

Human rights of older persons

References from some core international human rights treaties
and the Madrid International Plan of Action on Ageing

Office of the High Commissioner for Human Rights and
Department on Economic and Social Affairs

Document in progress

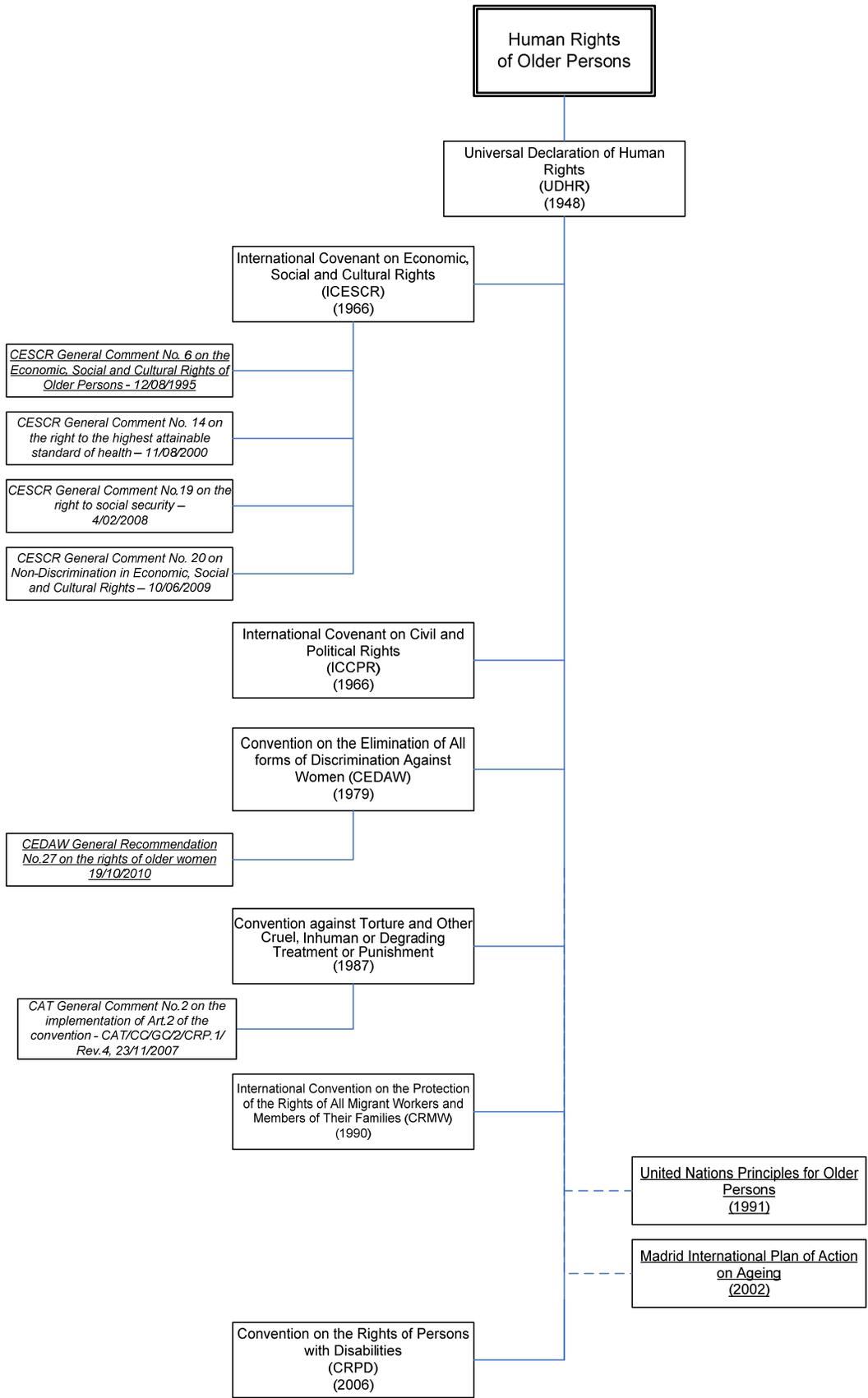
Human rights of older persons

References from some international human rights treaties and the MIPAA

Index of table:

1. Equality and non-discrimination
2. Right to an adequate standard of living
3. Right to the highest attainable standard of physical and mental health
4. Right to enjoy the benefits of scientific progress
5. Right to work
6. Right to social security
7. Right to privacy
8. Right to liberty and security of person
9. Right to education
10. Right to take part in public affairs
11. Equality before law and access to justice
12. Right to a family life

Important: The following table does not include all international human rights instruments or all provisions applicable to older persons. Instead, it aims to present some references from existing provisions in core human rights treaties and to relate them to some priority objectives included in the 2002 Madrid International Plan of Action on Ageing. International human rights treaties are binding to the State parties that have ratified them.



Human rights of older persons

References from some international human rights treaties and the MIPAA

List of acronyms used in this table (alphabetic order)

CAT CG 2: Committee against Torture, General Comment No.2 on the Implementation of Art.2 of the Convention - CAT/CC/GC/2/CRP.1/Rev.4, 23 November 2007

CEDAW: Convention on the Elimination of All forms of Discrimination Against Women (1979)

CEDAW GR 27: Committee on the Elimination of All forms of Discrimination Against Women, General Recommendation No.27 on the rights of older women, CEDAW/C/2010/47/GC.1, 19 October 2010

CESCR GC 6: Committee on Economic, Social and Cultural Rights, General Comment No.6 on the economic, social and cultural rights of older persons - 12/08/1995

CESCR CG 14: Committee on Economic, Social and Cultural Rights, General Comment No.14 on the right to the highest attainable standard of health (art.12) - E/C.12/2000/4, 11 August 2000

CESCR GC 19: Committee on Economic, Social and Cultural Rights, General Comment No.19 on the right to social security (art. 9) - E/C.12/GC/19, 4 February 2008

CESCR GC 20: Committee on Economic, Social and Cultural Rights, General Comment No.20 on Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) - E/C.12/GC/20, 10 June 2009

CRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

CRPD: Convention on the Rights of Persons with Disabilities (2006)

ICCPR: International Covenant on Civil and Political Rights (1966)

ICESCR: International Covenant on Economic, Social and Cultural Rights (1966)

MIPAA: Madrid Plan of Action on Ageing (2002)

UDHR: Universal Declaration of Human Rights (1948)

Human rights of older persons
References from some international human rights treaties and the MIPAA

Human rights	Core International Human Rights Treaties	General comments or General recommendations by human rights treaty bodies	Priority directions in Madrid International Plan of Action on Ageing
<p>1. On Equality and non discrimination</p> <p><u>Universal Declaration of Human Rights, art. 2:</u></p> <p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind</p>	<p><u>ICCPR, art 2:</u> Respect and ensure to all individual all the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p><u>ICESCR, arts. 2.2 & 3:</u> - Guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language [...] or other status - Equal rights of men and women to the enjoyment of all economic, social and cultural rights.</p> <p><u>CEDAW, art. 2:</u> General obligation on States to take all appropriate measures to</p>	<p><u>CESCR GC 6, paras.10-12 & 20-21:</u> - The prohibition of discrimination on the grounds of "other status" can be interpreted as applying to "age" - Regarding ICESCR art. 3, States should pay special attention to older women.</p> <p><u>CESCR GC 20, para.29:</u> Age is a prohibited ground of discrimination in several contexts</p> <p><u>CEDAW GR 27, para.29 to 31:</u> - States are under the obligation to take all appropriate steps to</p>	<p>Priority direction I: Older persons and development <u>Issue 8/Objective 1</u> - Equal access by older persons to food, shelter and medical care and other services during and after natural disasters and other humanitarian emergencies.</p>

Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>eliminate discrimination against women in all its forms.</p> <p><u>CRPD, art. 8.1 b):</u></p> <ul style="list-style-type: none"> - Combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life <p><u>ICMW, art.7:</u></p> <ul style="list-style-type: none"> - Age is explicitly included in the list of prohibited grounds for discrimination 	<p>eliminate discrimination against older women.</p> <ul style="list-style-type: none"> - The principle of gender equality applies throughout the whole life cycle in law and in practice. 	
<p>2. Right to an adequate standard of living</p> <p><u>Universal Declaration of Human Rights, art.25:</u> Includes food, clothing, housing, medical care, the necessary social services and social security in the event of unemployment, sickness, disability, widowhood and old age.</p>	<p><u>ICESCR, art. 11</u></p> <ul style="list-style-type: none"> - Includes adequate housing, food and clothing, and the continuous improvement of living conditions. - Article 2.2 on the principle of non discrimination should be read in conjunction with art. 11 in relation to older persons. <p><u>CEDAW, art. 14.2 h)</u></p> <ul style="list-style-type: none"> - Regarding the particular problems faced by women in rural areas, States should ensure them the enjoyment of adequate living conditions, including housing, 	<p><u>CESCR General Comment No. 6, para. 30:</u></p> <ul style="list-style-type: none"> - To implement the provisions of article 9 of the ICESCR, States parties should provide non-contributory old-age benefits and other assistance for older persons. <p><u>para. 33:</u></p> <ul style="list-style-type: none"> - National policies should help older persons to continue to live in their own homes as long as possible, through their necessary restoration, development, improvement and adaptation. <p><u>CEDAW General Recommendation No. 27, paras. 43 & 44:</u></p> <ul style="list-style-type: none"> - States should ensure older women access to appropriate social and economic benefits as well as provide all women 	<p><u>Priority direction I: Older persons and development</u></p> <p><u>Issue 3/Objective 1, 2 and 3:</u></p> <ul style="list-style-type: none"> -Improvement of living conditions and infrastructure in rural areas. - Alleviation of the marginalization of older persons in rural areas. - Integration of older migrants within their new communities. <p><u>Issue 6/Objective 1</u></p> <ul style="list-style-type: none"> - Reduction of poverty among older persons. <p><u>Issue 7/Objective 2</u></p> <ul style="list-style-type: none"> - Sufficient minimum income for all older persons, paying particular attention to socially and economically disadvantaged groups. <p><u>Issue 8/Objective 1:</u></p> <ul style="list-style-type: none"> - Equal access by older persons to food, shelter and medical care and other services during and after natural

Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>sanitation, electricity, water, transport and communications, without any kind of discrimination.</p> <p><u>CRPD, art. 28</u></p> <ul style="list-style-type: none"> - Includes food, clothing, housing, and the continuous improvement of living conditions (without any discrimination). - Older persons with disabilities should have access to social protection and poverty reduction programs. 	<p>adequate non-contributory pensions (on an equal basis with men);</p> <ul style="list-style-type: none"> - State-provided allowances should be available and accessible to older women, particularly those living in remote or rural areas. <p><u>para. 48:</u></p> <ul style="list-style-type: none"> - Obligation to take measures to ensure older women access to adequate housing that meet their specific needs <p>States should provide for social services enabling women to remain at home and live independently as long as possible</p> <p>Obligation to abolish laws and practices affecting older women access to housing, land and property.</p> <ul style="list-style-type: none"> - Obligation to protect older women against forced evictions and homelessness. 	<p>disasters and other humanitarian emergencies.</p> <p><u>Priority direction II: Advancing health and well-being into old age Issue 1/Objective 3</u></p> <ul style="list-style-type: none"> - Access to food and adequate nutrition for all older persons. <p><u>Priority direction III: Ensuring enabling and supportive environments Issue 1/Objective 1, 2 and 3</u></p> <ul style="list-style-type: none"> - Promotion of “ageing in place” in the community with due regard to individual preferences and affordable housing options for older persons. - Improvement in housing and environment design to promote independent living by taking into account the needs of older persons, in particular those with disabilities. - Improved availability of accessible and affordable transportation for older persons.
<p>3. Right to the highest attainable standard of physical and mental health</p> <p><u>Universal Declaration of Human Rights, art. 25:</u></p>	<p><u>ICESCR, art. 12:</u></p> <p>Universal right to the enjoyment of the highest attainable standard of physical and mental health</p>	<p><u>CESCR CG 6, paras. 34 & 35:</u></p> <ul style="list-style-type: none"> - Regarding the realization of the right to health of elderly persons, States should take a comprehensive approach, ranging from prevention and rehabilitation to the care of the terminally ill. <p><u>CESCR GC 14, para. 25</u></p> <p>Importance of an integrated</p>	<p><u>Priority direction II: Advancing health and well-being into old age Issue 1/Objective 1, 2 and 3</u></p> <ul style="list-style-type: none"> - Reduction of the cumulative effects of factors that increase the risk of disease and potential dependence in older age. - Development of policies to prevent ill health among older persons. - Access to food and adequate

