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



HelpAge International

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







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No specific provisions

State protection of the family

ICCPR (23.1 & 24); ICESCR (10)

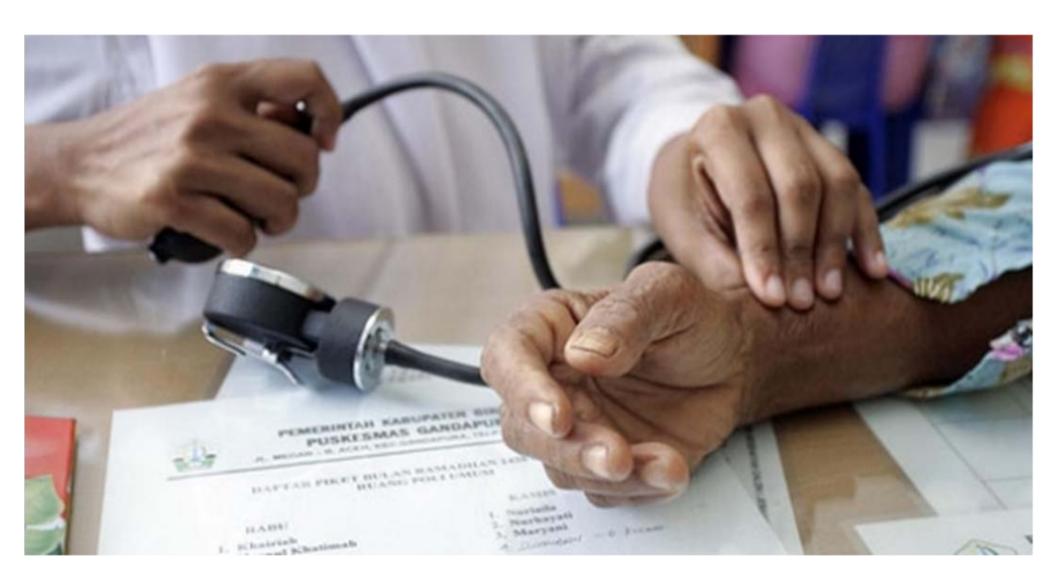
ACHPR (18.2 & 18.4), Protocol of San Salvador, European Social Charter (13), ASEAN Declaration of basic duties (5)

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

