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ADVANCE UNEDITED VERSION

Follow-up to the Second World Assembly on Ageing:

Report of the Secretary-General

Summary

The present report focuses on the situation of the human rights of older persons in all regions in the world. It offers an overview of some challenges faced by older women and men in the enjoyment of their rights and outlines examples of government responses to these challenges. It also offers an illustrative collection of legislation, policies and programmes and describes key human rights issues including but not limited to discrimination, violence and abuse, social protection, long-term care, age-specific services, participation, access to justice and life-long pensions.
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Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/182 entitled “Follow-up to Second World Assembly on Ageing”. In its paragraph 31, the General Assembly requested the Secretary-General to prepare a report on the implementation of this resolution including on the situation of the rights of older person in all regions of the world. On 3 February 2011 the Office of the High Commissioner for Human Rights sent a note verbale to States, relevant bodies and organizations of the United Nations system, as well as intergovernmental, non-governmental organizations and national human rights institutions to inform them about the content of the report. The note verbale included a questionnaire of nine points soliciting observations and information on existing legislation, policies and programmes related to various human rights issues related to older persons. Written contributions were received from 41 States, 8 United Nations entities, 20 national human rights institutions and 10 non-governmental organizations, coalitions and other groups. Annex 1 sets out a full list of respondents and all submissions to this report may be viewed on the OHCHR website.¹ In this regard, it should be noted that by nature, submissions cover a wide diversity of national legal, social and economic situations. In addition to this, and acknowledging that older persons are an already heterogeneous group, the situation of older persons between and within Member States varies widely.

2. The report is organized in three chapters. Chapter one outlines the current situation and challenges faced by older persons in all regions of the world. Chapter two presents an overview of the existing international framework, including binding international human rights instruments, and discusses some of the principles, standards and obligations of State parties which are applicable to older persons. Chapter three offers a collection of examples from the submissions to this report, covering several specific issues and areas of relevance to older persons. Finally, the report offers some conclusions and recommendations.

¹ For all submissions see http://www.ohchr.org/EN/Issues/OlderPersons/Pages/Submissions.aspx
Chapter 1: Current situation and challenges

3. The composition of the world population has changed dramatically in recent decades. Globally, life expectancy has gone from 46 to 68 years between 1950 and 2010, and is projected to increase to 81 in 2095-2100. Women already outnumber men by an estimated 66 million among those aged 60 years or over. Among those aged 80 years or over, women are nearly twice as numerous as men, and among centenarians women are between four and five times as numerous as men. For the first time in human history, in 2050, there will be more persons over 60 than children in the world.

4. Almost 700 million people are now over the age of 60. By 2050, 2 billion people—over 20 per cent of the world’s population—will be 60 or older. The increase in older people will be greatest and most rapid in the developing world, with Asia as the region with the largest number of older persons, and Africa facing the largest proportionate growth. Enhanced attention is clearly required to the particular needs and challenges faced by many older people, but just as important, to the essential contribution the majority of older men and women can continue to make to the functioning of their society if adequate guarantees are in place. Human rights lie at the core of all efforts in these directions.

5. During the last decade, population ageing has resulted in new policies and programmes. The social sector has taken centre stage, as shown by most contributions for the elaboration of this report. Many governments in developed and developing economies have designed or piloted policies in the health, social security or welfare systems. Also, several framework policy documents such as national plans of action on ageing have been enacted. Specific age-related legislation in areas as varied as building codes, licensing and monitoring of care centres, or vocational training has also begun to emerge. All levels of government, from local to national or federal, appear to have taken a share

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of the responsibility, and have either created new institutions or revamped existing ones to seek ways of gradually responding to the challenges faced by older persons.

6. Government institutions have chosen diverse approaches in setting priorities. These choices highlight different perceptions of the role that older people play in family and society at large. In some cases, measures aim at capturing the rapidly evolving dynamics of communities and societies, and inviting renewed perceptions about older persons and work, elder-care mechanisms, inter-generational support systems and financial constraints. Some governments have designed policies founded on the principle of active ageing and autonomy, aimed at facilitating the continuation of independent lives at home, with services and facilities that cater for various types of needs. Others emphasize family ties and support for the family unit as the primary care-giver for older persons. In all cases, nonetheless, a network of private actors, including various volunteer organizations and community-based centres are essential to the well functioning of the entire system.

7. Of special resonance is the situation of older women, who face inequalities as a result of their gender-based roles in society. Gender relations structure the entire life cycle influencing access to resources and opportunities. Its impact is both ongoing and cumulative—the different circumstances that shape the lives of women and men in old age are the outcome of a person’s earlier years. Good health, economic security, adequate housing, an enabling environment, access to land or other productive resources—these are fundamentals of ageing with dignity; yet achieving them depends on decisions and choices only partly determined by each individual. The impact of gender inequalities in education and employment becomes most pronounced in old age. As a result, older women are more likely than older men to be poor. Furthermore, older women are taking on more care responsibilities whilst facing inflexible working conditions, mandatory retirement ages or inadequate pensions and other social security benefits which leave them, and those in their care, extremely vulnerable. Without doubt, ageing, its human

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rights challenges, and its feminization constitute an unprecedented shift in the social fabric of all societies, with far-reaching consequences.