Human rights of older persons

References from some international human rights treaties and the MIPAA

<p>The right to a standard of living adequate to the health and well-being of all people</p>	<p><u>CEDAW, art. 12:</u> - States' obligation to eliminate discrimination against women in the field of health care</p> <p><u>CRPD, art.25 b):</u> - States' obligation to take all appropriate measures to ensure access for persons with disabilities to health services, including the provision of those services needed specifically because of their disabilities and services designed to minimize and prevent further disabilities, including among children and older people.</p>	<p>approach, with preventive, curative and rehabilitative elements of health treatment. Such measures should be based on periodical check-ups for both sexes; physical as well as psychological rehabilitative measures aimed at maintaining the functionality and autonomy of older persons; and attention and care for chronically and terminally ill person.</p> <p><u>CEDAW GR 27, paras.45 & 45:</u> - Obligation to adopt a comprehensive health care policy for the protection of the health needs of older women, ensuring them affordable and accessible health care. - Such policy should include interventions promoting behavioral and lifestyle changes as healthy nutritional practices and active living. - Adoption of special programs tailored to address the physical, mental, emotional and health needs of older women, especially of women belonging to minorities and women with disabilities.</p>	<p>nutrition for all older persons.</p> <p><u>Issue 2/Objective 1, 2, 3 and 4</u> - Elimination of social and economic inequalities based on age, gender or any other ground, including linguistic barriers, to ensure that older persons have universal and equal access to health care. - Development and strengthening of primary health care services to meet needs of older persons and promote their inclusion in the process. - Development of a continuum of health care to meet the needs of older persons. - Involvement of older persons in the development of primary and long-term care services.</p> <p><u>Issue 3/Objective 1 and 2</u> - Improvement in the assessment of the impact of HIV/AIDS on the health of older persons, both for those who are infected and for those who are caregivers for infected or surviving family members. - Provision of adequate information, training in care-giving skills, treatment, medical care and social support to older persons living with HIV/AIDS and their caregivers.</p> <p><u>Issue 4/Objective 1-</u> Provision of improved information and training for</p>
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Human rights of older persons
References from some international human rights treaties and the MIPAA

	<p><u>ICCPR, art. 7:</u> - No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation</p>		<p>health professional and para-professionals on the needs of older persons.</p> <p><u>Issue 5/Objective 1</u> - Development of comprehensive mental healthcare services ranging from prevention to early intervention, the provision of treatment services and the management of mental health problems in older persons.</p> <p><u>Issue 6/Objective 1</u> - Maintenance of maximum functional capacity throughout the life course and promotion of full participation of older persons with disabilities.</p> <p><u>Priority direction III: Ensuring enabling and supportive environments</u> <u>Issue 2/Objective 1</u> - Provision of a continuum of care and services for older persons from various sources and support for caregivers.</p>
<p>4. Right to the enjoyment of the benefits of scientific progress</p>	<p><u>ICESCR, art. 15.1.b:</u> The right of everyone to enjoy the benefits of scientific progress and its applications</p>		

