

## **Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

### **Focus area 1: Contribution of older persons to sustainable development**

#### **The Scope:**

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

#### **Substantive guiding questions:**

##### **National Legal and Policy Framework**

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:
  - a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;
  - b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;
  - c) good practices to ensure older persons' participation in, and contribution to sustainable development.
2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?
3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

##### **Equality and non-discrimination**

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

## Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

### Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

#### FAO response:

FAO is committed to adopting a human rights-based approach to its work. This includes the promotion of human rights of all, with a specific focus on vulnerable and marginalized groups, including older persons. FAO recognizes the important role that older people have in promoting sustainable development, especially in rural areas which most of the Organization's programs and projects are addressing. Older people are often carriers of traditional knowledge and take up crucial functions in community building and cultivating connections. Especially in contexts with weak social protection systems, they are significant providers for the household and often the primary caregivers for grandchildren and other family members.<sup>1</sup>

Yet, older people are often marginalized and lack access to fully participate in sustainable development. One of the reasons for this is that in many countries, most older people live in rural areas which are often disconnected from decision-making procedures taking place in capitals or regional urban centers. It is also often more difficult to get access to information in rural areas. Moreover, older people are particularly affected by the digital divide, meaning that they often lack the skills, knowledge, and resources to benefit from digital technologies. Automatization and increasing reliance on new technologies can also have detrimental effects on older people's participation and inclusion.

Ageism is another challenge faced by older persons. According to the Independent Expert on the enjoyment of all human rights by older persons, appointed by the UN Human Rights Council, ageism<sup>2</sup> is, unlike other forms of discrimination, socially accepted; usually unchallenged and pervasive in policy and social norms. Stereotypes and prejudices often cause their contributions and potential to be overlooked, ignored, or dismissed, and can lead to their exclusion from neighborhood and community activities.<sup>3</sup>

Older persons face disproportionate cases of age-based discrimination. In particular, the COVID-19 pandemic has shed light on reports of abuse and neglect of older persons, particularly in care institutions and the community.<sup>4</sup> Age, income, gender and geographic inequalities often intersect, making access to justice particularly difficult for older people who live in rural communities and are poor. In extreme cases, especially when age-based discrimination is combined with factors like gender-based discrimination, resource scarcity, and poor understanding of age-related diseases,

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<sup>1</sup> <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20618&LangID=E>

<sup>2</sup> UN Human Rights Council. 2021. A/HRC/48/53. Report of the Independent Expert on the enjoyment of all human rights by older persons, para. 21. Available at: <https://undocs.org/A/HRC/48/53>

<sup>3</sup> UN Human Rights Council. 2021. A/HRC/48/53, para. 66-67.

<sup>4</sup> World Elder Abuse Awareness Day: Access to Justice <https://www.un.org/development/desa/ageing/world-elder-abuse-awareness-day/2021-2.html>

## **Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

older people (and women in particular) can be exposed to such drastic forms of injustice as witchcraft accusations, leading to abuse and violence.<sup>5</sup>

The *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas* includes specific provisions related to attention to older people (Art. 2) and access to justice (Article 12).

FAO follows with great interest the work of important actors such as the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons or the Independent Expert on the enjoyment of all human rights by older persons, appointed by the UN Human Rights Council, and, where appropriately, uses their recommendations and findings to guide its work.

To strengthen the positive impacts of FAO programs and projects and to avoid or minimize as far as possible adverse effects on people and planet, FAO disposes of a set of Environmental and Social Standards underpinning all its work. These standards ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.<sup>6</sup>

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<sup>5</sup> <https://www.helpage.org/newsroom/latest-news/older-people-must-be-protected-from-witchcraft-accusations/>

<sup>6</sup> <https://www.fao.org/environmental-social-standards/standards/en/>

## **Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

### **Focus area 2: Economic security**

#### **National legal and policy framework**

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?
2. How is poverty defined in the national policy framework?
3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?
4. What data, statistics and research are available regarding older persons living in poverty?

