



*Permanent Mission of the Republic of Zimbabwe
to the United Nations*

The Permanent Mission of the Republic of Zimbabwe presents its compliments to the United Nations Department of Economic and Social Affairs and has the honour to submit herewith Zimbabwe's contribution to the IX Session of the UN Open Ended Working Group on Ageing scheduled to be held from 23 to 26 July, 2018 for the latter's consideration.

The Permanent Mission of the Republic of Zimbabwe avails itself of this opportunity to renew to the United Nations Department of Economic and Social Affairs the assurances of its highest consideration.

9 April, 2018



**United Nations Department of Economic and Social Affairs
NEW YORK**

Contributions to the IX Session of the United Nations Open Ended Working Group on Ageing Scheduled for 23-26 July 2018, New York, United States of America

Inputs on normative content for the development of a possible international standard on the protection of (i) the rights of older people to equality and non discrimination and (ii) the right to live free of violence, neglect and abuse

(i) The rights to equality and non discrimination

Gaps in existing international instruments on the care and protection for the aged have been contributing to discrimination and abuse against the aged. International human rights principles as articulated in

the Universal Declaration of Human Rights (UDHR) fail to explicitly recognize the aged as a category with distinct needs that require special attention. As a result, ageism attitudes and discrimination constitute the basis for major violations on the rights of the aged.

It is imperative for an international instrument to be crafted so as to amalgamate all principles, actions and recommendations on the protection of the elderly. Ultimately the international instrument should prohibit age based discrimination. Fragmentations in legal provisions within available instruments make it difficult for member states to adopt and implement laws.

Zimbabwe supports the idea of establishing a legally binding,

comprehensive international instrument possibly titled “United Nations Convention on the Rights of Older Persons” (UNCROP). The proposed convention should be built on principles and guidelines articulated in the Madrid Plan of Action on Ageing (MIPPA). It should embrace the welfare of the aged as a human right issue not just a developmental phenomenon. The basis for the ratification of this convention by member states hinges on lobbying and advocacy around current demographic trends across the globe that point to an unprecedented increase of the aging population. Consequently member states have an obligation to develop mechanism to address emerging needs of this category of people at a global scale.

The proposed convention should be governed by the following principles;

- **Equality**
- **Non discrimination**
- **Participation as active subjects not passive recipients**
- **Dignity and self respect**
- **Independence and autonomy**
- **Access to care and social services**

The convention should also explicitly state and distinguish the rights of older persons and their entitlements as well as duty holders and their obligations. Based on the proposed set of principles, the international convention can have articles that provide for;

- **Mechanisms to support and sustain the quality of life and dignity for older persons. These may include minimum**

standards of care for the aged under institutional care and within households. The value and wisdom contributed by older persons irrespective of cultural variations should be appreciated.

- Clear definition of terms such as the, aged, discrimination, neglect, abuse, violence.**
- Adequate health care, housing and access to justice and social care.**
- Pronounce the rights of the elderly as legitimate; promote rights to social security, delivery of social services and palliative care.**
- Clarify how human rights apply in old age, ensure states are accountable to their obligations and provide a framework for policy making.**

- **Establish legal standards that challenge and replace stigmatizing and dehumanizing ageist attitudes. Standards to cover all aspects of social and economic aspects of life exposing and discouraging ageism attitudes exhibited within institutions, family, work and community.**
- **Establish an international framework for monitoring and reporting.**

(ii) the right to live free of violence, neglect and abuse

The absence of international human right instruments that explicitly apply to the situation of the aged presents serious challenges when addressing violations against the aged. Current human rights instruments such as the Universal

Declaration of Human Rights (UDHR) passively make reference to rights of older persons. The aged are catered for in general human rights principles. As a result persistent acts and circumstances that promote violations against the aged continue even in the presence of international, regional and local laws. It must be acknowledged that the Madrid Plan of Action on Ageing (MIPPA) is not an international legally binding instrument neither does it explicitly provides for redress against violence, abuse and neglect for the aged. Consequently protection against violence, neglect and abuse for the aged remains limited and the rights of the aged are barely enforced.

Acknowledging that age is a social construct, violence, abuse and neglect against the elderly are acts that are often embedded in cultural and social norms. The nature and severity of violence and abuse varies across the globe, consequently a “one size fits all” approach in addressing violations may not work. It follows then that a desirable instrument is one that is context specific, fully accommodating socio economic realities of member states. An international instrument can provide the guiding principles while context specific regional treaties can then provide the specifics of the law.

This is particularly important for the African region where violence and abuse are often rooted in harmful traditional

practices and social economic deprivations. Within the same region, the HIV and AIDS pandemic has increased the burden of care for the elderly thereby presenting unique circumstances that expose the elderly to abuse and violence. Accordingly a legally binding regional treaty can adequately address current gaps by moving away from “soft laws” on the treatment of the aged to more concrete laws that prevent violations and promote protection.

Zimbabwe recommends the establishment of a Regional Treaty to promote the protection of the aged against violence, neglect and abuse. The Regional Treaty should draw principles from the proposed Convention on the Rights of Older Persons. In this regard,

Zimbabwe recommends the inclusion of an article that criminalizes violence and abuse for the aged within the international instrument. The following should be key considerations within the Regional Treaty;

- . Violence against the aged as a criminal offence with clear definition on the nature of abuse, cruelty, neglect, abuse and maltreatment**
- Context appropriate definitions on the severity of violence and harmful traditional practices that interfere with entitlements**
- distinguish forms of violence and abuse and the context under which neglect occurs**
- Provide clear guidelines on compliance by member states and channels of**

redress for the aged from community, all the way to the national level.

- **compliance and monitoring to be undertaken by an independent agency**
- **Social protection as a right for the aged to reduce the burden of care imposed by HIV and AIDs pandemic**
- **Establishment of research institutions that collect data on matters pertaining to the welfare of the aged. Resources should be mobilized to support research and analysis**
- **The rights of the aged to freedom from abuse, neglect and exploitation, mal treatment, freedom from discrimination and rights to work, access to resources, property and health service should be clearly documented**