

**Open-ended Working Group on  
Ageing  
Third working session  
21-24 August 2012**

**PANEL III**

**Life in Dignity, Social Security and Access to Resources**

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# Adequate Standard of Living

**ICERS** recognizes in general the right to adequate standard of living includes adequate food, clothing and housing (ART 11.1)

**CRPD** focuses on ensuring equal access by persons with disabilities to adequate food, housing, clothing, housing, clean water, retirement benefits (Art 28).

In particular, Art 28 (b) requires access by older persons with disabilities, to social protection and poverty reduction programs

**Do we need a legal binding instrument developing similar standards that explicitly applies for all older women and men?  
(not only older people with disabilities)**

# Right to Social Security

The right to **social security** is recognised throughout the international human rights framework

- UDHR Article 22
- ICESCR Article 9
- CEDAW Article 11 (1) (e) provide for equality and non-discrimination of women, particularly in the case of retirement, unemployment, sickness, invalidity and old age
- The Additional Protocol to the IACHR (Protocol of San Salvador) Article 9(1).
- ILO Convention no. 102 concerning Social Security (minimum Standards) 1952 (Art 25 -30)
- ILO Older Workers Recommendation, 1980 (No. 162)

# Right to Social Security

## **CESCR – General Comment No.19 (2008)**

- Establish a retirement age that is appropriate to national circumstances which take account of, inter alia, the nature of the occupation, in particular work in hazardous occupations
- Provide - within the limits of available resources - non-contributory old-age benefits for all older persons who have not completed a qualifying period of contributions and are not entitled to other social security benefit or assistance, and have no other source of income.

## **CESCR - General Comment 20 (2009)**

- Address the problem of older persons living in poverty with unequal access to universal old-age pensions

# Special Rapporteur

- **The Special Rapporteur on human rights and extreme poverty** has highlighted that contributory systems of social security accentuate gender inequalities with older women more likely to receive lower pensions as well as other contributory benefits.
- Non- contributory pensions are therefore the most efficient means of ensuring the right to social security for older women, compensating them for their years of unpaid or inadequately paid work
  - A/HRC/14/31, 31 March 2010

# Right to Social Security

- **Article 9** The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.
- **General Comment 19 CESCR**
  - Sickness
  - Unemployment
  - Employment injury
  - Family and child support
  - Maternity
  - Disability
  - Survivors and orphans

We should consider the need to have clear standards, ideally in a binding instrument in order to advance understanding of the implications of the right to social security for older persons

# Right to Work

- UDHR Article 23
- CERD Article 5(e)(i)
- CEDAW Article 11(1)(a) to (d)
- CRPD Article 27
- ICESCR Article 6 and 7
  - Right of everyone to the opportunity to gain his living by work which he freely chooses or accepts
  - Just and favorable conditions of work
- ILO Older Workers Recommendation, 1980 (No. 162)

# Right to Work

## **CERS – General Comment 6**

- Adopt measures to prevent discrimination on grounds of age in employment and occupation
- Ensure safe working conditions

## **CERS – General Comment 18**

- Very briefly just recall G. Comment 6.

## **CERS – General Comment 20**

- Address discrimination against unemployed older persons in finding work, or accessing professional training or retraining



# Right to Work

- Recognizes options to part-time employment and flexible working arrangements for older workers
- Facilitation of phased retirement
- Revise mandatory retirement at certain age
- Revise social security legislation that penalizes workers if they choose to work longer
- Create incentives for older persons so that their pension increases if they work beyond the retirement age

Define clear standards regarding age, and what can be justified by a legitimate aim and if the means of achieving that aim are appropriate, necessary and proportionate.

**CESCR explicitly recognized in 1995 by its General Comment 6 that ICESCR does not contain any explicit reference to the rights of older persons**

**Additionally, it states that States parties to the Covenant are obligated to pay particular attention to promoting and protecting the economic, social and cultural rights of older persons. Therefore the Committee's own role in this regard is rendered all the more important by the fact that, unlike the case of other population groups such as women and children, no comprehensive international convention yet exists in relation to the rights of older persons and no binding supervisory arrangements attach to the various sets of United Nations principles in this area.**