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For the fourteenth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons, 2024

Focus area 2(b): Right to Health and Access to Health Services

Definition

[Article 21 of the Indian Constitution](#) – includes facets of right to live with human dignity, the right to access health and medical care and governmental responsibility in providing medical aid.

[Maintenance and Welfare of Parents & Senior Citizens Act, 2007](#), Section 20 of the Act incorporates medical support for senior citizens. In addition, there are provisions for maintenance support to elderly parents and ensure their basic rights of life and property.

[National Policy for Older Persons, 1999](#): The policy theme is around providing holistic support system to senior citizens. One of the key focus areas recognized was affordable and highly subsidized healthcare for older persons and spreading awareness about the special needs of older people. It also envisages state support to ensure financial and food security, shelter and protection against abuse.

[National Policy for Senior Citizens 2011](#): The policy highlights preventive, curative, rehabilitative and palliative care services to the elderly at various levels of healthcare delivery systems in India. It also focuses on increasing employment opportunities and living facilities for abandoned senior citizens. The policy further wants to ensure social security of older citizens of the country.

In addition to the above, there are a variety of sub-schemes under Central Government's programme [Atal Vayo Abhyuday Yojana](#), which includes [Integrated Programme for Senior Citizens](#) – health, shelter, continuous care homes, Mobile Medicare units, etc., [Rashtriya Vayoshri Yojana](#) - physical aids and assisted living devices for age related disabilities, [National Helpline](#) – 14567 for health awareness for senior citizens, training and capacity building and equity participation in start-ups for elderly care.

Scope of the right

(a)

The Indian Constitution in Articles 15 and 16 talks about discrimination under a variety of grounds including race, caste, sex, religion, etc. Even though [discrimination based on the marker of 'age' is not expressly prohibited](#), there is sufficient case law to affirm that it is prohibited in the spirit of Constitutional guarantees.

(b), (c)

[National Policy for Senior Citizens 2011](#): The Programme intends to provide preventive, curative, rehabilitative and palliative care services to the elderly at various levels of healthcare delivery systems in India.

[The National Programme for Health Care of the Elderly](#) launched under “Maintenance & Welfare of Parents & Senior Citizens Act 2007” focuses on accessible, affordable and long-term care services for the elderly in India.

(d), (e)

Issues related to the benefits of Government welfare schemes and policies become matters of human rights violations for which the [NHRC](#) can be approached for remedy. [A review](#) of the laws enacted specifically for the aged reveals that there is a need to construct specialized legislations for senior citizens.

Challenges, State Obligations & Special Considerations

- Implementation of the policies and subsequent programmes hasn't been effective enough to reach the remotest parts of the country because of [limited organizational, financial and management resources](#) apart from other factors.
- A number of problems affect efficient service delivery at the [PHCs](#). There is a need to increase public health infrastructure with sufficient number of health centres, human resources and facilities.
- Elder care is a [low priority area for CSR spending](#) but the corporate sector can play a major role in addressing the physical, social, economic and emotional vulnerabilities of the elderly as multiple possibilities for creating better models of service delivery can be explored.
- The government needs to [focus](#) on systematic coordination, convergence and collaboration across key stakeholders to avoid duplication of effort and bureaucratic hold-ups and ensure that their programmes are elderly friendly and delivered in a holistic fashion.
- MIS on ongoing government programmes must be strengthened to ensure availability and analysis of relevant data. This would help in monitoring and evaluation of these programmes and provide a deeper insight into the existing interventions on geriatric care and its effectiveness in reaching older persons.
- The role of service delivery, family and community in improving access to mental healthcare for older persons must be defined and [integrated](#) in all care policies and programmes.

Best practices to ensure right to health of older persons

As the aged in [rural India](#) struggle with lack of awareness about their rights, [knowledge of relevant existing legislations](#) and ability to defend their rights through legal mechanisms, Community Based Organizations (CBOs) such as [Older People's Associations \(OPAs\)](#) established and supported by various Civil Society Organisations (CSOs) in rural areas are one of the non-judicial mechanisms to ensure their meaningful participation in improving healthcare facilities for older people in villages.

[GRAVIS](#) has been promoting [the Older People Associations \(OPAs\), Self Help Groups \(SHGs\) and Intergenerational Learning Groups \(ILGs\)](#) in rural India to ensure older peoples' right to health is met and their participation is ensured in demanding and accessing healthcare meant for them. These groups engage in a variety of activities that cater to the basic needs of senior citizens. These include series of self-care and health awareness sessions in collaboration with [Village Health Workers \(VHWs\)](#) to promote healthy and active ageing free from stigma and misconceptions. GRAVIS also trains VHWs at community level to address health needs of villagers and help enhance the status of service delivery as whole. [Determining Older People's Health Needs](#), [Impacting Older People's Health](#), and [Older Women Matter](#) are few examples of GRAVIS' documented best practices