



**Silver
Innings** TM

Silver Inning Foundation

A Dedicated Organisation for Senior Citizens & their Family members

Registered under Society Registration Act of 1860 vide registration number 1300/2008/GBBSD dated 14/07/2008 & under Bombay Public Trust Act 1950 vide registration number F- 36344 Mumbai dated 8/12/2008

Response by Silver Inning Foundation, India to the OEWSA questionnaire on: "Identification of possible gaps in the protection of the human rights of older persons and how best to address them"

Background

At the thirteenth session of The Open-ended Working Group on Ageing, a key decision (13/1) was adopted. This requested that a period of inter-sessional work should be undertaken before the subsequent OEWSA meeting. Further, that co-facilitators should be appointed via the Chair of OEWSA to undertake work to develop and submit proposed intergovernmental negotiated recommendations. These could then be considered at the fourteenth session of the Working Group in 2024 and subsequently presented to the General Assembly for consideration. The work to be undertaken was in accordance with resolution 77/190, concerning the existing international framework of the human rights of older persons and possible gaps in provision, together with options about how best to address them. As part of this process, a questionnaire has been developed and circulated by the inter-sessional working group.

The purpose of the survey is to enable consideration of the existing international framework, the identification of possible gaps in the protection of the human rights of older persons and how best these might be addressed and resolved. The questionnaire has been sent to all States Members of the United Nations, observers in the General Assembly, A-status National Human Rights Institutions, nongovernmental organizations with ECOSOC Status (for previously accredited organizations to OEWSA), as well as United Nations Funds, Programmes, Specialized Agencies and other UN Entities.

UNFPA (United Nations Population Fund) India, in collaboration with the International Institute for Population Sciences (IIPS), unveiled the highly anticipated "India Ageing Report 2023" on 27 SEP 2023. This report sheds light on the challenges, opportunities and institutional responses surrounding elderly care in India, as India navigates a demographic shift towards an ageing population.



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The India Ageing Report 2023 represents a thorough review of the living conditions and welfare of older individuals in India. It leverages the latest data available from the Longitudinal Ageing Survey in India (LASI), 2017–18, Census of India, Population Projections by the Government of India (2011–2036) and World Population Prospects 2022 by the United Nations Department of Economic and Social Affairs to provide an up-to-date perspective.

The India Ageing Report 2023 key findings encompass a range of analyses related to elderly well-being, including:

- The enhancement of geriatric care to cater to the unique healthcare needs of seniors.
- A multitude of government schemes and policies addressing the health, financial empowerment, and capacity building needs of the elderly population.
- Community-based organizations actively engaged in digital empowerment through computer and internet usage sessions.
- Ministerial committees dedicated to shaping policies for elderly welfare.
- Corporate efforts for joyful aging, social assistance, old age homes, and elder abuse awareness campaigns.

About this response

Silver Inning Foundation is accredited 'UN Accredited Non-Governmental Organizations (NGO)' from India, working since 2008 towards creating Elder and Dementia Friendly World where Ageing becomes a Positive and Rewarding Experience.

Silver Inning Foundation is important member of The International Network for the Prevention of Elder Abuse (INPEA) and is very active on Social Media to promote rights of older person's through networking and advocacy globally.

We unconditionally support and endorse International Network for the Prevention of Elder Abuse (INPEA) submission for OEWGA questionnaire on: "Identification of possible gaps in the protection of the human rights of older persons and how best to address them".



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The aging population is a global phenomenon that presents unique challenges to societies worldwide. As individuals grow older, they may become more vulnerable to various forms of discrimination, neglect, and abuse. Despite the international recognition of the human rights of older persons, there are potential gaps in the protection mechanisms that need careful consideration.

We at Silver Inning Foundation would like to shed light on some of these gaps and discusses potential avenues for addressing them.

1. Inadequate Legal Frameworks:

- One significant gap is the absence or inadequacy of specific legal frameworks addressing the rights of older persons. Many countries lack comprehensive legislation that explicitly safeguards the rights of the elderly.
- Existing laws may not be tailored to address the unique challenges faced by older individuals, such as age-related discrimination, social isolation, and elder abuse.

