

Long-term care
of older people:
protection under
international
human rights
law

HelpAge
International

age helps



Introduction

- Existing provisions in 4 key areas
- Monitoring to date
- Development of standards
- Better articulation at international level

A model of long-term care

3 components:

- physical care and management
- psychological management
- social support

A continuum of care:

social, home, residential and institutional

Tailored to individual needs

Provided by carers with a range of skills

Existing international human rights standards: recipients



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- CESCR General Comment No.6, 1995
- CESCR General Comment No. 14, 2000
- CEDAW General Recommendation No.27, 2010
- CAT General Comment No.2, 2008

Existing international human rights standards: care givers



The balance between State and family responsibility



The balance between State and family responsibility

- No specific provisions
- State protection of the family
 - ICCPR (23.1 & 24); ICESCR (10)
 - ACHPR (18.2 & 18.4), Protocol of San Salvador, European Social Charter (13), ASEAN Declaration of basic duties (5)
- Primary responsibility of the family
 - ACHPR (29), UIDHR (XIXf)

Third party obligations



Inadequate attention in the international human rights system

Committee on Economic, Social and Cultural Rights (ICESCR)	9
Committee on Elimination of Discrimination Against Women (CEDAW)	9
Human Rights Committee (ICCPR)	1
Committee Against Torture (CAT)	0
Sub-Committee to Prevent Torture (CAT)	0

International “soft” law

- Vienna International Plan of Action on Ageing, 1982
- United Nations Principles for Older Persons, 1991
- Madrid International Plan of Action on Ageing, 2002

Charters of Rights

- Charter of Rights for People in Need of Long Term Care and Assistance
- The South African Older Persons Charter
- Charter of Rights for People with Dementia and their carers in Scotland
- European Charter of the Rights and Responsibilities of Older People in Need of Long Term Care and Assistance
- On the Dignified Treatment of the Elderly, Charter of Civil Society
- National Dementia Declaration for England
- Charter of Residents Rights and Responsibilities

Explicit articulation

- Rights of recipients: availability, accessibility, affordability and quality
- Rights of care givers, including support to families
- Assumption of States' primary responsibility (recognising and supporting the family)
- Clarification of States' obligations around third party care provision

Explicit articulation

- Regulation of institutions and care providers
- Monitoring of human rights
- Establishment of complaints and redress mechanisms
- Provision of training (including informal carers)
- Palliative care

