THE RIGHT TO DIGNIFIED
AGEING

A guide to establishing rights-based policies for older persons in the Arab region

UNFPA is the United Nations sexual and reproductive health agency. Our mission is to deliver a world where every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled.

HelpAge International is a global network of organisations promoting the right of all older people to lead dignified, healthy and secure lives.

The right to dignified ageing

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Foreword

The Arab Plan of Action on Ageing (APA2002), the Madrid International Plan of Action on Ageing (MIPAA2002) and the Arab Regional Ageing Strategy (2019 – 2029) constitute appropriate frameworks to encourage Arab States to develop and implement national strategies and policies targeting the wellbeing and rights of older people. In 2020, the UNFPA Arab States Regional Office (ASRO) collaborated with HelpAge International to review six national ageing strategies and age-related policies in terms of their alignment with human rights standards. This review was published in a report entitled 'The Rights of Older Persons – A review of national ageing strategies in the Arab region'.

The analysis found that there was much in the six strategies that were reviewed that would advance older person's enjoyment of their rights. However significant gaps were also noted. While they addressed some elements of the rights concerned, they did not address all of them. Another gap was the range of rights included, which were limited to social, economic and cultural rights but did not pay adequate attention to civil and political rights, including the right to equality and non-discrimination, autonomy and access to justice.

In order to encourage and support Arab States to better align their national ageing strategies and policies with a comprehensive human rights approach, UNFPA ASRO and HelpAge International have collaborated again in the production of this policy Guide entitled 'The Right to Dignified Ageing – A Guide to Establishing Rights Based Policies for Older Persons in the Arab Region.'

Using practical examples and a wide range of case studies it provides a practical tool for policy makers to formulate new, and revise existing, strategies on ageing, to better align them with the human rights standards formulated in the APA2002, MIPAA 2002 and Arab Regional Ageing Strategy 2019 – 2029 initiatives. Throughout the Guide there are numerous references and examples around the inclusion and participation of older people in the process of policy formulation, review and monitoring, in line with a vision shared by UNFPA ASRO and HelpAge International that those older people most impacted by ageing policies and strategies should have a role to play in developing them.

We encourage countries in the region to use this Guide as a resource to either formulate, redesign or review their national ageing strategies and policies for older persons in line with relevant human rights standards and principles. At the same time, we would welcome any feedback and sharing of experiences derived from such an exercise, so that we can continue to develop the Guide in light of its practical implementation.

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List of acronyms

(In alphabetical order)

CSOs	Civil Society Organisations
ESCWA	The UN Economic and Social Commission of Western Asia
HRBA	Human rights-based approach
ICESCR	The International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
ICPD25	25th Anniversary of the International Conference on Population and Development
ICCPR	The International Covenant on Civil and Political Rights
LAS	League of Arab States
MEAL	Monitoring, Evaluation, Accountability and Learning
MIPAA	Madrid International Plan of Action on Ageing
NHRIs	National Human Rights Institutions
OHCHR	UN Office of the High Commissioner for Human Rights
PANE	Participation and inclusion, Accountability and rule of law, Non-discrimination and Equality (the principles of HRBA)
SDG	Sustainable Development Goal
SMART	Specific, Measurable, Achievable, Realistic and have a clear Timeframe
UDHR	Universal Declaration of Human Rights
UNFPA ASRO	United Nations Population Fund - Arab States Regional Office
4As	Available, Accessible, Acceptable and Adequate (components within the obligation to fulfil)

Executive summary

Older persons continue to be invisible in laws, policies, strategies, measures, data collection, research, etc. They are not enabled to participate and express their voices in general, let alone in relation to measures and policies that concern them in particular. Perception, stereotyping, and indirect or even direct discrimination often leads governments to follow a needs-based approach, rather than an approach that affirms the human rights of older persons, and which aims to realise these rights.

This Guide aims to address this gap. It focuses on the need to adopt a human rights-based approach (HRBA) in policies for older age. It shows how this approach is necessary to address the challenges that older persons face in their daily lives. Therefore, it clarifies how the content of policies, and importantly, the process of developing these policies can be based on human rights.

The importance of the Guide comes as most Arab countries will have begun the ageing transition by 2035. Ageing transition refers to the period of time in which the share of older persons shifts from 7% to 14% of the population. At the same time, analysis shows that older persons in the Arab region continue to face various socio-economic challenges.
Therefore, human-rights based policies relating to older age in Arab countries, which aim at progressing towards the realisation of human rights of older persons, are becoming urgent.

This Guide complements a previous assessment report of Arab national ageing strategies' alignment with international human rights standards:

The rights of older persons, a review of national ageing strategies in the Arab region. It complements the previous report by providing practical tools to help Arab governments establish or review their ageing policies, in order to advance realisation of the human rights of older persons according to international human rights law.

While there is currently no unified and specialised international human rights treaty on the rights of older persons, these rights are elaborated in a number of standards and frameworks. The four overarching broad regional and international frameworks that are of particular relevance are: 1) the Sustainable Development Agenda for 2030; 2) International Conference on Population and Development (ICPD) in 1994, and the outcome of its review on the 25th anniversary; 3) The Madrid Plan of Action on Ageing of 2002; and 4) the Arab Strategy for Older Persons (2019-2029).
HRBA is fundamentally about ensuring that States meet their obligations under international human rights law, building the capacities of rights-holders to claim their rights and ensuring the means for achieving that are in place. This is founded on international human rights law and guided by existing frameworks. In addition to the general obligations of prohibiting discrimination, ensuring equality, and ensuring remedies for human rights violations and abuses, there are specific obligations on States to respect, protect and fulfil human rights. The obligation to fulfil can be subdivided into the obligations to facilitate, promote and provide. Care and services provided by the State under the obligation to fulfil must be available, accessible, acceptable, and adequate (or of good quality).

HRBA is also grounded on essential principles: participation and inclusion, accountability and rule of law, non-discrimination and equality.

Active participation of older persons is essential to ensure that policies are developed from their perspective: their lived lives, needs, priorities and ambitions, and not from the perspective of others, which may include assumptions, pre-conceptions and stereotypes. Direct participation of, and consultation with, older persons and their representative organisations should be continuous and integral to the process. Older persons who claim to be victims of human rights violations by States, or abuses by non-State actors, must have effective access to justice, irrespective of who may be responsible for the violations or abuses, and regardless of wealth, power, official position, status or position within the family, etc. In order to ensure their duty to protect, States must take necessary steps to prevent and mitigate abuses against older persons from happening through due diligence measures, including identifying risks, recognising abuses when they take place, and investigating and prosecuting acts.

HRBA requires that laws, policies and public bodies must eliminate direct and indirect discrimination against older persons, and advance equality. Addressing formal discrimination is not enough to ensure equality. Eliminating discrimination requires ensuring substantive equality, or de facto equality, through paying sufficient attention to historical or persistent prejudice and stereotypes. To achieve that, it is important that laws and policies recognise and tackle intersectional discrimination (which arises when individuals or groups face discrimination on more than one of the prohibited grounds of discrimination). A life-cycle approach is also particularly

relevant here, as it recognises the sequential effects of events throughout a person's life. So, an approach that considers intersectional discrimination through the life-cycle allows for recognising the particularly aggravated impact of discrimination in older age.

Laws, strategies, policies and programmes must be put in place to recognise and accelerate the enjoyment of all human rights by older persons recognised in international human rights law and standards. However, 10 areas of national ageing policies are selected as particularly important to empower older persons and enable them to live their life with dignity, and to fully enjoy their human rights. These are the rights to: equality and non-discrimination; autonomy; freedom from violence, abuse and neglect; care and support for independent living; health; access to justice; social protection and social security; work; education and life-long learning; and participation in society. The Guide provides brief elaboration of the content of policies relating to each of these areas, and the Assessment Report provides further elaboration.