#### **Progressive realization and the use of maximum available resources**

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?
6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?
7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

#### **Equality and non-discrimination**

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

#### **Remedies and redress**

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

## Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

### FAO response:

As the UN Specialized Agency with the mandate to end hunger and malnutrition in all its forms and promote inclusive rural development, FAO plays a central role in the realization of the right to an adequate standard of living. *The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* specifically recommend for States to “monitor the food security situation of vulnerable groups, especially women, children **and the elderly**.”<sup>7</sup> The *UN Declaration on the Rights of Peasants and Other People Working in Rural Areas* points to the need to pay particular attention to the rights and special needs of peasants and other people working in rural areas, **including older persons**.<sup>8</sup>

FAO is committed to contributing to SDG 1. Poverty is the single most pressing challenge to the welfare of older persons.<sup>9</sup> With poverty comes a higher risk of homelessness, hunger or other forms of malnutrition, and lack of access to safe drinking water, sanitation and health care. Often, older people’s vulnerability is compounded by other factors such as discrimination due to their gender or ethnic origin. Indeed, older women are at higher risk of poverty than older men.<sup>10</sup> They spend more than four hours a day on unpaid domestic work – more than double the time older men spend on the same activities.<sup>11</sup> Moreover, older women in low and middle-income countries often have no choice in doing this work, and support structures such as social protection, healthcare and pensions are rarely available.

(Extreme) poverty is most acute in rural areas.<sup>12</sup> Global trends show that rural populations are ageing.<sup>13</sup> Older people are therefore an increasingly important target group of FAO’s programs, projects and policies.

Evidence shows that social protection is an investment rather than a cost since it generates positive economic multipliers at the level of households and local economies.

Pensions for older persons are the most common form of social protection. While over 77% of people above retirement age receive some form of old-age pension globally, there are great disparities between rural and urban areas. Basic income security or pensions for older persons is one of the 4 social security guarantees stipulated by the Social Protection Floor. Recognizing social

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<sup>7</sup> Guideline 17.5 of the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, available at: <https://www.fao.org/right-to-food/resources/resources-detail/en/c/44965/>

<sup>8</sup> UN, 2018. *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*, Art. 2. Available at: <https://www.geneva-academy.ch/joomlatools-files/docman-files/UN%20Declaration%20on%20the%20rights%20of%20peasants.pdf>

<sup>9</sup> <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20618&LangID=E>

<sup>10</sup> UN Human Rights Council. 2018. A/HRC/39/50. Report of the Independent Expert on the enjoyment of all human rights by older persons, para. 20. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/00/PDF/G1821000.pdf?OpenElement>

<sup>11</sup> ODI, 2018. *Between work and care Older women’s economic empowerment*

<sup>12</sup> See for example FAO. 2019. *FAO framework on rural extreme poverty: Towards reaching Target 1.1 of the Sustainable Development Goals*. Available at: <https://www.fao.org/documents/card/en/c/ca4811/en/>

<sup>13</sup> HelpAge International. 2014. *The ageing of rural populations: evidence on older farmers in low- and middle-income countries*, p. 7. Available at: <https://www.helpage.org/silo/files/the-ageing-of-rural-populations-evidence-on-older-farmers-in-low-and-middle-income-countries.pdf>

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protection as a fundamental human right, FAO is committed to expanding social protection coverage to rural populations, including older persons.

Some countries which have rapidly expanded pension coverage have introduced innovative systems to finance their pension systems:

- (i) China: achieved universal coverage of old-age pension thanks to an innovative hybrid Residents' Pension Scheme for both rural and urban residents consisting of a social pension component and a contributory one.
- (ii) Bolivia: *Renta Dignidad*: Universal old-age pension, mainly financed through taxation of hydrocarbons.
- (iii) Botswana: non-contributory universal old-age pension scheme, financed by the government through its tax-based revenue.
- (iv) Brazil: *Previdencia Rural*: Pension specific to rural populations, for older persons who have completed at least 180 months of work in rural areas. Fiscal space for social protection increased significantly due to contributory financing of social insurance, based on payroll contributions.