

“Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons”

(a) Purpose

With the advent of advanced medical science increased awareness about healthcare and rising global economy, population ageing has become a global phenomenon. Till 1991, when first World Assembly on Ageing took place in Vienna, only 141 countries had life expectancy above 60 years. By then only a few developed countries were facing population ageing issues. By 2002 when Madrid International Plan of Action was adopted further 179 countries had life expectancy above 60 years and almost half of the world started facing ageing issues. Today almost every country of the world has been witnessing population ageing. By the year end, 195 countries out of 228 countries will have a life expectancy rate above 60 years.

According to the United Nations (UN) population division, the number of people over 60 years old is projected to grow from under 800 million currently (representing about 11% of the world's population) to over two billion by 2050 (accounting for about 22% of the world's population).

The population of old people in India is increasing dramatically. However, as is the case with most developing countries in India too they have so far remained marginalized and under privileged with more focus on children, women and youth in the society.

Since in old age respect and dignity matter most, there should be a social environment where all older persons are treated with respect at all levels and physical arrangements, which can ensure dignified life in old age for all old people.

(b) General principles

In all societies and communities older persons were traditionally treated with respect. They were not only honoured for their age, but also for their knowledge, experience and above all spirituality. There was strong bonding between generations and joint families were popular. But with the fast changing socio-economic and demographic scenario, not only has the population increased rapidly, joint family system too had started diminishing. This resulted in an ever widening intergeneration gap and fast decreasing significance of older persons in family and society.

Hence there is an urgent need to bridge the ever widening intergenerational gap between generations.

(c) Definitions – particularly of old age/older persons

Though Old Age is an integral part of the human life cycle it is not related to physical age to a larger extent. In many terms old age is treated as matter of mind. However, categorization of old age and older persons is very much important to devise specific policies, programs and schemes for older persons.

In India, the Government of India considers anyone over the age of 60 years as senior citizens. Till a few years ago there was no uniformity in the definition of older persons, for they were 60+ for some and for 65+ for some others.

For strengthening and protecting rights of older persons, there should be uniformity in definition of old age & older persons at international level. In developed countries people above 65 years are treated as older persons, whereas in most of the developing countries its 60+. Since share of older persons from developing countries is rising dramatically, 60+ people should be considered as older persons.

(d) Equality and non-discrimination as applied to older persons

In most of the countries older persons are marginalized due to various reasons, like dull physical appearance, physical weakness, disability, psychological weaknesses, old age related diseases, traditional attitude, non-adaptability with modern life style, etc. In almost all societies older persons are discriminated and denied equal opportunities. Older people are adjudged with their age only, not with their capabilities, knowledge and experience.

Governments' retirement policies in most of the countries are more or less age-discriminatory. Governments often fix age of retirement, irrespective to employees' capabilities. Sudden retirement sometimes works as sudden death syndrome. Instead retirement process should be employee friendly so that people above 60 or 65 can also have opportunities to work as per their capacities and lead a dignified life in old age.

In old age people should have opportunities to work and utilize their time, as even after retirement from active work life, they have more than 20 years to live. Thus we cannot ignore needs & rights of entire generation of older persons.

In India reservation in jobs is common. Time has come when governments of countries like India should also mull over the idea or reservation for older persons in various sectors.

Voluntary retirement schemes are welcome steps in India, but it only motivates employees to retire as early as possible, which is not good for them in the long run.

(e) Specific human rights to be included

In old age, violation of human rights has become very common. Ironically in most of the cases of human rights violation by family members or relatives of the older persons are involved. Older persons are mistreated, misbehaved with, harassed and even tortured.

With an ever increasing number of old people, their voice is difficult to ignore. Their needs & rights are seeking every one's attention. Their demand for equitable share in the mainstream is reaching unprecedented levels. It is becoming increasingly difficult for the authorities, judicial system and the government to ignore their human rights.

Though legal provisions and practices have very little to do with old age, but it certainly determines the path of building and developing an environment full of social harmony towards elderly. Therefore there is an urgent need to relook at the existing legal provisions and come up with more equitable, effective and strong legal provisions to encourage older persons-friendly legal practices in the country. The same should be followed by awareness generation with equal zeal.

(f) National and international supervisory mechanisms

Special legal instruments for safeguarding the interests of older persons and protection of rights of older persons are comparatively new phenomena for many countries. In India, National Policy on Older Persons was devised in 1999 and National Council for Older Persons was constituted to ensure implementation of the policy in the country. To look after the issues pertaining to older persons across the country, Ministry of Social Justice & Empowerment was selected as nodal agency. Over the years some laws were also passed by the government for the welfare and protection of older persons, but they have not been proved as sufficiently effective so far.

In India National Human Rights Commission also looks after human rights issues of older persons but with no special provisions for protection of human rights of older persons, it has very limited powers to execute the laws.

Without any effective supervisory mechanism no policy or program can be implemented at grass root level and desired results cannot be achieved. At the national level, for supervisory mechanisms, national governments should constitute separate statutory body for looking after the progress of the laws, policies, schemes

and programs pertaining to older persons and their human rights. In addition such authority should be given special powers to execute and implement the programs in coordination with concerned stakeholders as well.

Such authority can be made accountable and responsible for issues related to old age in respective countries and can be held liable to report to the national government and International supervisory body at international level.

An international supervisory body can be constituted under United Nations ECOSOC (United Nations Economic and Social Council).

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