In addition to identifying the content of policies, there are 10 steps that are identified for the process of policy development. Various State obligations and the principles of HRBA must be integrated in the policy development cycle in order to ensure that these policies aim to realise the human rights of older persons. Mainstreaming the concerns of older persons into various sectoral strategies and policies essentially entails assessing the implications of these for older persons. Interlinks between various areas of policies must be given systematic consideration. Therefore, it is important that specific policies on older age are not seen as the only place to address issues of older age.

States must integrate older persons' issues and concerns into a variety of national frameworks and strategies.

The following main steps are central for policy development: 1. designation of leadership and national mechanism; 2. agenda setting; 3. data collection and analysis; 4. policy elaboration and design; 5. planning; 6. budgeting; 7. approval; 8. financing; 9. implementation; and 10. monitoring, evaluation, accountability and learning. Integrating the principles of HRBA (participation and inclusion, accountability and rule of law, non-discrimination and equality) throughout the process enables States to realise their obligations; and essentially ensures that older persons are guaranteed means to enable them enjoy their rights. The participation and voice of older persons in the process is particularly central.

Throughout the discussion, the Guide utilises specific examples from Arab countries and beyond.

1

INTRODUCTION

1. Introduction

"Our rights do not change as we grow older. What does change is that older women and men are considered to be inherently less valuable to society. At the same time, as persons get older, they face increasing barriers to their participation, become more dependent on others and lose some or all of their personal autonomy. These threats to their dignity can make them more susceptible to neglect, abuse and violation of their rights."[1]

Today, evidence shows that the population of older persons is growing.[2] In 2015, the number of persons aged 60 or over world-wide was around 12.5% of the population. By 2050, this will have increased to 21.5%.[3] With socio-economic, political and techno-logical developments around the world, the older population is more diverse than before. There is diversity and differences within the same country, across borders, and globally. However, older persons often remain invisible in laws, policies and programmes, which can exclude them either directly or indirectly, and are frequent-ly based on ageist presumptions and stereotypes. Also, laws, policies and programmes are often not designed to ensure that older persons are free from discrimination and are able to fully partici-pate and be included in society according to their values and preferences. This high-lights the need for appropriate laws, policies, strategies, programmes and plans that address the rights, needs and capaci-ties of older persons.

> Ageism means that society discrimi-nates against persons on the basis of their age. As a result, society fails to benefit fully from older persons views, experience and expertise. Older persons should be included and able to participate and contrib-ute as they wish – because it is their inherent right to do so.

This Guide will show that by adopting a human rights-based approach to policies and strategies on older age, States will advance the realisation of human rights of older persons, and further respect, protect, fulfil and promote their rights, dignity and wellbeing, regardless of who or where they are.

1.1 Background

The UN Economic and Social Commission for Western Asia (ESCWA) reports that Arab countries, like the rest of the world, are witnessing an increase in population ageing; driven by declines in fertility and increased life expectancy, combined with the emigration of working age populations and return migration of old age popula-tions. ESCWA estimated in 2017 that the majority of Arab countries are expected to complete the ageing transition over a period extending from between 13 to 40 years. Ageing transition refers to the period of time in which the share of older persons shifts from 7% to 14% of the population. Most Arab countries will have begun the ageing transition by 2035, with only five countries, namely Comoros, Mauritania, Somalia, the Sudan and Yemen, beginning the transition at some point after 2050.[4]

ESCWA's analysis shows that older persons in the Arab region face various socioeconomic challenges; the most common of which include inadequate social

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1 HelpAge International, "Briefing paper for the first working session of the Open Ended Working Group on Ageing", 2011, Executive Summary.
2 The UN reports that all societies in the world are in the midst of longevity revolution. See "World population ageing 2019 – highlights", UN Department of Economic and Social Affairs, page 5.
3 UNDP, "Ageing and Development", Human Development Report, 2015.
4 See UN ESCWA, "Advancing the Implementation of the Madrid International Plan of Action on Ageing in Arab Countries", 2019, page 4.

protection, income security and access to health care and support. This leads to older persons' extended participation in the labour market out of necessity rather than choice, mainly in the informal sector. These challenges are often more acute in the case of older women. Older persons in the region often struggle with other challenges including a lack of services that require specialisation and training in geriatrics, accessibility to public spaces and public services, and accounting for their needs in emergencies.[5]

> This Guide comes as a follow up to the Assessment Report, and builds on its findings, conclusions and recommendations.

Older persons who are in precarious situations, at risk of marginalisation, or with specific needs will need additional attention. This includes older persons with disabilities, older persons subject to violence and abuse, older women, refugees and migrants, and older persons made more at risk in humanitarian contexts (for example due to armed conflict).

ESCWA anticipates that, "the ageing phenomenon will accelerate significantly over the coming decades, giving countries little time to adjust to the requirements of ageing populations in light of competing development priorities, mostly weak infra-structure and institutions and difficult economic, social and political conditions."[6]

A number of Arab countries have already started adopting laws, strategies and policies. In 2020, HelpAge and UNFPA published an Assessment Report of Arab national ageing strategies' alignment with international human rights standards: *The rights of older persons, a review of national ageing strategies in the Arab region* (which will be referred to hereafter as the Assessment Report). The review in the Assessment Report largely supports the findings of ESCWA in relation to areas of risks and marginalisation. It concludes that there is much in the existing strategies of Arab countries that, if implemented fully and effectively, would advance the enjoyment of the rights of older persons.

However, there are also significant gaps. "Access to palliative care, for example, is not included under measures on health. There are no measures to ensure older persons exercise their right to autonomy over their care and support services. Another gap is the range of rights covered. Human rights are interdependent and indivisible and although the strategies focus on social, economic and cultural rights, there is little attention on civil and political rights."[7]

> **Adopting effective cross-sectoral policies for older persons that are based on human rights must start NOW!**

1.2 The purpose and structure of the Guide

This Guide complements the Assessment Report through providing practical tools to help Arab governments to establish or review their ageing strategies and policies to adopt a human rights-based approach (often referred to as HRBA). The Guide aims to support government policymakers in

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5   Ibid, page 5.
6   UN ESCWA, "Advancing the Implementation of the Madrid International Plan of Action on Ageing in Arab Countries", 2019, page 3.
7   HelpAge International and UNFPA "The rights of older persons - a review of national ageing strategies in the Arab region", 2020

their efforts to review existing policies and strategies, and develop new ones as needed, on ageing specifically and the broad spectrum of policies affecting older persons, in line with their obligations under international and regional human rights standards.

A human rights-based approach relates to both policy development and policy implementation, in two distinct phases. The Guide focuses on the policy development phase, while alluding to policy implementation. The Guide starts by exploring what is a human rights-based approach, focusing on important concepts and principles. It then provides further information on the steps involved in policy development.

1.3 Areas of age-related policies in focus

Laws, strategies, policies and programmes must be put in place to ensure that older persons are able to enjoy all human rights that are recognised in international human rights law. This Guide, however, will focus on 10 areas of national ageing policies that are particularly important in empowering older persons to become active and integrated actors in society, allowing them to live their life with dignity, and to fully enjoy their human rights, regardless of their age.

> Older persons must be ensured the enjoyment of all human rights, on an equal basis with everyone else. Special areas are prioritised as requiring further attention and protection, but these are not the only rights that older persons have.

Box 1: The 10 areas where further protection of the rights of older persons is needed

The following 10 areas were identified by the Chairperson of the UN Open-ended Working Group on Ageing in 2016 as requiring further attention.[8] The Assessment Report focused on these issues as well:

- The right to equality and non-discrimination
- The right to autonomy
- The right to freedom from violence, abuse and neglect
- The right to care and support for independent living
- The right to health
- The right to access to justice
- The right to social protection and social security
- The right to work
- The right to education and life-long learning
- The right to participation in society

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8 Open-ended Working Group on Ageing established for the purpose of strengthening the protection of the human rights of older persons, included in 'Report of the Open-ended Working Group on Ageing on its seventh working session', Section IV, para 29, A/AC.278/2016/2, 23 December 2016, available at https://undocs.org/A/AC.278/2016/2.

