the fundamental unit of the society, linking generations and should therefore be maintained, strengthened and protected in accordance with traditions and customs;
- Older persons should have access to primary health care, curative care, social services and other care and support systems in order to maintain their optimal level of physical, mental, spiritual and emotional well-being;
- Services should be provided in an inter-sectoral and collaborative manner.
- Throughout their lives, all persons have a personal responsibility to contribute to their social and financial independence;
- Where independence is unattainable, the family, community and all tiers of government (national, provincial and local) have a shared responsibility to provide the necessary care and support;
- Services should enable older persons to remain independent and self-supporting for as long as possible;
- Older persons should be treated fairly and with respect regardless of gender, racial, cultural or religious backgrounds, and services must be non-discriminatory;
- The individuals' right to privacy and confidentiality must be respected;
- The self-determination and the autonomy of individuals of older persons must be respected;
- Service providers must have personal and professional integrity when providing services;
- Commitment to engage in a collaborative multi-sectoral service delivery.

2.2 Regional Context

States Parties shall ensure that the principles of independence, dignity, self-fulfilment, participation and care of Older Persons are included in their national laws and are legally binding as the basis for ensuring their rights. (Draft Protocol to The

2.3 International Context

Resolution 46/91 - United Nations Principles for Older Persons adopted by the United Nations

2.3.1 Independence

- Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help;
- Older persons should have the opportunity to work or to have access to other income-generating opportunities;
- Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place;
- Older persons should have access to appropriate educational and training programmes;
- Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities;
- Older persons should be able to reside at home for as long as possible.

2.3.2 Participation

- Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations;
- Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities;
- Older persons should be able to form movements or associations of older persons.

2.3.3 Care

- Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values;
- Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness;
- Older persons should have access to social and legal services to enhance their autonomy, protection and care;
- Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment;
- Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

2.3.4 Self-Fulfilment

- Older persons should be able to pursue opportunities for the full development of their potential;

- Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

2.3.5 Dignity

- Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse;
- Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

3. DEFINITION

3.1 South African Context

In South Africa an “older person” means a person who, in the case of a male, is 65 years of age or older and, in the case of a female is 60 years of age or older (South African Policy for Older Persons, page 8, (xvii))

3.2 Regional Context

The AU Policy Framework and Programme of Action on Ageing recommends to Member States to undertake to standardise the definition of older people through review and harmonisation of definitions of older persons in line with the UN common usage of older persons i.e. those aged 60 years and above. (AU Policy Framework and Programme of Action on Ageing, page 9)

3.3 International Context

Recognizing that there is no universal definition of an older person and that life expectancy and the cultural markers of old age vary widely across different social settings, (Draft Declaration on the Rights of Older Persons-the document has no official standing, par 19)

4. EQUALITY AND NON-DISCRIMINATION AS APPLIED TO OLDER PERSONS

4.1 South African Context

4.1.1 Constitution of South Africa - Chapter 2: Bill of Rights-Article 9: Equality

- Everyone is equal before the law and has the right to equal protection and benefit of the law; (Bill of Rights-Article 9: Equality, 1)
- Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken; (Bill of Rights-Article 9: Equality, 2)
- The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth; (Bill of Rights-Article 9: Equality, 3)
- No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination; (Bill of Rights-Article 9: Equality, 4)
- *Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.* (Bill of Rights-Article 9: Equality, 5)

4.1.2 South African Policy on Older Persons, page 28, par 3

In line with the provisions of the Constitution, older persons should have the right to work and to retire and there should be no discrimination against older persons in the labour market

4.2 Regional Context

4.2.1 Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa: Elimination of Discrimination against Older Persons, Article 4

States Parties shall:

- Prohibit all forms of discrimination against older persons and modify social and cultural patterns of conduct which marginalise Older Persons;
- Take corrective and positive action in those areas where discrimination and all forms of stigmatisation against Older Persons continue to exist in law and in fact;
- Support and enforce local, national, regional, continental and international initiatives directed at eradicating all forms of discrimination against Older Persons.