Human rights of older persons

References from some international human rights treaties and the MIPAA

<p>5. Right to work</p> <p><u>Universal Declaration of Human Rights, art. 23:</u> - Universal right to work and equal pay for equal work, without any type of discrimination</p>	<p><u>ICESCR, arts. 6 & 7:</u> - The right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and States parties will take appropriate steps to safeguard this right. - States have to set in motion programs of technical and vocational guidance and training - Right to the enjoyment of just and favorable working conditions with fair wages and equal remuneration for equal work (without any type of discrimination)</p> <p><u>CEDAW, art.11:</u> Obligation to eliminate discrimination against women in the field of employment, to ensure to everyone the right to work.</p> <p><u>CRPD, arts. 8.2 iii) & 27:</u> - Obligation of States to take measures to promote recognition of</p>	<p><u>CESCR General Comment No.6, paras. 22 to 25:</u> - States should take appropriate measures to prevent discrimination on the grounds of age in employment and occupation. - The Committee stresses the importance to employ old workers in circumstances where they can best use their experiences and know-how. - Retirement preparation programmes should be made available.</p> <p><u>CESCR General Comment 19, para 15:</u> The Committee stresses that States parties should establish a retirement age that is appropriate to national circumstances which take account of, the nature of the occupation, in particular work in hazardous occupations and the working ability of older persons.</p> <p><u>CEDAW CR 27, para. 41 and 42:</u> - States' obligation to facilitate the participation of older women in paid work without any discrimination based on their age.</p>	<p><u>Priority direction I: Older persons and development</u> <u>Issue 2/Objective 1</u> - Employment opportunities for all older persons who want to work. <u>Issue 4/Objective 1</u> - Equality of opportunity throughout life with respect to continuing education, training and retraining as well as vocational guidance and placement services.</p> <p><u>Priority direction II: Advancing health and well-being into old age</u> <u>Issue 6/Objective 1</u> - Maintenance of maximum functional capacity throughout the life course and promotion of full participation of older persons with disabilities.</p> <p><u>Priority direction III- Ensuring enabling and supportive environments</u> <u>Issue 4/Objective 1</u> - Enhancement of public recognition of the productivity and other important contributions of older persons.</p>
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Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>skills, merits and abilities of persons with disabilities, and of their contribution to the work place and the labour market</p> <ul style="list-style-type: none"> - Enjoyment of the right to work of persons with disabilities on an equal basis with others 		
<p>6. Right to social security</p> <p><u>Universal Declaration of Human Rights, art. 22:</u></p> <ul style="list-style-type: none"> - The right to social security - The realization of economic, social and cultural rights indispensable for human dignity. 	<p><u>ICESCR, art. 9:</u></p> <ul style="list-style-type: none"> - The right to social security, including social insurance <p><u>CEDAW, art. 11.1 e):</u></p> <ul style="list-style-type: none"> - States should ensure, in the field of employment, that women and men enjoy the right to social security on an equal footing, particularly in cases of retirement, 	<p><u>CESCR GC 6, paras. 26 to 30:</u></p> <ul style="list-style-type: none"> - In order to fully implement the provisions of article 9 of the ICESCR, States parties should provide non-contributory old-age benefits and other assistance for all older persons. - Retirement age should be flexible, depending on occupation and the working ability of the older person. <p><u>CESCR GC 19, para.15:</u></p> <p>States parties should take appropriate measures to establish social security schemes which benefit older persons. States parties should establish a retirement age that is appropriate to national circumstances taking into account the nature of the occupation and the working ability of older persons.</p> <p><u>CEDAW CR 27, para. 42, 43 and 44</u></p> <ul style="list-style-type: none"> - Non-contributory pensions should be available to all women (on an 	<p><u>Priority direction I: Older persons and development</u></p> <p><u>Issue 5/Objective 1</u></p> <ul style="list-style-type: none"> - Strengthening of solidarity through equity and reciprocity between generations. <p><u>Issue 6/Objective1</u></p> <ul style="list-style-type: none"> - Reduction of poverty among older persons. <p><u>Issue 7/Objective 1 and 2</u></p> <ul style="list-style-type: none"> - Promotion of programmes to enable all workers to acquire basic social protection/social security, including, where applicable, pensions, disability insurance and health benefits. - Sufficient minimum income for all older persons, paying particular attention to socially and economically disadvantaged groups.

Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>unemployment, sickness, invalidity and old age.</p> <p><u>CRPD, art. 28.2:</u> - Rights of persons with disabilities to the enjoyment of social protection on an equal basis with others - Older persons with disabilities: should have access to social protection and poverty reduction programs</p>	<p>equal basis with men) as well as State provided allowances to older women, especially the ones living in remote or rural areas.</p>	
<p>7. Right to education</p> <p><u>Universal Declaration of Human Rights, art. 26:</u> - Technical and professional education should be available - Higher education equally available to all (on a merit basis)</p>	<p><u>ICESCR art. 13:</u> Right to education</p> <p><u>ICESCR art. 6.2</u> To achieve the full realization of the right to work, States shall include technical and vocational guidance and training programmes, policies and techniques</p> <p><u>CEDAW, art. 10:</u> Obligation to eliminate discrimination against women on the field of education, to ensure,</p>	<p><u>CESCR CG 6, paras. 36 & 37:</u> - Regarding the right of everyone to education (ICESCR art.13), in the case of the elderly, States should follow two complementary lines: a) right of the elderly to benefit from educational programmes; and b) making the know-how and experience of the elderly available to younger generations. - The Committee recalls the UNESCO concept of life-long education which includes: informal, community-based and recreation-oriented programmes for the elderly in order to develop their sense of self-reliance and the community's sense of responsibility.</p> <p><u>CEDAW GR 27, para. 40</u> - Obligation to ensure equality of</p>	<p><u>Priority direction I: Older persons and development</u> <u>Issue 4/Objective 1 and 2</u> - Equality of opportunity throughout life with respect to continuing education, training and retraining as well as vocational guidance and placement services. - Full utilization of the potential and expertise of persons of all ages, recognizing the benefits of increased expertise with age.</p>

Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>amongst other things, access to programmes of continuing education, adult and functional literacy programmes</p> <p><u>CRPD, art. 24:</u> To realize the right of persons with disabilities to education, an inclusive education system and lifelong learning directed to the full development of their personality and potential should be ensured.</p>	<p>opportunity in education for women of all ages</p> <ul style="list-style-type: none"> - Obligation to ensure older women the access to adult education and lifelong opportunities 	
<p>8. Right to privacy</p> <p><u>Universal Declaration of Human Rights, art. 12:</u></p> <ul style="list-style-type: none"> - Right to privacy (protection against arbitrary interference) 	<p><u>ICCPR art. 17:</u></p> <ul style="list-style-type: none"> - Right to privacy (protection against arbitrary or unlawful interference with his privacy, family, home or correspondence) 		<p><u>Priority direction III: Ensuring enabling and supportive environments</u></p> <ul style="list-style-type: none"> - Promotion of “ageing in place” in the community with due regard to individual preferences and affordable housing options for older persons. - Improvement in housing and environment design to promote independent living by taking into account the needs of older persons, in particular those with disabilities.
<p>9. Right to liberty and security of person</p> <p><u>Universal Declaration of Human Rights, arts.3 & 5:</u></p> <ul style="list-style-type: none"> - Right to life, liberty and security - Prohibition of any type of cruel, inhuman or 	<p><u>ICCPR, art. 7:</u> Prohibition of torture and of any cruel, inhuman or degrading treatment.</p> <p><u>CRPD, art. 16:</u> Requirement of age-sensitive assistance and support for persons with disabilities and their families to prevent exploitation, violence and abuse</p>	<p><u>CEDAW GR 27, paras. 33, 36 & 37:</u></p> <ul style="list-style-type: none"> - States parties should provide older women with information on their rights and how to access legal services. They should train the police, the judiciary as well as legal aid and paralegal services on the rights of older women and sensitize and train public authorities and institutions on age- and gender-related issues that 	<p><u>Priority direction I: Older persons and development</u></p> <p><u>Issue 5/Objective 1</u> Strengthening of solidarity through equity and reciprocity between generations.</p> <p><u>Priority direction III: Ensuring enabling and supportive environments</u></p> <p><u>Issue 3/Objective 1 and 2</u></p> <ul style="list-style-type: none"> - Elimination of all forms of neglect, abuse and violence of older persons.