1.4 Methodology

This Guide is grounded in the findings of the Assessment Report. It is also based on a literature review, including a review of policies and strategies on ageing in a number of Arab countries and beyond. In doing so, this Guide does not aim to analyse these policies and strategies, as this has already been done in the Assessment Report. Examples from laws, policies or strategies from Arab countries and other countries are included.

The Guide also incorporates information from the following sources:

- Discussions and submissions by various stakeholders, including HelpAge International, during the various sessions of the *UN Open-ended Working Group on Ageing*

- The work of the *Independent Expert on the enjoyment of all human rights by older persons*, specifically the thematic annual reports.
- Deliberations of other UN human rights mechanisms, including treaty-bodies that are responsible for overseeing the implementation of international human rights treaties.

The discussions that take place annually in the Open-ended Working Group, and submissions by experts and civil society organisations to the annual meetings; as well as the work of the Independent Expert can provide policymakers with a wealth of information and guidance that can help in elaborating policies for older persons.

2

KEY PRINCIPLES, CONCEPTS AND FRAMEWORKS LINKED TO A HUMAN RIGHTS-BASED APPROACH

2. Key principles, concepts and frameworks linked to a human rights-based approach

2.1 Key concepts and principles

This section will introduce key human rights concepts and principles including those related to the nature of States' obligations, as well as frameworks that are related to a human-rights based approach, with a focus on those related to older persons.

2.1.a Human rights obligations

International human rights law imposes clear legal obligations on States once they become parties to human rights treaties. A human rights-based approach is essentially about ensuring that States meet their obligations under international human rights law. It is also about building the capacities of rights-holders to claim their rights. In addition to the general obligations of prohibiting discrimination, ensuring equality, and ensuring remedies for human rights violations and abuses, there are specific obligations on States to respect, protect and fulfil human rights.

States' human rights obligations are not based on moral commitments or a matter of choice. They are legally binding obligations under international law.

States' obligations are binding on all the bodies and authorities of the State. They relate to the three branches of government as well as independent State institutions. They are binding at all levels and for every individual working within the apparatus of the State at local, central and national levels.

In addition to the general obligations of prohibiting discrimination, ensuring equality, and ensuring remedies for human rights violations and abuses, there are specific obligations on States to **respect, protect** and **fulfil** human rights.

The obligation to respect human rights

This is an **immediate** obligation and cannot be postponed for any reason. It requires States to **refrain** from interfering directly or indirectly with the enjoyment of rights. This means that States must not engage in any practices or activities that deny or limit equal access to rights; including arbitrarily or unreasonably interfering with arrangements that are made by persons for enjoying their rights; and arbitrarily or unreasonably interfering with organisations that have been established by individuals or corporate bodies to assist in the provision of rights. These include community charities, trade unions or other civil society organisations.

Example:
States must refrain from interfering with activities or organisations that are established to provide services for older persons, including charities or clubs, specialised clinics, or providers of training courses or centres, in a way that prevents or limits their capacity to provide those services.

The obligation to protect human rights

This requires States to take action to protect persons from human rights abuses by **private actors.** Private actors include individuals, groups, the private sector including companies and private providers of services, and armed groups. The obligation to protect therefore requires States to regulate, monitor, investigate, and take action against any breaches by any of these private actors.

It is important to stress that States' obligations according to international human rights law do not stop when they privatise the delivery of goods and services. States must ensure that private providers of goods

and services are operating in a manner that is consistent with human rights. States must clarify their expectations that these providers respect human rights through adopting laws and policies. States must also ensure that they can effectively oversee the enterprises' activities, including through the provision of adequate independent monitoring and accountability mechanisms. For their part, business enterprises and private providers of goods and services should also respect human rights. This means that they should not infringe the human rights of others, and should address adverse human rights impacts that result from their role.

> **Example:**
> States must adopt laws and policies to regulate private hospitals and service delivery bodies, like older persons homes. Companies and private service providers should put in place mechanisms of complaint about the impact of their actions.

The obligation to fulfil human rights

This requires States to **adopt** all necessary measures directed towards the full realisation of rights. This includes adopting appropriate legislative, administrative, budgetary, judicial, promotional and other measures, as well as ensuring the provision of services needed.
The obligation to fulfil can be subdivided into the obligations: to **facilitate, promote** and **provide.** The services provided by the State under the obligation to fulfil must be available, accessible, acceptable, and adequate (known as 4As).

The obligation to facilitate: this requires States to take measures to assist individuals and communities to enjoy their rights. States must recognise older person's rights

> The obligation of States to "respect" is known as a negative obligation (States are obligated not to do something), whereas the obligations to "protect" and "fulfil" are known as positive obligations, as they require States to take actions.

through laws, policies and regulations in order to enable them to claim their rights.

The obligation to promote: this requires States to ensure that there is appropriate education, training, information and public awareness concerning rights and how to enjoy them, for example for employees of the health sector, labour inspectorate and law enforcement.

The obligation to provide: this includes establishing systems, goods and services, as well as providing benefits and protections to enable persons to enjoy their rights. The State must also ensure that the services it provides meet certain standards and serve older person's needs. They must be:

> *Available:* are the services available for older persons? This relates to whether the services exist or not.
> *Accessible:* do older persons have access to the services? This refers to (1) physical accessibility: how far away are the services? Can older persons reach the services easily? Are the buildings where the services are provided accessible for older persons generally and older persons with disabilities particularly? (2) Economic accessibility: are the services free; if not, are they affordable? Are there funds that older persons can apply for in order to get

financial assistance to access services? Are these funds easily accessible to all older persons regardless of their age, education, or any other such backgrounds?

Acceptable: are the needs and preferences of older persons taken into account in the provision of the services?

Adequate: this refers to the quality of services: are they appropriate and of good quality?

Through implementing their obligations under international law, States must ensure that their officials, regardless of their role, wherever they work and at whatever level, do not violate human rights. States must prevent, investigate and remedy violations by their officials.

2.1.b Human rights principles

While taking measures and developing policies to ensure that older persons enjoy their human rights, States must respect key principles that characterise human rights. Ensuring these principles is fundamental for ensuring that policies are based on human rights.

Inherent

The Universal Declaration of Human Rights (UDHR) opens by affirming the inherent dignity and equal rights of everyone. Rights belong to every individual because they are human; we are all born with them. They are not given to us through laws and policies, but they are recognised and regulated through constitutions, laws, policies, strategies and measures.

Universal

Everyone, everywhere in the world, is born with the same human rights. Older persons, regardless of who they are, where they live, their age, and regardless of their wealth, ethnic origin, religion, political opinion, or any other such attributes, must enjoy the same rights as others without discrimination.

Indivisible

Each human right cannot be divided from other rights. Rights also depend on each other, and they are also of equal status. Therefore, there is no hierarchy of rights.

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." (UDHR, preamble)

Older persons must be guaranteed all their human rights: economic, social, cultural, civil and political. Recognising some aspects of economic and social rights, like selected aspects of the right to health and social security, but not other rights, is inconsistent with obligations under international human rights law.

Inalienable

Human rights cannot be taken away ("alienated"). Sometimes, some rights can be restricted or limited for specific reasons and periods of time. In such cases, rights themselves cannot be taken away in principle, but restrictions or limits may be imposed on the practice of the right. However, this must be in accordance with criteria under international law, which includes that such measures are necessary, proportionate and time-bound. It is important to note that not all rights can be restricted or limited according to international law. Some fundamental rights cannot be restricted, for example freedom of belief or opinion, freedom from torture and other forms of ill-treatment.

