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For the thirteenth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons, 2023

Focus area 1: Contribution of Older Persons to Sustainable Development

Definition

Key human rights relating to older persons' participation and their contribution to sustainable development are defined in the following articles of the Indian Constitution:

- a) Article 41 - This article of the Constitution secures the right of senior citizens to employment, education and public assistance. It also ensures that the state must uphold these rights in cases of disability, old age or sickness.
- b) [Article 46](#) - This Article of the constitution asserts that the educational and economic rights of the weaker sections (elderly) must be protected by the state.

[The National Policy for Senior Citizens, 2011](#) outlines the focus of the policy and areas of intervention emphasizing on Article 41 of the Constitution of India. One of key focus areas of the policy is to recognise that senior citizens living below the poverty line in urban and rural areas are a valuable resource for the country and create an environment that provides them with equal opportunities, protects their rights and enables their full participation in society.

[The Maintenance and Welfare of Parents and Senior Citizens Act](#) was enacted by the Parliament in 2007 to provide maintenance support to elderly parents and ensure their basic rights of life, property and medical facilities by enabling them to participate in sustainable development.

Scope of the rights

(a), (b)

The well-being of senior citizens is mandated in the Constitution of India under Article 41. "The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of old age". [The National Policy for Senior Citizens 2011](#) aims to ensure inclusive, barrier-free and age-friendly society that recognises senior citizens' rights and ensures their full participation.

Moreover, the [Right to Equality](#) is guaranteed by the Constitution as a fundamental right. This includes Articles 15 and Article 16 for 'Prohibition of discrimination on grounds of religion, caste, sex, place of birth or race' and 'Equality in terms of public employment' respectively.

(c), (d), (e)

[The Right to Freedom](#) is guaranteed by the Indian Constitution as a fundamental right. This includes the right to speech and expression, assembly and freedom of association.

(f)

Key areas of intervention as directed in the [National Policy for Senior Citizens 2011](#) have been devised to mainstream and garner active participation of senior citizens, especially older women as beneficiaries of development. These interventions include income security in old age, healthcare, safety and security, housing, productive ageing and welfare.

(g), (h), (i)

[The Implementation Mechanism](#) section of the National Policy on Senior Citizens 2011 states the Government will strive for:

- Establishment of Department of Senior Citizens under the Ministry of Social Justice and Empowerment.
- Establishment of Directorates of Senior Citizens in states and union territories.
- National/State Commission for Senior Citizens
- Establishment of National Council for Senior Citizens

State Obligations

The State must review existing programmes and initiatives for [gaps in design and implementation, take corrective measures](#), promote partnership with CSOs, encourage synergies between CSOs for knowledge exchange and promote the [Older People Associations \(OPAs\)](#), to ensure effective dissemination and implementation of existing/new Government policies aimed towards older people's rights and their participation in sustainable development.

Implementation

The CSOs in India have been addressing older people's concerns through various community led initiatives in different parts of the country. However, their number is small and there is a lack of coordination and complementarity among these actions. Effective coordination and synergies between CSOs will be of great value both for learning and exchange as well as multiplying the impact. A [UNFPA report of 2017](#) has compiled some of these interventions led by CSOs along with good practices in elder care and support. Innovative practices for care of elderly women in India have been documented and captured in a [UNFPA supported study, 2016](#).

GRAVIS has been promoting older people led Community Based Organizations (CBOs) in rural India such as [\(OPAs\), Self Help Groups \(SHGs\) and Intergenerational Learning Groups \(ILGs\)](#) to ensure older peoples' rights are met and their participation is ensured within sustainable development. [“Battling against droughts”](#), [“Taking along everyone”](#), [“Turning a new leaf”](#), [“Older Women Matter”](#), are few examples of documented best practices.

Creation and strengthening of older people led CBOs is a strong example that has ensured older people's leadership and has helped in reducing ageism and related stereotypes but the impact of national level policies and Acts is somewhat limited as the dissemination of relevant information in the remotest of areas is slow due to literacy and a growing [digital divide](#). Further, older people's contributions in sustainable development are poorly documented, especially contributions by older women and older people with disabilities go fairly [unrecognized](#). There is an ever-growing need of documenting best practices and data across the country to acknowledge and replicate older people led community development interventions and outcomes.