2. Ageism and Stereotyping:

- Ageism, the stereotyping and discrimination against individuals based on their age, is a pervasive issue that affects older persons globally. Negative stereotypes can lead to the marginalization of older individuals and hinder their full participation in society.
- Addressing ageist attitudes and promoting a more inclusive approach to aging is crucial for protecting the human rights of older persons.

3. Access to Healthcare:

- Older persons often face barriers in accessing adequate healthcare. Discrimination in healthcare settings, limited availability of geriatric services, and age-related biases can result in substandard care for older individuals.
- Ensuring equitable access to healthcare services, including geriatric care, is essential to protect the right to health for older persons.



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4. Economic Insecurity:

- Economic challenges, such as pension inadequacy and limited employment opportunities, can leave older individuals economically vulnerable. This insecurity can jeopardize their ability to access basic necessities, housing, and healthcare.
- Strengthening social safety nets, improving pension systems, and promoting age-inclusive employment practices are critical to addressing economic gaps for older persons.

5. Isolation and Neglect:

- Social isolation and neglect are prevalent issues among the elderly, especially in the context of changing family structures and societal dynamics. Older individuals may experience abandonment, lack of emotional support, and neglect in care facilities.
- Developing community-based support systems, enhancing social services, and raising awareness about the importance of social connectedness are crucial steps in addressing these gaps.

Even although the majority of international human rights treaties apply to older persons, in practice it is challenging for civil society organizations to submit meaningful contributions to UN treaty bodies or other monitoring mechanisms. This is due to the lack of comprehensive human rights provisions in relation to older people, including the exact scope of Member States' obligations.

Highlighting human rights violations within the framework of existing human rights treaties that are not specifically targeted at older persons requires civil society to interpret normative provisions with either limited or no existing interpretive guidance.

Due to the lack of a comprehensive binding instrument on older people's rights there is a heightened risk that treaty body members do not have the necessary capacity or specialized knowledge of essential concepts such as ageism, and of the specific human rights violations experienced in older age. There is also increased risk that Committee members either overlook or do not give sufficient weight to the rights of older people throughout their specific review processes or in their final recommendations or decisions.



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We at Silver Inning Foundation offer following way forward Options / Recommendation:

Safeguarding the human rights of older persons requires a concerted effort to identify and address the existing gaps in legal frameworks, societal attitudes, and access to essential services. By acknowledging and actively working to bridge these gaps, societies can create an environment that respects and protects the dignity, well-being, and rights of older individuals. It is imperative to foster a culture that values and celebrates the contributions of older persons while ensuring their inclusion in all aspects of life.

We strongly feel that there is only one option that would provide the urgently needed comprehensive protection of older persons' rights: this is a dedicated binding UN convention.

The demonstrated need for systemic change necessitates the adoption of a new legal instrument at the international level. It is apparent that ageism is pervasive within societies and has negative impacts on older persons' rights in all areas. To move from charitable and social welfare models to a rights-based approach, we require a transformative shift in understanding. **In our view this can only be provided by a specific UN convention on the human rights of older persons.**

A dedicated international human rights instrument would expedite the urgently needed shift to a human rights-centred approach. When dedicated international instruments have been established, similar transformative shifts have been seen regarding other groups that experience discrimination and human rights violations.

A new convention on human rights of older persons would clarify States' legal obligations towards older persons across all areas of life, develop and increase understanding of equality concepts such as ageism, abuse of older people and age discrimination and offer increased impetus for much needed legal reform at the national level across the world.



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We would like to bring to your notice that various reports have been submitted over the past decade to the OEWGA process by civil society, academia and UN bodies and experts and they have all clearly and consistently established that there is only one effective way to enable and expedite the necessary shift towards a human rights based approach to ageing and older persons, and thereby to guarantee the effective and comprehensive protection of the complete continuum of human rights in older age. This can only be achieved via the drafting and adoption a new UN Convention on the Rights of Older Persons.

References:

- The International Network for the Prevention of Elder Abuse (INPEA)
- "India Ageing Report 2023" by UNFPA (United Nations Population Fund) India, in collaboration with the International Institute for Population Sciences (IIPS).

Warm Regards,

Sailesh Mishra
Founder President
Silver Inning Foundation



Date 8th Dec 2023