Human rights of older persons

References from some international human rights treaties and the MIPAA

<p>degrading treatment</p>	<p><u>CAT GC 2, para.15:</u> - States' parties should prohibit, prevent and redress torture and ill-treatment in, inter alia, institutions that engage in the care of the aged.</p>	<p>affect older women. - States are under the obligation to eliminate negative stereotypes and modify social and cultural patterns of conduct that are prejudicial and harmful to older women and that usually result in physical, sexual, psychological, verbal and economic abuse - States parties have the obligation to recognize and prohibit violence against older women, including those with disabilities, in legislation on domestic violence, sexual violence and violence in institutional settings.</p>	<p>- Creation of support services to address elder abuse.</p>
<p>10. Right to take part in the conduct of public affairs</p> <p><u>Universal Declaration of Human Rights, art. 21:</u> - Right to take part in the government of his/her country (directly or through freely chosen representatives)</p>	<p><u>ICCPR, art. 25</u> Every citizen shall have the right a) to take part in the conduct of public affairs, directly or through freely chosen representatives; b) to vote and be elected; c) to have access, on general terms of equality, to public service in his country.</p> <p><u>CEDAW, arts. 7 & 8:</u> - Obligation to eliminate discrimination against women in political and public life, ensuring that women participate in government policies' formulation as well as in non-governmental organizations and associations</p> <p>- Women should equally enjoy the</p>		<p><u>Priority direction I: Older persons and development</u> <u>Issue 1/Objective 1 and 2</u> - Recognition of the social, cultural, economic and political contribution of older persons. - Participation of older persons in decision-making processes at all levels. <u>Issue 3/Objective 3</u> - Integration of older migrants within their new communities. - Enhanced contributions of older persons to the reestablishment and reconstruction of communities and the rebuilding of the social fabric following emergencies. <u>Issue 8/Objective 2</u> - Enhanced contributions of older</p>

Human rights of older persons

References from some international human rights treaties and the MIPAA

	<p>opportunity to represent their Government</p> <p><u>CRPD, art. 29:</u> - Persons with disabilities should be ensured the full and effective participation in public and political life on an equal basis with others</p>		<p>persons to the reestablishment and reconstruction of communities and the rebuilding of the social fabric following emergencies.</p> <p><u>Priority direction II: Advancing health and well-being into old age</u> <u>Issue 2/Objective 4</u> - Involvement of older persons in the development of primary and long-term care services. <u>Issue 3/Objective 3</u> - Enhancement and recognition of the contribution of older persons to development in their role as caregivers for children with chronic diseases, including HIV/AIDS, and as surrogate parents. <u>Issue 6/Objective 1</u> - Maintenance of maximum functional capacity throughout the life course and promotion of full participation of older persons with disabilities.</p> <p><u>Priority direction III: Ensuring enabling and supportive environments</u> <u>Issue 4/Objective 1</u> - Enhancement of public recognition of the productivity and other important contributions of older persons.</p>
<p>11. Equality before the law, access to effective</p>	<p><u>ICCPR, art. 2.3 and 26</u> - Any person whose rights or freedoms are violated shall have an effective remedy. - Rights shall be determined by</p>		

Human rights of older persons
References from some international human rights treaties and the MIPAA

<p>remedies</p>	<p>competent judicial, administrative or legislative authorities or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy All persons shall be equal before the courts and tribunals</p>		
<p>12. Right to family life</p> <p><u>Universal Declaration of Human Rights, art. 16.3</u> The family, as fundamental group unit of society, is entitled to State protection</p>	<p><u>ICESCR, art. 10:</u> - The family should enjoy the widest possible protection and assistance</p> <p><u>CEDAW, art.16:</u> Obligation to eliminate discrimination in all matters related to family relations</p> <p><u>CRPD, art. 23:</u> - Obligation to take measures to eliminate discrimination against people with disabilities in all matters related to marriage, family, parenthood and relationships.</p>	<p><u>CESCR CG 6, para. 31:</u> - States should make all necessary efforts to support, protect and strengthen the family and help it to respond to the need of dependant ageing members.</p> <p><u>CEDAW CR 27, paras. 43 & 51:</u> - Older women who have responsibilities for the care of children should have access to appropriate social and economic benefits, as well as access to all necessary support when carrying for elderly parents or relatives - States' obligation to repeal legislation that discriminates against older women in marriage, inheritance and property.</p>	<p><u>Priority direction I: Older persons and development</u> <u>Issue 5/Objective 1</u> - Strengthening of solidarity through equity and reciprocity between generations.</p> <p><u>Priority direction II: Advancing health and well-being into old age</u> - Enhancement and recognition of the contribution of older persons to development in their role as caregivers for children with chronic diseases, including HIV/AIDS, and as surrogate parents.</p> <p><u>Priority direction III: Ensuring enabling and supportive environments</u> - Promotion of "ageing in place" in the community with due regard to individual preferences. - Support for the caregiving role of older persons, particularly older women.</p>