Box 2: Restrictions during Covid-19: the need for assessing the impact on older persons

HelpAge International developed seven principles to assess health measures that were introduced around the world in response to Covid-19. These require respecting and ensuring 1) **dignity;** 2) **non-discrimination;** 3) **equality;** 4) **autonomy;** 5) **accountability;** 6) **participation;** and 7) **proportionality.**[9]

The direct and indirect impact on older persons of measures adopted in any situation must be assessed. For example, restrictions on movement that have been adopted across the world do not take into account diversity among older persons, and have not been updated in light of the medical evidence. The measures fail to consider the negative impact of long periods of isolation on older persons' physical, mental and cognitive wellbeing. They leave many older persons unable to access necessary medical or care and support services, pensions, work, food, means of support, social protection or other fundamentals to ensure an adequate standard of living.[10]

It is important to acknowledge that a complete assessment is not possible because of the limited data and evidence available regarding the impact of Covid-19 on older persons. The Covid-19 pandemic exposed gaps in the resilience of systems and responsiveness of systems and policies to address the needs of older persons. This, coupled with the impact of the pandemic, is resulting in severe physical and mental illness and death for both older persons and those with underlying health conditions. The inability of older persons to escape their abusers during the pandemic has created more opportunities for the perpetration of violence, abuse and neglect. Risks to persons in humanitarian and displacement settings have been intensified, as some control measures have discriminated against refugees, those who are internally displaced and migrants. Generally, evidence and data on the impact of Covid-19 on the voice, dignity and rights of older persons continues to be extremely limited, and there is little analysis of how older persons' rights have been affected by discriminatory age-based measures imposed during the pandemic.[11]

2.1.c Applicable international frameworks

There is currently no unified and specialised international human rights treaty on the rights of older persons.

There are three overarching broad international frameworks that are of particular relevance for human rights-based policies related to older persons.[12] The contents of these frameworks, together with international human rights standards, are important to guide the content of policies for older persons. These are 1) the Sustainable Development Agenda for 2030; 2) International Conference on Population and Development (ICPD) in 1994 and the outcome of its review on the 25th anniversary; and 3) The Madrid Plan of Action on Ageing, which was adopted at the Second World Assembly on

9   HelpAge International, "Seven principles for a rights-based public health response to Covid-19", 2020.
10 "Time for a UN Convention on the rights of older persons - how the Covid-19 pandemic has shown the need to protect our rights in older age", August 2020.
11 For further details, see "Bearing the brunt: the impact of Covid-19 on older persons in Eurasia and the Middle East – insights from 2020", HelpAge International, 2021.
12 There is also a wide range of other frameworks for each area within this (for example health, social protection, work, etc)

Ageing in 2002. In addition, the Arab Strategy for Older Persons (2019-2029), adopted by the League of Arab States (LAS), provides detailed guidance to all Arab States.

> The international community pledged in its General Assembly Resolution 70/1: "Transforming our world: the 2030 Agenda for Sustainable Development" that one of the fundamental principles of the Agenda is inclusiveness, and that **no one is left behind.**

The 2030 Sustainable Development Agenda

The 2030 Agenda provides a very important framework for developing policies for older persons. A human rights-based approach allows for interpreting the Goals and their Targets from the perspective of older persons. The Declaration recognises the importance of the empowerment and participation of older persons in particular.[13] It often includes references to all persons and men and women of all ages. Most importantly, the Agenda is founded upon the pledge to leave no one behind. Often, older persons are among those who are left furthest behind, including those who are house-bound, live in poverty, or live in humanitarian crises. Part of the reason for this is that data gathering for monitoring progress on ageing is weak, and does not include age-disaggregation across many SDG indicators. This has a major impact on planning to address gaps.

Box 3: SDGs and older persons

All SDGs are important and relevant for older persons. HelpAge highlights a number of them for their particular relevance:[14]
- Ending poverty in older age and ensuring social protection for all (SDG 1).
- Enabling healthy ageing, wellbeing and access to health and care services (SDG 3).
- Promoting lifelong learning (SDG 4).
- Ensuring gender equality (SDG 5).
- Promoting decent work for persons of all ages (SDG 8).
- Reducing inequalities and ending discrimination in later life (SDG 10).
- Building inclusive and accessible cities and communities (SDG 11).

The International Conference on Population and Development

In 1994, the landmark International Conference on Population and Development (ICPD) convened in Cairo, Egypt, and adopted the _ICPD Programme of Action_. In 2019, after 25 years of the ICPD, the international community gathered in Nairobi, Kenya, to measure progress achieved (what became known as ICPD25). The outcome document of the ICPD25 concluded that, "comprehensive policies should underpin the rights of older persons and help prepare for an ageing world". Several issues were highlighted, including that data on older persons is limited and that poverty, discrimination and violence affecting older persons, especially older women, are seriously understudied. It stressed the urgent need for qualitative and quantitative research on older persons to understand how to address their needs. The need to evaluate wide-ranging long-term care options was also stressed.[15]

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13 See paragraph 23 of GA Resolution 70/1 "Transforming our world: the 2030 Agenda for Sustainable Development".
14 For further details, see HelpAge International "Ageing and the SDGs, key messages to ensure age-inclusive policies".
15 UNFPA "Accelerating the promise - the report on the Nairobi Summit on ICPD25". For full text of the principles as well as the full text of the ICPD, see "Report of the International Conference on Population and Development", Cairo, 5-13 September 1994.

The Madrid Plan of Action

In 2002, the Madrid International Plan of Action on Ageing (MIPAA) was adopted at the Second World Assembly on Ageing. The purpose of this was to enable countries to address the challenges and take advantage of the opportunities of population ageing to promote development.

The MIPAA was a turning point, showing how the international community can address key challenges for older persons in a way that is linked to the existing human rights framework.[16] The following table presents the priority directions and the issues that were identified in the MIPAA.

Box 4: Priority directions and issues in the Madrid International Plan of Action on Ageing

Priority directions	Issues
Priority direction I: Older persons and development	Issue 1: Active participation in society and development Issue 2: Work and the ageing labour force Issue 3: Rural development, migration and urbanisation Issue 4: Access to knowledge, education and training Issue 5: Intergenerational solidarity Issue 6: Eradication of poverty Issue 7: Income security, social protection/social security and poverty prevention Issue 8: Emergency situations
Priority direction II: Advancing health and wellbeing into old age	Issue 1: Health promotion and wellbeing throughout life Issue 2: Universal and equal access to health care services Issue 3: Older persons and HIV/AIDS Issue 4: Training of care providers and health professionals Issue 5: Mental health needs of older persons Issue 6: Older persons and disabilities
Priority direction III: Ensuring enabling and supportive environments	Issue 1: Housing and the living environment Issue 2: Care and support for caregivers Issue 3: Neglect, abuse and violence Issue 4: Images of ageing

The Arab Strategy for Older Persons (2019-2029)

The Arab Strategy, which was developed by LAS in collaboration with UNFPA ASRO and other UN partners, and endorsed by the LAS Summit in 2019, focuses on five main axes or themes, which together cover a number of important rights of older persons. The Strategy adopts language that emphasises human rights, placing older persons as rights holders and States as the duty bearers of these rights. The Strategy stresses the inadequacy of data and information about the realities of lives of older persons in Arab countries. It adopts the slogan: **"Older Persons: Continued Giving and Guaranteed Rights"**.

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16 For details of the Madrid International Plan of Action on Ageing, including the priority directions, issues, objectives and actions, please see UN Department of Political and Social Affairs – Ageing, "Madrid Plan of Action and its implementation".

