

## VI Session Ageing

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It is imperative to move forward in the multilateral fora in order to promote, protect and ensure the recognition and full enjoyment and exercise, in equal conditions, of all human rights and fundamental freedoms of elder people, in order to contribute to their full inclusion, integration and participation in society.

“Active and healthy aging” is the process of optimizing opportunities for physical, mental health, and social well-being, participation in social, economic, cultural, spiritual, and civic affairs, and protection, security, and care in order to extend healthy life expectancy and quality of life for all people as they age as well as to allow them to remain active contributors to their families, peers, communities and nations. It applies to both individuals and population groups.

Inputs for a possible international instrument:

### **I- Discrimination and abuse**

“Discrimination”: Any distinction, exclusion, or restriction with the purpose or effect of hindering, annulling, or restricting the recognition, enjoyment or exercise, in equality of conditions, of human rights and fundamental freedoms in the political, cultural, economic, social, or any other sphere of public and private life. (CIPM-Definitions)

“Age discrimination in old age”: Any distinction, exclusion, or restriction based on age, the purpose or effect of which is to annul or restrict recognition, enjoyment, or exercise, in equality of conditions, of human rights and fundamental freedoms in the political, cultural, economic, social, or any other sphere of public and private life. (CIPM-Definitions)

“Abuse”: A single or repeated act or omission to the detriment of an older person that harms their physical, mental, or moral integrity and infringes the enjoyment or exercise of their human rights and fundamental freedoms, regardless of whether or not it occurs in a relationship of trust. (CIPM-Definitions)

1. 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. (Art 5, CD)
2. States Parties shall prohibit all discrimination on the basis of age and guarantee to elder persons equal and effective legal protection against discrimination on all grounds. (CD)
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. (CD)

## **II- Right to social security**

All older persons have the right to social security, to protect them so that they can live a dignified life. (CIPM, Art 17)

State Parties shall progressively promote within the available resources, the provision of income to ensure a dignified life for all older persons, through social security systems and other flexible social protection mechanisms.

Everything in this article will be in accordance to national legislation.

## **III- Right to independence and autonomy**

State Parties to this Convention recognize the right to the older persons to make decisions, to determine their life plans, to lead an autonomous and independent in keeping with their traditions and beliefs in equal conditions, and to be afforded access to mechanisms enabling them to exercise their rights. (CIPM, Art 7)

States Parties shall adopt programs, policies, or actions to facilitate and promote full enjoyment of those rights by older persons, facilitating their self-fulfillment, the strengthening of all families, their family and social ties, and their emotional relationships. In particular, they shall ensure:

Respect for the autonomy of older persons in making their decisions, and their independence in the actions they undertake.

That older persons have the opportunity to choose their place of residence and where and with whom they live, on an equal basis with others and are not obliged to live in a particular living arrangement.

Ensure that older persons have progressively access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

#### **IV- Right to health**

States Parties recognize that older persons have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of age. States Parties shall take all appropriate measures to ensure access for older persons to health services that are gender-sensitive. (Art 25, CD)

Older persons have the inalienable right to express their free and informed consent on health matters. (Art 11, CIPM)

In order to guarantee the right of older persons to express their informed and prior consent in a voluntary, free, and explicit manner, and the right to modify or revoke that consent, in respect of any medical decision, treatment, procedure, or research in the area of health, States Parties commit to prepare and enforce appropriate and effective mechanisms to prevent abuse and strengthen the capacity of older persons to fully understand existing treatment options, and their risks and benefits.

Those mechanisms must ensure that the information provided is appropriate, clear and timely, available on a non-discriminatory basis, in an accessible and easily understood manner, in accordance with the older person's cultural identity level of education and communication needs.

Require health professionals to provide care of the same quality to older persons as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of older persons through training and the promulgation of ethical standards for public and private health care. (Art 25, d), CD).

#### **V- Rights of older persons receiving long-term care**

Older persons have the right to a comprehensive system of care that provides protection and promotion in the area of health, coverage of social services, food and nutritional security, water, clothing, and housing, while promoting the ability of older persons to decide to stay in their own home and maintain their independence and autonomy. (Art 12, CIPM)

States Parties shall adopt measures designed to develop a comprehensive care system that takes particular account of a gender perspective, while respecting the dignity, physical and mental integrity of the older person.

In order to ensure older persons the effective enjoyment of their human rights, when receiving long-term care services, the States Parties commit to:

Establish mechanisms to ensure that the beginning and end of long-term care services are subject to the expression by the older person of his or her free and express will.