4.3 International Context

- States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law; (Sourced from the Convention on the Rights of Persons with Disabilities - amended Article 5 - Equality and non-discrimination, 1)

- States Parties shall prohibit all discrimination on the basis of **old age** and guarantee to **older persons** equal and effective legal protection against discrimination on all grounds; (Sourced from the Convention on the Rights of Persons with Disabilities - amended Article 5 - Equality and non-discrimination, 2))
- Specific measures which are necessary to accelerate or achieve de facto equality of **older persons** shall not be considered discrimination under the terms of the present Convention; (Sourced from the Convention on the Rights of Persons with Disabilities - amended Article 5 - Equality and non-discrimination, 4))
- Participating States will respect the rights set forth in the present Convention and will ensure its application to all older persons subject to their jurisdiction, independent of their race, colour, sex, language, religion, political opinion or other social, national, ethnic or indigenous origin, social position, disability or other condition; (Guidelines for a Convention on the Rights of Older Persons, p7, par 8))
- Participating States will prohibit all age discrimination and guarantee all older persons effective protection against age discrimination and for any other motive; (Guidelines for a Convention on the Rights of Older Persons, p7, par, 9))
- With the aim of promoting equality and elimination discrimination, participating States will adopt all pertinent measures to ensure the realization of reasonable accommodation; (Guidelines for a Convention on the Rights of Older Persons, p8, par, 1))
- States will adopt special measures to protect older persons; (Guidelines for a Convention on the Rights of Older Persons, p8, par, 2))
- Specific measures or differences in treatment that are necessary to accelerate or achieve de facto equality of older persons will not be considered discriminatory in virtue of the present Convention; (Guidelines for a Convention on the Rights of Older Persons, p8, par, 3))
- Governments will develop specific approaches in their ageing policies in relation to older persons in high vulnerability situations, including women, persons with disabilities, migrants and persons in poverty or social marginalization, among others; (Guidelines for a Convention on the Rights of Older Persons, p8, par, 4))

5. SPECIFIC HUMAN RIGHTS TO BE INCLUDED

5.1 South African Context

5.1.1 Older Person & Development

- Integrated community based care and support services
- Preferential treatment of older persons
- Poverty and Food Insecurity
- Emergency situations
- Social grants
- Immigration
- Work and the ageing labour force
- Access to knowledge, education and training
- Access to information
- Recreation
- Consumer protection
- Government services at reduced tariffs
- Intergenerational Solidarity
(SA Policy on Older Persons; p 22-32)

5.1.2 Advancing Health & Well-Being into Old Age

- Preventative health care
- Support services
- Older persons and HIV/AIDS
- Treatment and care guidelines
- Social Services and Health Workforce
- Older persons and disabilities
(SA Policy on Older Persons; p 33-39)

5.1.3 Ensuring Enabling & Supportive Environments

- Independent Living
- Assisted living/ sheltered housing
- Community-based services
- Residential Care
- Support to Non-Governmental Organisations
- Registration of service providers
- Governance of Services
(SA Policy on Older Persons; p 40-53)

5.1.4 Abuse, Ill-Treatment & Neglect of Older Person

- Abuse
- Identification of older persons in need of care/ protection
- Register of abuse of older persons
- Legal Assistance
- Victim empowerment support services
(SA Policy on Older Persons; p 54-58)

5.2 Regional Context

5.2.1 Recommendations: African Common Position on the Human Rights of Older Persons

- That issues of **older persons with disabilities** clearly be highlighted in the African Common Position for Human Rights of Older Persons;
- That **Civil Society Organisations** also be included in the delegations of the next Open Ended Working Group at the UN in New York;
- That **data** on older persons be gathered and disaggregated by age, gender and disability.