Box 5: The Arab Regional Strategy for Older Persons

The Arab Regional Strategy is built around five main themes:[17]
(1) The status of older persons and their social and living conditions.
(2) Health conditions of older persons.
(3) Social, economic and cultural participation of older persons.
(4) Older persons in conditions of war and conflicts.
(5) The role of the media in improving the image of older persons and serving their issues.

2.2 Indications of commitments to human rights by Arab States

There are many indications of commitments of Arab States to international and regional human rights standards. Therefore, Arab States, regardless of their size, political system, socio-economic context, the characteristics of their population or any other such determinants, must ground their laws, strategies, policies and measures on their binding human rights obligations. The following are selected examples:

- Every Arab State is party to a number of international human rights treaties.[18]

- Every Arab State has reflected a number of human rights in their Constitution or other legislation. Courts are increasingly referring to international human rights standards in their rulings, therefore showing that these standards are applicable at the national levels.[19]

- All Arab States engage with various UN human rights bodies and mechanisms, including by reporting on their implementation of their commitments according to international human rights treaties, and through the Universal Periodic Review of the Human Rights Council.[20]

- Many Arab States have adopted sustainable development national action plans or strategies. In these, several countries refer to human rights.

- 16 Arab States ratified the Arab Charter on Human Rights by the end of December 2020. These are: Jordan, United Arab Emirates, Bahrain, Algeria, Saudi Arabia, Sudan, Syria, Iraq, Palestine, Qatar, Kuwait, Lebanon, Libya, Egypt, Mauritania and Yemen.[21]

- All Arab States in Africa, with the exception of Morocco, have ratified the African Charter on Human and People's Rights.[22]

Example 1: The Palestine Strategy for Older Persons for 2021-2026 [23]

The Palestine Strategy makes direct reference to the commitments of **Palestine** according to international human rights treaties, as reflected in the Constitution of Palestine. It details a number of rights included in the Constitution. The Strategy also makes reference to a number of international and regional frameworks including the

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17 See UNFPA ASRO and LAS, "Ageing and Covid-19 in the Arab region: leaving no one behind".
18 For status of ratification by Arab States of international human rights treaties, see https://indicators.ohchr.org/
19 See for example "Arab jurisprudence in the application of International Human Rights Conventions", Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 2016.
20 For information on engagement of Arab States with international human rights mechanisms, see https://www.ohchr.org/EN/Countries/MenaRegion/Pages/MenaRegionIndex.aspx
21 Arab States that did not ratify the Arab Charter for Human Rights (as of October 2021) are Tunisia, Morocco, Oman, Somalia, Djibouti and Comoros.
22 See list of ratification of the African Charter on Human and People's Rights, available at https://www.achpr.org/ratificationtable?id=49
23 Palestine National Elderly Strategy (2021-2026).

There is a specific mention of older persons in the Arab Charter on Human Rights. Article 33(2) requires State and society to ensure:

> "the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children. They shall also ensure the necessary protection and care for mothers, children, older persons and persons with special needs and shall provide adolescents and young persons with the best opportunities for physical and mental development.

It is unfortunate that this is the only specific provision that addresses the need for protection of older persons, grouping them together with other groups that face additional risks and marginalisation. However, it is important to stress that rights enshrined in the Charter must be ensured for older persons as well as other parts of the population.

Example 2: Importance of enshrining rights of older persons in laws

The Assessment Report found that some strategies and laws in Arab countries require establishing a legislative framework on the rights of older persons, for example the Egyptian Strategy. Facilitating a legislative and regulatory environment supportive of older persons is a pillar in the Jordanian Strategy, although this is limited to enhancing their contribution to development, provision of health and social care and a supportive physical environment. The Strategy of Saudi Arabia includes issuing legislation for the protection of older persons and criminalising their ill-treatment at the family and community levels. The federal law of the United Arab Emirates ensures that older persons enjoy their fundamental rights and freedoms, which are guaranteed in the constitution and laws that are in force. [24]

2.3 Principles of the HRBA

The three key components of a human rights-based approach for older persons are:

1- Recognising older persons as rights holders, and the State as the duty bearer of those rights.
2- Supporting older persons to claim their rights.
3- Improving the capacity of States as duty bearers to meet their obligations to older persons.

A human rights-based approach is grounded on essential principles: participation and inclusion, accountability and rule of law, non-discrimination and equality, (or PANE for short).[25]

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24 Assessment report, section 4.1.1.
25 A human rights-based approach is grounded on essential principles: participation and inclusion, accountability and rule of law, non-discrimination and equality, (or PANE for short).

A human rights-based approach for older age entails taking active measures to end discrimination against older persons on the basis of their age, and to ensure their dignity and wellbeing. Policies that are based on human rights aim to change the way in which individuals, societies and governments view older persons, from vulnerable, in need of protection, dependent and passive receivers of care and assistance, and an impending burden on welfare systems and economies, to active contributors to their society. In this approach, older persons are holders of rights, and the State has obligations. The voices of older persons must be central in a human rights-based approach.

Box 6: Examples of needs-based approach vs rights-based approach

Needs-based approach	Rights-based approach
Services and benefits are given because older persons need them. But, they can be limited or withdrawn to prioritise others in the population.	Older persons are guaranteed and ensured rights on an equal basis with others because they inherently have these rights and are as entitled to them as others.
There are no programmes for continuous education for older persons as they do not need them.	Programmes for life-long learning, training and education are put in place, and older persons actively benefit from them.
Older persons are not allowed to work beyond a certain age because of a presumption that they are too weak and old to work.	Older persons are allowed and supported to work and choose their work as long as they wish to do so. Their experience is recognised as important.
Older persons are not allowed to run for public office because of presumptions that they will not have the mental capacity to do so.	Older persons can run for and hold public office without age limits because they have the fundamental right to public participation. Their past experience is considered valuable.
Older women who did not have a previous employment will not benefit from a State pension. Their caregiving role is not recognised to have the same worth as paid work.	Older women and men will enjoy the same universal pension. The unpaid caregiving role of women is counted on an equal basis with paid work for men.

Participation and inclusion

Active participation of older persons is essential to ensure that policies are developed from the perspective of older persons, their lived lives, needs, priorities and ambitions, and not from the perspective of others, which may include assumptions and pre-conceptions and stereotypes. Participation of older persons in the formulation, implementation and evaluation of public policies relating to their specific needs and concerns is an integral part of their right to public participation, recognised in international and regional

Article 25 of the ICCPR: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives".

human rights law, particularly Article 25 (a) of the International Covenant on Civil and Political Rights (ICCPR).

Participation of and consultation with older persons and their representative organisations should not be a one-off event. It should be continuous, and should be integrated in processes. It is essential to ensure that their voice is central.

To ensure that policies and strategies are human rights-based, and address the realities of older persons, it is essential that they are based on effective participation of older persons and their representatives at various stages. Participation of older persons requires facilitating or supporting participatory processes of consultation at national and local levels. Genuine and effective participation ensures that older persons have an opportunity to express their views on the impact of policies and measures affecting their lives after these have been developed and implemented. Participation must also ensure that the voices of older persons are central at all the phases of policy making, from the point of collecting information and data, to strategic development, policy design, identification of activities throughout implementation, to monitoring, evaluation and learning. Diversity among older persons must be integrated in the design of the consultation process to ensure the inclusion of older persons further marginalised by poverty, ethnicity, gender, disability and other discriminating factors.[26] (See further discussion on participation under the 10 priority areas)

Example 3: Participation in the development of the Jordan and Lebanon National Strategies

In 2017, an analytical study was commissioned by the National Council for Family Affairs in Jordan, prior to the development of the **Jordan** National Strategy for Senior Citizens (2018-2022). The purpose was to learn about the life situations and daily realities of older persons. Fourteen community focus group discussions were carried out, covering various parts of the country, various age groups, and diverse backgrounds. The focus groups were held in each of the governorates of the country, covering urban, rural, Bedouin and refugee communities. The age groups were 18-30 years old, 31-59 years old, and over 60 years old. Special attention was made to ensure the participation of women and persons with disabilities.

