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

• 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

<table>
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<th>Committee</th>
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<tr>
<td>Committee on Economic, Social and Cultural Rights (ICESCR)</td>
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<td>Committee on Elimination of Discrimination Against Women (CEDAW)</td>
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<td>Sub-Committee to Prevent Torture (CAT)</td>
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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