8. Although numerous challenges are identified in the submissions to this report, the following four appear repeatedly and consistently around the world: a) poverty and inadequate living conditions; b) age-related discrimination, c) violence and abuse; and, d) lack of special measures, mechanisms and services.

Poverty and living conditions

9. The single most pressing challenge is poverty and the often inadequate living conditions of older persons. Homelessness, malnutrition, unattended chronic diseases, lack of access to safe drinking water and sanitation, unaffordable medicines and treatment, and income insecurity are just a few of the most critical human rights issues that a large number of older persons confront on a daily basis.

10. Several States have recognized the relatively low standard of living among older persons as compared to other segments of the population, including the prevalence of poverty and extreme poverty. Despite their lower income older persons may often be the main household provider and the primary care-giver, including of grand-children and of other members of the family.

11. Submissions to this report also point to gaps in the provision of services between urban and rural settings, and also within cities, in suburban and slum areas. Access, affordability and quality of services constitute a critical concern in these areas. Social and medical services, for example, particularly in remote and sparsely populated villages, pose additional challenges to the system, despite the existence in some countries of mobile services teams providing home-based social services.

12. This is also linked with living arrangements. Rapidly changing social and economic patterns and the nuclearisation of families have been frequently cited as a
reason for a perceived decline in family support for older persons. In some cases, this change has created an unmet need for more residential homes and shelters. Other societies are coping with large migratory movements, where the elders are left behind, or in care of orphaned grandchildren as a result of HIV/AIDS. Their contributions as caregivers are often unrecognized, remittances unpredictable, and care for themselves and others is expected to carry on without sources of income.

**Discrimination**

13. Another persistent challenge in both developed and developing countries is stigma and discrimination. While there is recognition of the essential role older persons can play as custodians of culture and history, paradoxically, many contributions to this report acknowledge that prejudice against and stigmatization of older persons (‘ageism’) are broadly tolerated in societies across the world. Ageism is widespread in recruitment, and legislation by itself has not eliminated age-related employment discrimination. A common complaint brought to some national human rights institutions by ageing and older persons was being declined employment, interviews or other opportunities to find employment due to age.

14. When age is shaped by other dimensions that define identity in different societies—including sex, race and ethnicity, religion, disability, nationality, health and socio-economic condition, multiple discrimination occurs, impacting on the enjoyment of all human rights. Submissions to this report underscore the situation of older persons who are poor, those living in rural areas, those suffering from chronic diseases or other health conditions, older persons with disabilities, and divorced, widowed or single older women.

**Violence and abuse of older persons**

15. Contributions also point to the incidence and impact of violence and abuse on the quality of life and health of older persons. Elder abuse, generally defined as physical, emotional, or sexual abuse by someone in a position of trust, occurs everywhere. Its
numerous forms include forced guardianship as well as physical and sexual violence in care centres, hospitals or within the family. Specific threats also revolve around traditional beliefs, such as violence due to accusations of sorcery, and violence against particularly vulnerable older persons such as migrants, older persons with disabilities, older persons in conflict situations, and older persons living in poverty, particularly homelessness.

**Lack of specific measures and services for older persons**

16. There can be no question that the provision of services and the design of special measures matter to the enjoyment of a broad spectrum of human rights. In this context, one challenge is the lack of sufficient resources and facilities to cope with increasing demands, particularly for specialized services such as residential centres, home care programmes or geriatric services. This can manifest itself differently in various contexts, but is not confined to any one region. In some cases, Member States recognize the lack of sufficient residential centres, particularly outside capitals. In some other cases, chronic overcrowding or lack of sufficient medical and nursing personnel adequately trained are noted. Some submissions to this report emphasize the importance of budget allocations for the provision of these services in order to respond to the ever increasing number of persons demanding social services.

**Chapter 2: International norms and standards related to the rights of older persons**

**International political instruments**

17. The international community started to shed light on the situation of older persons with the adoption of the 1982 Vienna International Plan of Action on Ageing. The 1991 United Nations Principles for Older Persons, the 1992 Global targets on ageing for the
year 2001, and the 1992 Proclamation on Ageing further advanced international understanding of essential requirements for the wellbeing of older individuals.

18. In 2002 the Political Declaration and the Madrid International Plan of Action on Ageing (MIPAA) adopted at the Second World Assembly on Ageing, and endorsed by the General Assembly in resolution 57/167, reinvigorated the political consensus around an agenda on ageing, emphasizing development and international cooperation and assistance in this area. Since its adoption, the MIPAA has guided the drafting of policies and programmes at the national level, has inspired the development of national and regional plans, and has provided an international framework for dialogue.