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26 For guidance on ensuring meaningful participation of older persons, see "Meaningful participation of older persons and civil society in policymaking - designing a stakeholder engagement and participation process, guidance note", UNECE, August 2021. See also "Guidelines for review and appraisal of the Madrid International Plan of Action on Ageing – bottom-up participatory approach", UN DESA, 2006.

Accountability and rule of law

Older persons who claim to be victims of human rights violations by States, or abuses by non-State actors, must have effective access to justice, irrespective of who may be responsible for the violations or abuses, and regardless of wealth, power, official position, status, position within the family, etc. This must apply in relation to infringement of all rights of older persons under international law.

It is essential to ensure justice and mechanisms in law in order to enable older persons to claim their rights. Laws must also establish penalties that are proportionate to the gravity of crimes committed. Effective, available and accessible complaint mechanisms through judicial, administrative or other types of arrangements must be put in place in order to enable older persons access to remedy. Continuous monitoring and investigation are essential in order to address violations or abuse.

Box 7: The concept of due diligence

It is not enough for States to put in place accountability measures to redress violations by their bodies and its agents. States are also under the obligation to protect individuals from abuses by non-state actors, and to put in place measures that redress such abuses. Non-state actors may be companies, service providers or even individuals.

In order to ensure their duty to protect, States must take necessary steps to prevent and mitigate abuses against older persons from happening. This includes identifying risks, recognising abuses when they take place, and investigating and prosecuting acts that have adverse human rights impacts on older persons. To be able to do that, States must put in place laws, policies, instructions and regulations; criminalising acts of abuse by non-State actors wherever they occur; investigating potential or actual acts, even without complaints; and punishing perpetrators. States must also train their officials, must issue clear regulations to prevent and redress abuse. This is known as **due diligence.**

It is important to remember that often abuses against older persons happen in the private sphere: at home, in care facilities or even in health facilities. States have the obligation to carry out due diligence to ensure that these abuses do not take place. Corporates, whether they are service providers or employers or any other type of companies, must also carry out due diligence in order to become aware of, prevent and address negative human rights impacts of their operations, services or products. This is one of the responsibilities of corporations that is now recognised in international law. [27]

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27 See OHCHR, "Guiding Principles on Business and Human Rights", 2011.

Non-discrimination and equality

A human rights-based approach requires that public bodies & those performing public functions must eliminate discrimination and advance equality. Equality does not only refer to the same opportunities. Equality focuses on the actual result of laws, policies and measures.

Discrimination against older persons is understood as any differential treatment, including but not limited to any distinction, exclusion, restriction or preference based directly or indirectly on age or any other ground, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights. Discrimination may be direct, indirect, by association, by perception or imputation, incitement, vilification, victimisation, harassment and denial of reasonable accommodation. [28]

Direct discrimination: this can be through commission or omission. Laws or policies that treat different groups differently, or that treat men and women differently, or that put restrictions in law, constitute direct discrimination.

> **Example:**
> a law requiring that an older person must be a national of the State in order to benefit from primary health care is a discriminatory law.

Indirect discrimination: this refers to laws, policies or practices that appear to be neutral, but, because of pre-existing historical and structural inequalities, have a discriminatory impact. This can be as a result of neglect or preference.

> **Example:**
> strategies or policies on older age that focus on urban areas and neglect rural areas or areas of host communities where refugees and internally displaced persons live, contribute to creating more poverty and marginalisation in these areas, and may therefore be discriminatory.

Addressing formal discrimination is not enough to ensure equality. Eliminating discrimination requires ensuring substantive equality, or de facto equality, through paying sufficient attention to historical or persistent prejudice and stereotypes. States must therefore immediately adopt the necessary measures and take steps to prevent, diminish, eliminate or change the conditions and attitudes that cause or maintain ageism in practice.

> Stereotypes, cultural or traditional practices, beliefs or prejudices often assign roles for older persons. They endorse a perception that older persons are not able to be productive; or that they are dependent, and that they are inactive mentally and physically.

Prohibition of discrimination on the basis of age has not specifically been mentioned in international human rights treaties, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[29] However, it is important to note that the list included in each treaty is not an exhaustive list. Therefore, there are normally references in treaties that show that discrimination is prohibited on any grounds.

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28 See Assessment Report, p. 44.
29 Article 1(1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

*Article 2.2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) puts the obligations on State parties to guarantee that the rights in the Covenant will be exercised **without discrimination of any kind** as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth **or other status**. Article 2.1 of the ICCPR requires State parties to undertake to respect and ensure to **all individuals** the rights in the Covenant **without distinction of any kind,** such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth **or other status**.[30]*

It is therefore important to consider how ageing issues are integrated into policies and programmes, assessing the impact of relevant legislation, policies and programmes on the situation of older persons, taking into account their diversity. It is important to always ask, are the policies enough to:

1) end and redress discrimination
2) advance equality in practice (equality of results).

> Guaranteeing enjoyment of rights without discrimination and ensuring equality are integral parts of what is known as minimum core obligations. This means that this minimum cannot be postponed or disregarded under any circumstances. It must be carried out always and immediately, regardless of the circumstances in the country.

Box 8: Intersectional discrimination

A human rights-based approach requires recognising and tackling intersectional discrimination. This is when individuals or groups of individuals face discrimination on more than one of the prohibited grounds such as age, gender, disability, ethnicity, migration status, economic status, etc. In such cases, often the impact of the combined layers of discrimination is magnified and more severe than if the individual faces discrimination on each of these grounds separately. A life-cycle approach is particularly relevant here. It emphasises the sequential events and developmental steps throughout a person's life. It facilitates understanding that layers of discrimination that accumulate over the life-course are compounded in older age, particularly for older women. So, intersectionality in older age must adopt a life-cycle approach to understand the particularly aggravated impact of discrimination in older age.

Example:
an older woman with a disability from a minority community who is internally displaced has the following intersecting characteristics that impact the way and degree that she enjoys her rights: she is a woman, which means she may suffer gender discrimination. She is also an older woman, which means she may suffer ageism. She is internally displaced, which means she may be denied access to services because

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30   Several UN human rights treaty bodies, which are responsible for overseeing the implementation of the various human rights treaties, have developed comments and recommendations specifically focusing on the relevance of the provisions of the treaties to older persons. See for example, the Committee on the Elimination of Discrimination against Women, "General recommendation No. 27 on older women and protection of their human rights", CEDAW/C/GC/27, 16 December 2010; and Committee on Economic, Social and Cultural Rights, "General comment 19: the right to social security", E/C.12/GC/19, 4 February 2008.

31   For a discussion of life-cycle approach, see "Addressing population ageing in Asia and the Pacific Region - a life-cycle approach", UNFPA, 2020, particularly chapter 5: Adopting a life-cycle approach.

she may not have the right documentation; or she may be living in poverty because of her displacement, which brings about a class dimension. She is disabled, which puts her at risk of discrimination and abuse that disabled persons face, especially women and girls. She is from a minority community, which means she may face an additional layer of discrimination because of prejudice against that minority group, and she may not have access to services because of language barriers.

In this case, this woman will be disadvantaged and marginalised because of the intersection between gender discrimination, discrimination against persons with disabilities, racial discrimination, in addition to discrimination against older persons, as well as her specific situation as internally displaced, which may also bring about economic discrimination. The life-cycle approach highlights that she has been suffering accumulated discrimination on the basis of several of these grounds for many years up to her old age. This compounds the marginalisation and vulnerability that she may suffer.