5.2.2 The Fundamental Rights of Older Persons

Member States recognise the fundamental rights of older persons and commit themselves to abolish all forms of discrimination based on age; that they undertake to ensure that the rights of older people are protected by appropriate legislation; including the right to organise themselves in groups and to representation in order to advance their interests. (AU Policy Framework and Plan of Action on Ageing: Recommendation)

5.2.3 Older Persons & Development

Right to Make Decisions

States Parties shall:

- i. Ensure that appropriate legislation exists that recognises the rights of Older Persons to make decisions regarding their own well-being without undue interference from family and affiliated groups, and that Older Persons have the right to appoint a party of their choice to carry out their wishes and instructions;
- ii. Ensure that, in the event of incapacity, Older Persons shall be provided with such support as legal aid and accompaniment by social and legal personnel in order to make decisions that are in their best interest and wellbeing.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 7)

5.2.4 The Rights to Employment

States Parties shall:

- i. Take measures to eliminate unfair discrimination against Older Persons with regard to employment opportunities;
- ii. Ensure that Older Persons enjoy decent working conditions.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 8)

5.2.5 Social Protection

States Parties shall:

- i. Develop policies and legislation that ensure that older persons that retire from their employment are provided with adequate pensions and other forms of social security;
- ii. Ensure that universal social protection mechanisms exist to provide income security for those older persons that did not have the opportunity to contribute to any social security provisions;
- iii. Ensure that the processes and procedures of accessing pensions are decentralised, simple and dignified;
- iv. Take measures to enable individuals to prepare for income security in old age.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 9)

- Member States undertake to design, develop, and implement practical, realistic and appropriate social welfare strategies that include the concerns of older people. (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to enact legislation that ensures the establishment and implementation of formal and informal social security systems. (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to ensure that the rights and needs of older people are comprehensively addressed in poverty reduction strategies. (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to ensure that older people have access to adequate food and nutrition. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.6 Support for the Care of Orphans and Vulnerable Children

States Parties shall:

- i. Adopt measures to ensure that Older Persons in need, caring for orphans and vulnerable children are provided with financial, material and other support;
- ii. Ensure that when children are left in the care of older persons, any social or other benefits designed for the children, are remitted to the older persons.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 13)

5.2.7 Protection of Older Persons in Conflict and Disaster Situations

States Parties shall:

- i. Ensure that, in situations of risk, including natural calamities, conflict situations, during civil strife or wars, Older Persons enjoy access, on a priority basis, to assistance during rescue efforts, settlement, repatriation and other interventions;
- ii. Ensure that Older Persons receive humane treatment, protection and respect at all times and are not left without needed medical assistance and care.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 16)

- Member States undertake to ensure that assistance reaches older people in situations of conflict; (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to ensure that the needs of older people in emergency situations are met. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.8 Access to Education and Life Skills

States Parties shall:

- i. Ensure that Older Persons have full access to continuous education and information;
- ii. Develop policies that ensure the rights of Older Persons to enjoy all aspects of life, including active participation in cultural programs, leisure and sports.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 18)

- Member States undertake to develop and strengthen strategies that encourage older peoples' participation as educators and trainers. (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to increase understanding and awareness of ageing issues through education and training. (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to eliminate the discrimination against older people in accessing employment and training opportunities and retaining their jobs. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.9 Duties of Older Persons

Older Persons have responsibilities towards their families, their communities, the wider society, the state and the international community. In this regard they shall:

- i. Mentor and pass on their knowledge to the younger generations towards good practices;
- ii. Foster and strengthen intergenerational dialogue and solidarity within their families and communities.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 22)

- To invest in the youth by promoting healthy habits, and ensuring education and employment opportunities, access to health services, and social security coverage for all workers as the best investment to improve the lives of future generations of older persons while reaping the demographic dividend; (African Common Position Human Rights of Older Persons in Africa, 1g)
- Member States undertake to develop and strengthen strategies that empower older people to contribute to their families. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.10 Advancing Health and Well-being into Old Age

Access to Health Services

States Parties shall:

- i. Guarantee the rights of Older Persons in accessing health services that meet their specific needs;
- ii. Ensure that free health services and medical insurance cover are extended to Older Persons;
- iii. Ensure the inclusion of geriatrics and gerontology in the training of health care personnel.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 17)

- To ensure security of older persons in terms of access to quality healthcare social services and income security, providing opportunities for older persons and putting in place and/or strengthening national social protection schemes for older persons; (African Common Position Human Rights of Older Persons in Africa, 1d)
- To ensure coverage for older people in HIV and AIDS prevention care and treatment programmes and support them in their role as caregivers; (African Common Position Human Rights of Older Persons in Africa, 1e)
- Member States undertake to ensure that older people's rights to appropriate health care are legally constituted and guaranteed; (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to guarantee the delivery of health services that meet the specific needs of older people; (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to protect the rights and needs of older people affected by HIV/AIDS and other epidemics. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.11 Ensuring Enabling & Supportive Environments

Care and Support

States Parties shall:

- i. Adopt policies and legislation that provide incentives to all stakeholders including adult children, to support Older Persons in their communities, ensuring that they remain at home for as long as possible;
- ii. Identify, promote and strengthen traditional support systems, including medical home based care, to enhance the ability of families and communities to care for older family members.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 12)

Residential Care

States Parties shall:

- i. Enact or review legislation that ensures that residential and geriatric care is optional for Older Persons;
- ii. Ensure that Older Persons in residential care facilities are provided with the best quality of care possible.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 14)

Awareness on Ageing and Older Persons and preparation for old age

States Parties shall:

- i. Adopt measures to encourage the development of awareness raising programmes targeting younger population groups on ageing and Older Persons, especially to combat negative attitudes against Older Persons;
- ii. Adopt measures to develop training programmes that prepare Older Persons for the challenges faced in old age, including retirement.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 21)

- To put in place and fully promote sensitisation programmes at national level to motivate a change of mindset and societal attitudes towards ageing and older persons in order to protect the human rights of older persons and develop a new rights-based culture of ageing; from welfare recipients to active, contributing members of society; (African Common Position Human Rights of Older Persons in Africa, 1c)
- Member States undertake to ensure that older people have access to safe, durable and affordable shelter; (AU Policy Framework and Plan of Action on Ageing Recommendation)
- Member States undertake to ensure that public infrastructure accommodates the needs of older people. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.2.12 Protection for Older Persons

Access to Justice and Equal protection before the law

States Parties recognise that Older Persons are equal before the law, and towards this end, they shall:

- i. Develop and review legislation to ensure that Older Persons receive equal treatment and protection;
- ii. Ensure the provision of legal assistance to Older Persons in need in order to defend their rights;
- iii. Ensure that law enforcement organs at all levels are equipped to effectively interpret and enforce policies and legislation to protect the rights of Older Persons.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 6)

Protection from Abuse and harmful traditional practices

States Parties shall:-

- i. Enact legislation which makes it an offence for family members, the community, institutions or other persons to abuse Older Persons;
- ii. Enact legislation that protects Older Persons from false accusations based on stereotypes and harmful traditional practices.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 10)

5.2.13 Additional Inputs

Protection of Older Women

States Parties shall

- i. Ensure the protection of the rights of older women to freedom from violence, sexual abuse and discrimination based on gender;
- ii. Take all necessary measures to eliminate harmful social and cultural practices, including witchcraft accusations, which affect the welfare, health, life and dignity of older women;
- iii. Put in place legislation that guarantees protection of Older Women against abuses related to property and land rights;
- iv. Adopt appropriate legislation to protect the inheritance rights of older women.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 11)

Protection of Older Persons with Disabilities

States Parties shall:

- i. Adopt legislation to protect the rights of Older Persons with disabilities;
- ii. Ensure that such legislation complies with regional and international standards;
- iii. Ensure that Older Persons with disabilities have access to specialised care, which responds to their needs within their communities.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 15)

Coordination and Data Collection

States Parties shall:

- i. Ensure the systematic collection and analysis of national data on Older Persons;
- ii. Develop a national mechanism on ageing with responsibility to assess, monitor, evaluate and coordinate the integration and implementation of Older Persons' rights in national policies, strategies and legislation;
- iii. Support a continental mechanism, through the African Union Commission, to monitor and support the implementation and follow-up of the continental policies and plans on ageing.

(Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, Article 23)

- To allocate budget to develop, implement, monitor and evaluate evidence-based policies: thus addressing the data gap on ageing amongst others; (African Common Position Human Rights of Older Persons in Africa, 1f)
- Member States undertake to ensure that comprehensive data on the situation of older persons is compiled and made accessible. (AU Policy Framework and Plan of Action on Ageing Recommendation)

5.3 International Context

- Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world, (UN Convention on Persons with Disabilities, Preamble, a)
- Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, (UN Convention on Persons with Disabilities, Preamble, b)
- Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need of **older persons** to be guaranteed their full enjoyment without discrimination, (Sourced from the UN Convention on Persons with Disabilities - amended Preamble, c)
- Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (Sourced from the UN Convention on Persons with Disabilities, Preamble, d)

6. NATIONAL AND INTERNATIONAL SUPERVISORY MECHANISMS

6.1 South African Context

Services to older persons should be monitored on a continuous basis, clear indicators and targets should be set to ensure proper monitoring. The services should be evaluated on an annual basis to determine effectiveness, and ensure that remedial action is taken should there be a need. *(SA Policy on Older Persons, page 60)*

Implementation mechanism may include the following: *(as proposed in the presentation by the Department of Social Development (DSD) on the Implementation of the Older Persons Act, 2006, 19 February 2013)*

- Establishment of the Coordinating Bodies to play their roles in the implementation of the Convention;
- Developed norms and standards, for services to older persons including capacity building to stakeholders on the norms and standards.

6.2 Regional Context

6.2.1 The AU Policy Framework and Programme of Action on Ageing: Monitoring and Follow-up on Implementation, page 24

The Open Ended Working Group (OEWG) "could" request the UN to urgently establish an Advisory Council and research committee to co-ordinate research on ageing throughout the Continent and to disseminate this information to national and regional organisations responsible for research and policy implementation.

Indicators against which progress on the implementation of the comprehensive and integral international convention to promote and protect the rights and dignity of older persons can be monitored should include the following:

- a) Development of a National Policy and Plan of Action on Ageing, with specific targets, timeframes and means of monitoring and evaluation.
- b) Review and modification of national laws and legislation to include the rights of older people.
- c) Establish Ministerial position or National Department responsible for ageing issues.
- d) National budgetary allocations made to support policies and programmes of work with older persons.
- e) National legislation implemented to enforce the implementation of the UN Principles for Older Persons.
- f) Social security and social welfare policies reviewed and updated.
- g) Annual national reports submitted to the UN.
- h) Establishment of an appropriate UN organ with the responsibility for ageing and older people's issues.
- i) Mechanisms for and participation of older people in national and other committees, as perceived by the Convention, to promote the rights and dignity of older persons, consult and advise government, comment on legislation and policy, foster the growth of community organizations, disseminate information, raise public awareness, interact with Governments and other relevant stakeholders.

6.2.2 Africa's Common Position on Human Rights of Older Persons, page 2, (a)

To establish an all-inclusive and accountable institutional mechanism that ensures coordination and integration of ageing issues into international development instruments and to create space for national debate on priorities, strategic investments, social protection and legal measures.

6.3 International Context

6.3.1 General obligations: (Sourced from the Convention on the Rights of Persons with Disabilities - amended Article 4, 1-5)

- States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all **older persons** without discrimination of any kind on the basis of old age.
- To this end, States Parties undertake:
 - (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against **older persons**;
 - (c) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention.
- With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
- In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to older persons, States Parties shall closely consult with and actively involve **older persons**, through their representative organizations.
- Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of **older persons** and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present.
- States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism with in government to facilitate related action in different sectors and at different levels.