19. The Political Declaration reaffirms the commitment of Member States to promote and protect human rights, and calls for the elimination of age discrimination, neglect, abuse and violence. More specifically, the MIPAA contains relevant guidance on the right to work, the right to health, participation and equality of opportunity throughout life. It stresses the importance of participation of older persons in decision-making processes at all levels.

20. Priorities include a wide range of issues: equal employment opportunities for all older persons, programmes that enable all workers to acquire social protection and social security, including, where applicable, pensions, disability insurance and health benefits; sufficient minimum income for all older persons with particular attention to socially and economically disadvantaged groups. Continuous education, vocational guidance and placement services are also underlined, including with the purpose of maintaining a maximum functional capacity and enhancing public recognition of the productivity and other contributions of older persons. Health is also a key feature of the MIPAA. The provisions encompass notions of prevention, equal access to health care, active participation, the impact of HIV/AIDS in respect to older persons, and the full functionality of supportive and care-giving environments.
21. There are numerous obligations vis-à-vis older persons implicit in most core human rights treaties despite the lack of specific provision(s) focusing on older persons. Such instruments apply to older persons in the same way as to other persons, and afford protection for essential human rights like the right to the enjoyment of the highest attainable standard of physical and mental health, freedom from torture, inhuman or degrading treatment, equality before the law, or an adequate standard of living without discrimination on any grounds.

22. Nevertheless, explicit references to age in core international human rights treaties are scarce. While several categories of persons, for example, women or persons with disabilities, have a dedicated universal human rights instrument, no such instrument exists for older persons, and only few instruments contain explicit references to age: 1) the International Convention on the Protection of the Rights of Migrant Workers and the members of their families (ICMW) includes “age” in the list of prohibited grounds for discrimination, article 7; 2) The Convention on the Rights of Persons with Disabilities (CRPD) includes references to older persons in article 25 (b) on the right to health, and in article 28(2)(b) on the right to an adequate standard of living. Additionally, there are references to age-appropriate access to justice in article 13; and to age-sensitive measures of protection in article 16, and 3) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) includes a reference to old age in relation to the elimination of discrimination against women in the enjoyment of the right to social security, article 11 (e).

23. The prohibition of discrimination is one of the pillars of international human rights law, hence *de jure* and *de facto* discrimination against any individual is at the centre of any human rights analysis. Discrimination is defined as any distinction,
exclusion or restriction which has the purpose or the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.\(^5\)

24. At the international level, while “age” is not explicitly listed as a prohibited ground of discrimination in most human rights treaties, the lists are illustrative and non-exhaustive, and usually include an open-ended category (“other status”), under which treaty bodies consider age-related discrimination.

25. The explicit inclusion of age as a form of discrimination in the context of the International Labor Organization, had to await the adoption of the Older Workers Recommendation, 1980 (No. 162),\(^6\) calling for measures to prevent discrimination in employment and occupation within the framework of a national policy to promote equality of opportunity and treatment of workers, whatever their age. Additionally, the Termination of Employment Recommendation, 1982 (No. 166) states that age should not constitute a valid reason for termination, subject to national law and practice regarding retirement.

26. The Committee on Economic, Social and Cultural Rights (CESCR) has consistently taken a similar approach,\(^7\) and held that “(a)ge is a prohibited ground of discrimination in several contexts”.\(^8\) It has highlighted the need to address discrimination against unemployed older persons and against older persons living in poverty with unequal access to universal old-age pensions due to their place of residence.\(^9\)

27. Significantly, article 26 of International Covenant on Civil and Political Rights (ICCPR) provides for the protection of equality before the law, including a guarantee for

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\(^5\) See for example CEDAW, article 1 and CRPD, article 2.
\(^7\) See Committee on Economic, Social and Cultural Rights, General Comment No. 20, “Non-discrimination in economic, social and cultural rights para. 29.
\(^8\) Ibid.
\(^9\) Ibid, see also General Comment No. 6, Committee on Economic, Social and Cultural Rights, General Comment No. 6, “The economic, social and cultural rights of older persons”, E/1996/22, 8 December 1995, para. 22.
effective protection against discrimination on any other ground. The Human Rights Committee has held the view that “a distinction related to age which is not based on reasonable and objective criteria may amount to discrimination on the ground of "other status" under article 26, and has confirmed this approach in a number of individual communications.10

28. The Human Rights Committee has further clarified that article 26 encompasses the prohibition of discrimination in law or in practice in any field regulated and protected by public authorities, whether the legislation related to an article in the ICCPR or any other area, including a right under the International Covenant on Economic, Social and Cultural Rights (ICESCR).11

29. Beyond the prohibition of discrimination on the ground of age, human rights mechanisms have also identified older persons as being a vulnerable group requiring special measures of protection. Specifically, article 16(1) of the CRPD requires “age-sensitive” assistance and support for persons with disabilities and their families to prevent exploitation, violence and abuse, thereby recognizing the particular situations where older persons are vulnerable.