Example 4: The Tunisia Plan[32]

The Tunisian Plan requires that social protection and social security coverage should be universal, and schemes should be available to all older persons without discrimination including on the grounds of age, gender, disability, migrant or refugee status. The Tunisian Plan aims to include all workers by generalising the legal social coverage to include casual and seasonal labourers, marine fishermen, unpaid workers, low-income workers and the casual workers of some public institutions involved in the National Retirement and Social Security Fund.

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32 Tunisia's 10 Year Plan for Elderly (2003 – 2012), Ministry of Social Affairs and Solidarity, 2004.

3

HRBA AND AGE-RELATED POLICIES IN FOCUS: THE PROCESS AND OUTCOME

3. HRBA & age-related policies in focus: the process & outcome

This section will illustrate that HRBA is about both the process and outcome of policies. The outcome relates to the 10 areas of rights of older persons that need further protection. The process relates to 10 steps that must be followed to ensure human rights-based policies for older persons.

3.1 The 10 areas for further protection: the outcome

As discussed above, a rights-based approach for policies related to older persons is a way of working that is based on human rights, and aims to realise the enjoyment of all human rights by older persons. It is about ensuring the full participation, inclusion and dignity of older persons as rights holders. It is about using international human rights principles and standards to ensure the rights of older persons are put at the centre of policies and practices.

Older persons must be guaranteed the enjoyment of all human rights, on an equal basis with everyone else. The 10 areas of rights of older persons have been selected as ones that need further protection.

Older persons should be able to participate in decision-making processes, management and administration of the various aspects of the 10 areas, to ensure they are appropriate and acceptable for older persons' needs and preferences.

The summary below highlights some of the aspects of the 10 areas. Further discussion and details are included in the Assessment Report.[33]

Life with dignity for older persons

3.1.1. The right to equality and non-discrimination

Constitutions should specifically prohibit discrimination on the basis of age. Elimination of age discrimination, including intersectional discrimination, should be included in laws, strategies and policies. Measures to eliminate all forms of discrimination in older age should include the removal of any barriers to the enjoyment of the rights of older persons, such as mandatory retirement ages or the use of upper age limits in

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33 See Assessment Report, particularly Annex 1: Summary of recommendations, p. 40.

access to goods and services. States should assess the impact of all their laws, strategies, policies, measures and decisions on older persons to ensure realisation of equality in practice. Cultural or traditional practices, beliefs or prejudices that discriminate against older persons must be combated, in addition to promoting positive images and perceptions of older persons or ageing. Training and awareness-raising should be carried out, including to recognise and redress intersectional discrimination.

3.1.2. The right to autonomy

Laws, strategies, policies and measures must recognise and ensure autonomy and independence for older persons over all aspects of life. Legal guarantees and measures should be put in place to ensure that older persons continue to enjoy legal capacity on an equal basis with others, and support decision-making for autonomous and independent lives in line with their will and preferences in all matters that affect them.

3.1.3. The right to freedom from violence, abuse and neglect

Laws must prohibit and penalise all forms of abuse against older persons, including physical abuse, emotional or psychological abuse, economic and financial abuse and exploitation. This may take various forms including gender-based violence, spousal abuse, social or domestic violence, abandonment, neglect, loss of respect, community violence, political violence, violence in the context of armed conflict etc. Laws should also recognise and prohibit abuse in various public, private, institutional settings, workplaces and the community. States should adopt legislation, policies and measures on identification, investigation and redress, and allocate sufficient resources for effective

implementation. Research and data collection and analysis into the intersectional causes of violence, abuse and neglect should be made a priority and be conducted at regular intervals. Awareness-raising or training of the public, older persons and those who come into contact with them should be carried out systematically. A range of support services appropriate for victims, survivors and those at risk should be provided including but not limited to health, psychosocial, rehabilitative and legal services. Older persons should have access to effective remedies and redress, irrespective of who may ultimately be the bearer of responsibility for the violation. Older persons must be supported, where necessary, to make autonomous decisions about reporting acts of violence, abuse and neglect. Violations must be investigated effectively, promptly, thoroughly and impartially; and punishment should be commensurate to the gravity of the violation.

3.1.4. The right to care and support for independent living

Care and support should aim at enabling older persons to live dignified, autonomous and independent lives as full members of society. Care and support services should be integrated with health care, including access to holistic geriatric or palliative care, as well as provision of care and support services at home and in the community. Care and support should encourage the provision of care and support services at home and in the community, and transition away from services provided in institutional settings. Older persons should be able to exercise their autonomy over their care and support services, and should make their own decisions with regard to long-term care. To facilitate this, information on services should be made available and support should be given, if necessary, with decision-making.

3.1.5. The right to health

As persons age, they are more likely to live with illness or disability and have a higher need for health and care services and support. Health facilities, as well as health-related goods and services, should be made physically and economically available and accessible to all older persons without discrimination. Older persons' right to health necessitates universal health coverage programmes to ensure dignity and avoid pain and suffering of older persons throughout their lives. Health policies and programmes should ensure an integrated approach, combining elements of geriatric preventative, promotive, curative, rehabilitative, palliative, specialist and long-term care and services as part of progress towards universal health coverage.

Geriatric and palliative care should be holistic and include, but not be limited to, pain relief and treatment. Attention must be given to a range of physical and mental health issues that are frequently unaddressed in relation to older persons, including sexual and reproductive health and rights, and cancers. Health care and treatment should be accessible in a setting that is consistent with the needs, will and preferences of the older person. Older persons should have timely access to information about all aspects of their health and palliative care and treatment options, so that they are able to express their free, prior, ongoing and informed consent to their palliative care or treatment and any other health matters. They should be ensured support, including through a trusted person. Measures should be put in place to ensure that privatisation of the health sector does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services.

3.1.6. The right to access to justice

Laws, policies and strategies must include clear provision of access to justice and remedy in cases of violations by State actors, or abuses by non-State actors, or in neglect and denial of rights. Prompt, effective and appropriate access to justice and remedies should be ensured through judicial, administrative, or any other such mechanisms when any of the rights of older persons is denied. Policymakers and other officials whose actions have a negative impact on the rights of older persons must be held accountable for their decisions and actions. Laws, policies and strategies should include measures to facilitate access to justice, including through reasonable accommodation to ensure older persons' effective access to and participation in all aspects of legal and administrative proceedings; and ensuring access to emergency and support services, including legal aid and advice, as well as access to alternative, non-judicial pathways to justice. All proceedings and the award of damages must be free from discrimination on the basis of age.

3.1.7. The right to social protection and social security

Social security and social protection must be ensured to all older persons. States should ensure universal coverage of social protection, accessible to all without discrimination, especially in social pension schemes. Social protection and social security measures should be of a high quality, appropriate and sufficient for an adequate standard of living for the full period of life. This must be ensured so that older persons can live autonomous, independent lives with dignity and can fully participate in society. Information on all aspects of social protection and social security measures, including eligibility and

qualification should be made accessible to older persons. Non-contributory universal pensions are the most efficient means of ensuring the right to social security for older women and compensating them for their years of unpaid caregiving, or inadequately paid work.

3.1.8. The right to work

Support for older persons to continue working, if they so choose, should be ensured in laws, policies and practices, with guarantees for dignified work in old age. Age discrimination should be prohibited in law and eliminated in practice in all matters related to employment, including recruitment, conditions of work, remuneration and access to training. Mandatory retirement ages must be prohibited. Unemployed older persons should be ensured the right to find work or access professional training without discrimination. Older persons living in poverty should not be discriminated against in their ability to access universal old-age pensions. Older persons should be able to determine when and at what pace to withdraw from the labour force. Flexible working conditions for those with caregiving responsibilities, access to flexible or gradual retirement schemes, access to career development, technical and vocational guidance programmes, and vocational and skills development programmes and reasonable accommodation should be considered and put in place.