30. Some treaty body monitoring mechanisms have applied existing provisions to protect the rights of older persons, notably the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, by providing interpretative guidance on existing norms. In 1995, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 6 12 offering the first detailed interpretation of the specific obligations of State parties to the International Covenant on Economic, Social and Cultural Rights regarding older persons and their rights. More recently, in 2010, the Committee on the Elimination of Discrimination

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12 See General Comment No. 6, cit.
against Women adopted General Recommendation No. 27\textsuperscript{13} on older women and the protection of their human rights under the CEDAW.

31. In relation to specific rights, the ICESCR provides for several specific rights relevant to the challenges older persons face, such as the right to the enjoyment of the highest attainable standard of physical and mental health (article 12), the right to social security (article 9), the right to adequate standard of living, including housing and food (article 11), the right to work (article 6 and 7) and the right to education (article 13). The content of these rights is briefly outlines in the next paragraphs.

32. ICESCR sets forth the most comprehensive provision on the right to the enjoyment of the highest attainable standard of physical and mental health -the right to health- in an international human rights treaty. Equally relevant are CEDAW (article 12) concerns States’ obligation to eliminate discrimination against women in health care; CRPD (article 25(b)) requires that health services be “designed to minimize and prevent further disabilities, including among children and older persons.”; or ICCPR (article 7) prohibiting torture or cruel, inhuman or degrading treatment or punishment, which includes a prohibition of medical or scientific experimentation without free consent.

33. CESCR has reaffirmed the importance of an integrated approach, combining elements of preventive, curative and rehabilitative health treatment, 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 persons, sparing them avoidable pain and enabling them to die with dignity.\textsuperscript{14}

34. The right to an adequate standard of living, including adequate food and housing, and the continuous improvement of living conditions is provided for in ICESCR, article 11.1, and with similar language in article 28 of CRPD. With regard to the right to housing, the CESCR has endorsed some of the recommendations of the Vienna

\textsuperscript{13} See General Recommendation No. 27, “Older women and protection of their human rights”, cit.

\textsuperscript{14} See General Comment No. 14, cit., para. 25, 34-35.
International Plan of Action on Ageing,\textsuperscript{15} noting that national policies should help older persons to continue to live at home, and to ensure social integration of older persons, facilitating mobility and communication through the provision of adequate means of transport.\textsuperscript{16}

35. The right to social security, including social insurance is enshrined in various instruments, notably ICESCR, article 9 in general terms, CEDAW, article 11.1.e) providing for equality and non-discrimination of women particularly in cases of retirement, unemployment, sickness, invalidity and old age and CRPD, article 28.2 providing for the enjoyment of social protection on an equal basis with others and also for older persons with disabilities to have access to social protection and poverty reduction programmes.

36. In 2010, the Independent Expert on Human Rights and Extreme Poverty addressed the issue of non-contributory or social pensions of older persons, as an important dimension of social security systems. Her report stresses the low coverage of contributory pension schemes, and provides recommendations to ensure that non-contributory pensions comply with core human rights standards.\textsuperscript{17}

37. Regarding the right to work, articles 6 and 7 of the ICESCR spell out the scope and content of the right and states that everyone is entitled to opportunity to gain his/her living by freely chosen work, under just and favourable working conditions and with fair wages and equal remuneration for equal work. CESCR general comment No. 6 urges States to take measures to prevent discrimination on the grounds of age in employment and occupation and to develop retirement programmes (paras. 22 to 25). General comment 19 (para. 15) stresses the need for appropriate retirement ages, which should be established by States. CEDAW’s general recommendation No. 27 highlights the importance of paid work for older women.

\textsuperscript{15} Similar references are also found in the Madrid Plan of Action on Ageing, in priority direction III
\textsuperscript{16} See General Comment No. 6, cit., para. 33.
38. Regarding the right to education, as underlined by the CESCR, in relation to article 13 of the ICESCR\textsuperscript{18} in the case of older persons, states should follow two complementary lines: a) right of older persons to benefit from educational programmes; and b) making the know-how and experience of older persons available to younger generations. The Committee recalled UNESCO’s concept of life-long education which includes: informal, community-based and recreation-oriented programmes for older persons in order to develop their sense of self-reliance and the community's sense of responsibility.

39. Other relevant provisions which can potentially also benefit older persons even if they are not specifically addressing them are to be found in CRPD. These include article 9 on accessibility; article 12 on equal recognition before the law, including in relation to appropriate measures to support the enjoyment and exercise of their legal capacity, article 19 on independent living, including choice of place of residence on equal basis with others, and access to a range of in-home, residential and other community support services; article 20 of CRPD on personal mobility, including access to mobility aids, devices, technologies and specialized staff; and article 26 on habilitation and rehabilitation to maintain maximum independence.

\textbf{Chapter 3: National responses to specific human rights issues}

40. Older persons are not a homogenous group and should not be treated as such. The experience of old age is different for men and women just as it differs significantly between someone in his or her 60s or 80s. Health conditions, security of income, opportunities for work, leisure and participation; social and environmental adaptations and the level of autonomy and freedom to decide on matters central to their wellbeing can greatly determine the way in which each individual leads a life with dignity regardless of age.

\textsuperscript{18} See General Comment No. 6, cit., paras. 36 & 37.
41. Nevertheless, what older persons share, as a group, is the social context of living within societies in which stereotyping, attribution of lesser value, political disempowerment, and economic and social disadvantage often accompany ageing. In this context, laws and policies to enhance the respect, protection and fulfillment of all human rights regardless of age are as essential as specific measures and mechanisms to accommodate their needs and tailor services, good and facilities to all ages.

1. National laws and policies

42. In general terms, a number of Constitutions expressly recognizes the principles of equality and non-discrimination vis-à-vis older persons, albeit in various terms and depth. Some include an explicit reference to “age” as a forbidden ground of discrimination, while others guarantee protection under the general non-discrimination clause of “any other grounds”. Few constitutions also contain explicit references to older persons and specific rights, including in recently drafted Constitutions with provisions on the protection of older persons against violence and abuse, life-long pensions and care, cultural rights and participation.

43. Submission to this report also list and discuss numerous laws as containing specific provisions for the protection of the human rights of older persons. In some cases, national legislation has been enacted based on regional directives addressing non-discrimination.

44. In several countries, capacities for the provision of services and the implementation of specific policies are decentralized and reside with local governments. In part the rationale behind decentralization presumes a better understanding of the needs and constraints at the local level, as well as closer links to the beneficiaries. In these cases local governments define a list of services and carry the legal responsibility for ensuring assistance, early detection of violence and abuse, and for reporting and

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responding to the situation. There are specific community decrees and regulations to combat discrimination based on age.

45. Nevertheless, decentralization without sufficient funding and effective powers does not always ensure a better outcome. For instance, the delay in the delegation of powers to provinces to implement dedicated legislation or programmes is underlined as the main reason for critical delays in implementation. Several other prerequisites to effective implementation include substantial increases in funding, training of social workers to meet the critical shortage of such workers, the cooperation among government departments and service providers, and the state of readiness of provinces to implement it them.

46. In various submissions to this report, new legislation and policies jointly address older persons and persons with disabilities. Some States have created a special office for both older persons and persons with disabilities, applying a similar approach and joint initiatives to these groups. These bodies have also carried out awareness raising media campaigns for both population groups on television and radio, aiming at countering stigma.

47. The link between older persons and persons with disabilities merits consideration. While not all older persons will experience a disability, and ageing cannot be equated with disability, some older persons do also have disabilities. There is no doubt that ageing can be accompanied by physical, mental, intellectual or sensory impairment and that some measures which address issues such as mobility, supported decision-making, legal capacity or home-based care can respond to various human rights issues affecting equally older persons and persons with disabilities. However, failing to establish and address specific issues for each group or to enact policies for older persons and to devote adequate financial and human resources creates the risk of neglect. Some challenges confronted by older persons who do not have disabilities may also leave them without policies or measures to ensure the enjoyment of all their rights in equal basis with others.
48. A small number of States have designed comprehensive and multisectorial mechanisms in their response to ageing populations since the 1990s, investing considerable resources and incorporating lessons learned and pilot projects. In such cases, a series of laws, regulations and policies intended to safeguard social security, health, culture, education, sports and community involvement for older persons has been set.

49. Finally, for the purpose of designing and assessing laws and policies, collection and systematic analysis of information disaggregated by age is crucial. Without accurate, regularly updated data, the integration of all human rights obligations including the monitoring of discrimination may be ineffective or obsolete. Quantitative data, such as socio-economic statistics offer an overview of the situation, but may also at times mask inequality. Unfortunately, age disaggregated information is not widely available.

50. The need to improve national systems of statistics/data collection, particularly to focus the lens on persons aged 60 years and above is pressing. A handful of governments have taken steps in response to this challenge, including the creation of a statistical indicator system for ageing workers, which provides basic data for formulating plans and assessment mechanisms. In the same vein, some governments have commissioned studies to assess the living conditions of older persons, while others have added a module on older persons in the periodic multi-purpose household surveys. Others have created a specific database concerning older persons in care facilities.

2. Discrimination

51. Contributions to this report cover a range of initiatives and measures put in place to eliminate discrimination against older persons, particularly as it relates to employment, retirement, vocational training and membership in professional or community organizations. Some States have developed legislation to combat age-related discrimination when a distinction is not justified objectively for a legitimate purpose. Interestingly, some anti-discrimination laws also address *indirect discrimination*, or the existence of a criteria, practice or provision which is apparently neutral but disadvantages
a person of a specific age. Creative initiatives to combat stigma, discrimination and violence against older persons have included a documentary portraying a positive and holistic image of ageing and the publication and wide-distribution of leaflets to increase awareness about abuse, and dementia-related stigma and discrimination. Also, in a few countries, courts have upheld the principle of age-discrimination as prohibited.

3. Violence and abuse

52. Many older men and women experience threats to their rights to life, health, liberty and security of person in the form of violence and abuse in their homes, in care facilities or in their communities, for example in violent attacks resulting from traditional beliefs. Violence against women more specifically has been understood to encompass, but is not limited to, physical, sexual or psychological violence occurring in private or public settings, or perpetrated or condoned by the State wherever it occurs.20 Closely linked with discrimination and disempowerment, violence often goes unreported and under-documented as older persons are reluctant or unable to report incidents.

53. In general terms, State contributions from all regions in the world acknowledge the complexity and multi-layered nature of this phenomenon. Some underlying factors include increasing dependence, isolation and vulnerability, as well as arbitrary seclusion, restraint, lack of financial means or abandonment. There is also recognition of the intrinsic link between age, some forms of cognitive impairments and mental disabilities and neglect. Often, public services available to aid victims of violence, domestic violence or gender-based violence, are also mandated to provide services to older victims, including social and psychological support. However, adequate skills and capacities to address specific kinds of elder abuse, or to provide alternative arrangements may at times be lacking.

20 General Assembly Resolution 48/104.
54. Some governments, ranging from low to high income levels, have created specific entities and policies to combat elder abuse. Illustrative examples include national and community–based organizations specifically created to cater for older persons, offering a variety of services including hot-lines for reporting, emergency medical assistance, temporary shelter while alternative housing arrangements are found, and legal aid. These also include referral systems, access to information and counseling, on-site inspections at care facilities, home-based professional aid and submission of anonymous claims. Some governments have launched large campaigns to combat abuse against older persons. Current programmes also include initiatives such as compulsory certification of good conduct for paid carers and guidelines for carers including the introduction of a duty to report elder abuse.

55. Allegations of practicing witchcraft must be placed in the context of gross incidents of abuse and neglect by family and community members. With regard to violence as a result of such allegations, some governments have established welcome centres around the country for older women, who have been abandoned and excommunicated by their families or communities. However, there are no special measures to combat the phenomenon of old, widowed women becoming targets of their own family or community.

4. Financial exploitation

56. The Madrid Plan of Action on Ageing notes that neglect, abuse and violence against older persons takes many forms – physical, psychological, emotional, financial– and occurs in every social, economic, ethnic and geographic sphere. As noted by several submissions to this report, older persons continue to face multiple attacks to their property, income or goods, which include fraud, arbitrary deprivation of their property, theft, expropriation of their land, property or goods and fraudulent lost of the enjoyment and exercise of their legal capacity with the purpose of taking the control of their financial affairs.
57. Some initiatives to protect the exercise of their legal capacity by older persons have been reported. Examples include reforms of the juridical protection of older persons considered vulnerable, including new laws about legal guardianship and guarantees for the protection of their consent for decisions concerning their lives and their property. In some cases, older persons can decide in advance who will be in charge of the guardianship and be responsible for their property and well-being.

5. Health

58. The health sector is central to the situation of older persons. Government responses have focused on various issues, including subsidies for medicines, user fee exemptions, health insurance schemes, special services including geriatric-specific departments, focused attention to some chronic diseases, training of personnel, and research and policies to address mental health issues, notably dementia, or specifically Alzheimer Disease.

59. Some national health policies have been adjusted to address the increasing level of chronic diseases which to a large extent affect older persons. A few countries have taken steps to ensure every person older than 65 is entitled to free medical check-ups on a regular basis, including diagnosis of and treatment of chronic diseases. In-house services as well as itinerant services are reportedly available in urban and rural centres. A few governments have also established national health funds, handing out health cards to claim reduced costs for medication, while a few others have developed mechanisms to ensure adequate consent for services and treatment by older patients.

60. In spite of the array of examples, many concerns have been expressed. Non-governmental organizations underscore that older persons continue to be overlooked and deprioritised in health policies, programmes and resource allocation. Currently the discourse on health care in low and middle income countries remains strongly focused on maternal and child health, hence health issues across the life course, including those of
older ages, are absent from the debate. There is also limited attention to non-communicable diseases (NCDs) despite the fact that ageing is a key driver of NCDs and the major incidence of these diseases occurs in older age. Additionally, the cost of accessing healthcare and medicines still remains prohibitive for many of the most marginalized older women and men.

61. A significant number of challenges, particularly in low and middle income countries include lack of comprehensive health policies, including prevention, rehabilitation and care of the terminally ill; few national plans and strategies on healthy and active ageing guarantee shelter, essential food, sanitation, potable water and essential medicines; lack of legal frameworks to monitor human rights violations in long term care facilities and lack of specific measures to avoid pain and provide palliative care that allows the terminally ill to die with dignity.

62. Older persons tend to approach health care centres at advanced stages of an illness. This is often due to barriers to access health care, the distance and cost of traveling to a facility especially in rural areas where infrastructure is underdeveloped, distances are vast and transportation is problematic, and overcrowding of primary health centres, inadequate public health education, including delays in seeking healthcare when older persons or their families attribute symptoms of a disease to ageing; understaffing and inadequate skills of health professionals and finally shortage of medication.

6. Long-term care and home care

63. In the context of reforming the health care and social services sectors, long-term care represents a key area for intervention where much remains to be developed. In some states several measures have been implemented with the aim of widening the range of options available to potential users of long-term care services and of supporting the de-institutionalisation of the long-term care sector, by promoting home care and improving
end-of-life care. But long-term care is still inadequate and suffers from labor shortages and low quality.

64. A few submissions to this report note that States have created a long-term care insurance system, which provides benefits for health and medical services, public welfare, long-term disease or other impediments caused by ageing and to maintain independent daily living. Some others have noted that the provision of long-term care (comprising treatment, assistance with everyday tasks, home nursing for older persons with chronic illnesses, among others) is divided between the health care and welfare systems. Sometimes, these services are organized and financed by local governments, although there is also a large part of the services provided by the private sector (non-profit associations, foundations and businesses), not always subject to central planning or monitoring, hence neither structural nor sustainable.

65. Home care and home support programmes are essential to any individuals whose daily functioning is compromised. These services contribute to the exercise of numerous rights, such as the right to health and to freedom of movement. They enhance independence and quality of life. However, some programmes available to persons with disabilities and to older persons offer varying ranges of support options. In some cases eligibility criteria for home support services may differ: some exclude persons with disabilities while others exclude older persons, even though the same services might be required for both groups of individuals. In some jurisdictions, when a person is registered as disabled within the health sector, they may lose that status (along with financial benefits) once they become an older person.

7. Social security and social protection

66. The full spectrum of examples provided on retirement age, conditions and criteria is wide and would require a country-by-country analysis. Worth noting however, are two factors: first, some differences based on gender continue to exist whereby retirement ages
for women are lower than those for men. Gradual increases in the retirement age of women to equalize them with men are currently underway in a few countries. Secondly, retirement age is at the centre of ongoing reforms, particularly in the European region.

67. Similarly, reforms of the social security and to cope with poverty of older persons are reportedly varied. There are examples with substantial increases in coverage and universal access to pensions by older persons, with a positive impact in the reduction of poverty. There are more modest examples of tax exemptions, subsidies for specific medicines, compensation for sanatorium expenses, provision of aid devices, prosthetics and special measures to ensure soft loans for housing adaptations as part of a social protection floor. Old-age cash transfers have also been incorporated and in some cases their coverage has doubled in a few years. Life-long pensions for older persons, benefiting a large majority of persons who were not previously eligible for a retirement pension are also on the agenda. The impacts of some of these measures are reportedly positive in the life of the beneficiaries and of other members of their household, particularly in ensuring meal frequency and self-subsistence from farming.

68. Several states, particularly in the European region, have introduced pension reforms in recent years, at least partly, due to the financial and economic crises. These reforms consider future sustainability and adequacy of the pension system, introducing increases in the national retirement age and aim at ensuring intergenerational solidarity and redistribution, but also to improve old age protection guaranteed by the public system, including an adequate income after retirement.

8. Work

69. Some countries are enacting age discrimination legislation which explicitly forbids, prohibits or makes unlawful forms of direct and indirect age discrimination in employment. Examples include anti-discrimination acts covering workers aged 40 and above, with no upper age limit, aiming at promoting employment based on ability rather than age. Similarly, others have enacted affirmative action legislation under which
businesses are required to ensure a percentage of their workers are aged 55 or older, and identifying types of jobs for which hiring priority should be given to older persons.

70. At the regional level, the 2000 European Union Directive on Discrimination which includes age among several other grounds has been domesticated in many national laws. The Directive requires all the Member States to introduce legislation prohibiting direct and indirect discrimination at work based on age and other grounds. It covers employment, self-employment and occupation, as well as vocational training and guidance. An important issue however is its enforcement.

9. Adult and continuous education

71. Several examples of cultural activity centres, computer and internet programmes, and vocational training have been presented. Some illustrative examples include specific policies which address access to life-long learning as comprising learning for personal, social and occupational reasons and involve funding for research in this field, financial support to non governmental organizations that provide access to information and education, and for trainers in adult education. Pilot projects on active ageing in new social networks rely on independent volunteers offering professional infrastructure and cooperation across generations. In another example, the government’s response to the need for education led to the creation of ‘universities of the third age’ with departments of law, health care, political and economic studies, psychology and agriculture.

10. Participation in policy-making, political and cultural life

72. From a human rights perspective, direct and informed participation of older persons in the design of public policy is central to their integration as rights-holders. Participation constitutes also a guarantee against social exclusion and isolation. Several
Member States have emphasized the concept of ‘policy with older persons’ in its multi-sectorial programming. They have created advisory councils to act as the official representative body of older people, taking up issues with public and private actors, and taking part in policy debates in areas related to pension reform, social insurance, and health care and long-term care. In a few examples, States have developed national plan of action with associations of retired persons actively participating in the discussions.

73. Political participation of older persons is not only a right in and of itself, but also an important way of ensuring them active roles in society, and the inclusion of age-sensitive considerations in law and policy. Effectively, beyond setting a minimum age of majority, the right to vote and to be elected is not limited by age in most countries. Many people’s representatives in the local and public councils of several countries are seniors above 60, and older citizens traditionally participate actively in elections, are members of political parties and organize their own political movements and associations. Older men and women still play active roles in the traditional chieftaincy system, most notably in rural areas.

11. Access to justice and judicial remedies

74. Protection of human rights requires the effective functioning of a justice system, timely remedies for violations and specific guarantees for all persons to be equal before the law and before courts.\textsuperscript{21}

75. Some submissions note that specific measures to ensure access to justice for older persons have been developed, such as the provision of legal aid or dedicated bodies to assist them, deferral, reduction or exemption of litigation fees; special courts and jury system to handle disputes involving older persons; human rights counseling services for older persons available in welfare facilities; and grant loans to cover the expenses of trials.

\textsuperscript{21} As provided for in ICCPR, articles 2.3 and 26.
76. In many countries, the role of national human rights institutions is of paramount importance. National human rights institutions are increasingly playing a critical role for this population group, not the least due to more claims from older persons brought up to their attention. Often, national human rights institutions have a broad mandate which includes the protection of older persons, the promotion of their rights and the elimination of any form of discrimination, including in several cases explicit references to age-related discrimination.

Conclusions and recommendations

77. There is global recognition of the particular human rights challenges older persons face. As the population continues to age and larger numbers of older persons are found in low and middle income countries, some of these challenges are bound to become more acute. Violence, abuse and neglect of older persons are a matter of concern around the world. Age discrimination in relation to the enjoyment of all rights is compounded by other forms of discrimination, particularly based on health condition, sex, disabilities or ethnic origin.

78. Measures identified at the national level and submitted for this report were multiple and diverse, and included some good practices. Some national governments, particularly in recent years, have paid attention to normative gaps and to the need to afford special protection to older persons. However these policies were inconsistent across the globe and do not generally indicate the presence of a comprehensive legal, policy and institutional frameworks for the protection of the human rights of older persons. Particularly lacking are mechanisms of participation and accountability. In varying degrees, contributions underline deficits in implementation of policies, when available, while others note measures may be effective but insufficient when confronted with large and growing demands. In situations where more structural measures are required, some governments have chosen a welfare approach which may not ensure
sustainability or long-term impact on the enjoyment of human rights without discrimination.

79. At the international level, there is still no dedicated international protection regime for the human rights of older persons. Existing human rights mechanisms have lacked a systematic and comprehensive approach to the specific circumstances of older men and women.

**Recommendations:**

80. The mandate of the open-ended working group on ageing for the purpose of strengthening the protection of the human rights of older persons, established in December 2010 by General Assembly resolution 65/182 is a crucial step towards exploring existing gaps at the international level in the protection of the human rights of older persons. The General Assembly may wish to consider the continuation of the work of the open-ended working group so that it may continue to address such gaps, and to further consider the feasibility of further instruments and measures, as a matter of priority.

81. The General Assembly may wish to recommend that Member States enhance their capacity regarding more effective data collection, statistics and qualitative information in order to better assess the situation and rights of older persons, and to set adequate monitoring mechanisms for programmes and policies geared towards ensuring the human rights of older persons. Data should be collected with particular attention to older persons in urban, suburban and rural areas, as well as older persons in situations of vulnerability, such as older women or older persons living in poverty.

82. Furthermore, the General Assembly may wish to recommend that States parties to existing international instruments more explicitly incorporate the situation of older persons in their reports. Dedicated attention by treaty body monitoring mechanisms and special procedure mandate holders to the situation of older persons in their dialogue with
states, in their consideration of reports or in their country missions should also be placed higher in the agenda.

83. The General Assembly may wish to recommend that Member States design more effectively and implement multisectorial policies and programmes, in line with the principles of equality and non-discrimination, and with due consideration to existing instruments and their national plans of action on ageing. Governments can benefit from the technical cooperation and support of other stakeholder in their endeavors, including national human rights institutions, non-governmental organization, national statistical institutions, academic entities, and specialized agencies and entities of the United Nations.