3.1.9. The right to education and lifelong learning

The right to education and lifelong learning relates to acquiring knowledge and skills, and utilising and transmitting them. Laws, policies, measures and practices should guarantee for older persons the right to utilise and acquire knowledge and skills without discrimination and on an equal

basis with others. Stereotypical perceptions of education 'suitable' or 'appropriate' to older age should be combated and eliminated. Education and lifelong learning and training should be available to older persons without discrimination or prejudices. Learning opportunities should be adapted to the specific needs and preferences of older persons through their participation in developing programmes as teachers and sharers of knowledge. Equal access to lifelong learning opportunities, as well as dedicated programmes available only to older persons, should be guaranteed and made affordable to all older persons. Settings for lifelong learning, education and training should be made physically accessible to older persons, including in their communities and in care and support settings.

3.1.10. The right to participation in society, including public life

Older persons should be guaranteed the right to participation in social, economic and cultural life, as well as in civil and political life, beyond inclusion in some decision-making bodies. Strategies and policies should ensure that older persons are able to contribute to their societies through sharing their creative, artistic and intellectual abilities, and as transmitters of information, knowledge, traditions and cultural values. Discrimination on the basis of age alone or in combination with other grounds should be prohibited in forming associations, standing for election, voting or participating in any aspect of political or public life. Older persons should also have equal opportunities to be appointed to public office. States must enable those with support needs to participate as full members of society in all aspects of life and decision-making. Particular attention should be paid to ensuring the digital inclusion and participation of older persons, as the world moves towards transforming

society through technological advances, increasingly using digital technology.[34] However, together with women, older persons experience a greater inequality in accessing digital advancements, to a larger extent than other groups in society. This, therefore, requires particular attention to be paid to channels for provision of information and ensuring participation of older persons through means that are accessible to them in specific local and national contexts.

Box 9: The different domains of voice[35]

Older women and men have a right to be empowered and informed, exercise their voices, be heard by those with power, and effect change. The voice framework, developed by HelpAge International, provides a way of thinking about the different domains of voice activity and the critical contextual factors that affect them. The following are the different domains of Voice:

Older persons' voices are 'engaged': this means not only reaching older persons and raising their awareness to voice activity and how it relates to a rights agenda, but also securing their willingness, motivation and incentive to engage their voices.

Older persons' voices are 'informed and empowered': this element relates to supporting older persons to be informed and empowered citizens, strengthening their capabilities so they can engage and participate in voice-related activity effectively.

Older persons' voices are 'shared and combined': this is about providing older persons with the opportunities and capacity to come together with others in a safe space to share their experiences, debate, and extend their understanding.

Older persons' voices are 'amplified': 'amplified voice' relates to the process of older persons communicating their individual or collective voice through diverse channels and at different levels.

Older persons' voices are 'heard': this relates to older persons' voices being heard and responded to by those with power; their rights being realised, and having the ability to participate actively in decision-making processes and effect change. It also relates to older persons having access to accountability mechanisms through which they can hold those with power at all levels to account.

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34 Digital technology affects our daily life in education, work, transport, access to information and leisure. This can be from mobile phones to newspapers, television, radio, social media and the internet, and all the other tools to collect, store, analyse, and share information digitally. In 2021, the theme of the UN International Day of Older Persons 2021 was "Digital equity for all ages".
35 HelpAge International, "HelpAge voice framework", 2019.

3.2 The 10 steps for policy development: the process

Public policies involve actions taken by public officials and public institutions to meet the challenges of real-world issues; reflecting the obligations of States to respect, protect and fulfil human rights.

Public policies can differ from one place to another based on political or socio-economic context or the type of challenge under consideration. Typically, officials create public policies to convey what the government will do with regards to an issue or situation.

In a rights-based approach to the process of developing policies related to older persons, the overarching question is how much older persons are put at the centre of the process.

A human rights-based approach to policy development aims to integrate the PANE principles in the various steps of the process of developing policies.

Interlinkages between various areas of policies, reflecting the interlinkages between rights, must be given systematic consideration. It is important that policies on older age are not seen as the only place to address issues of older age. States must integrate older persons' issues and concerns into a variety of national frameworks and strategies.

Mainstreaming the concerns of older persons into various sectoral strategies and policies essentially entails, "assessing the implications for older persons of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making older persons' concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres. It basically involves moving away from targeting older persons as a separate, marginalised group towards integrating policy approaches to ageing across all sectors."[36] Age mainstreaming, therefore, must involve consideration of all aspects of diversity related to age. Successful mainstreaming requires, "(a) the collection and analysis of data relating to the living conditions of older persons; (b) awareness-raising, advocacy and education regarding ageing issues; (c) indicators of development for policy review and appraisal; (d) assessment of the impact of current laws and programmes targeting older persons; (e) the mainstreaming of older persons' concerns into new legislation and policies that may affect them; (f) budgetary provisions for addressing ageing concerns; and (g) national coordination and international cooperation to advance the mainstreaming process."[37]

However, developing policies about older persons must not stop at integrating older age in policies. The process must ensure that older persons and their representative organisations are included and consulted in the process through direct participation in the various steps of policy development, and in implementation, monitoring and evaluation. This is an essential element for ensuring the achievement of human rights-based policies for older age.

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36 See UN Department of Economic and Social Affairs, "Guide to national implementation of the Madrid International Plan of Action on Ageing", 2008, page. 15.
37 Ibid.

The 10 steps of developing human rights-based approach policies for older persons
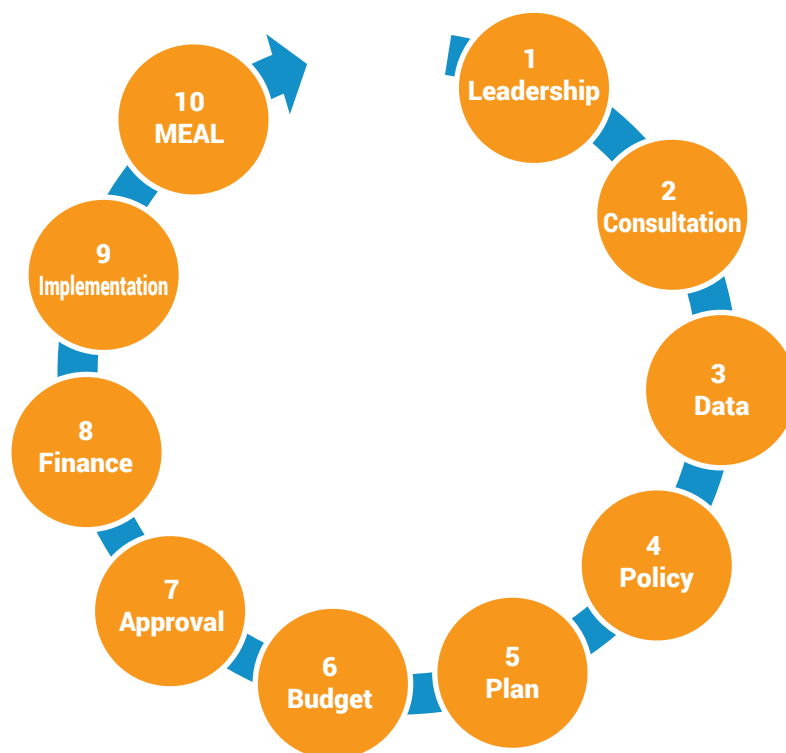
3.2.1. Leadership and designation of a national mechanism

When a decision is made to develop a policy on the rights of older persons, it is important for the State to start by designating one or more ministries or other institutions to lead the process. The designated institution does not necessarily have to carry out all the steps in the process by itself. But, it must be mandated to ensure that the process moves forward smoothly and effectively.

Together with that, a national mechanism or committee or working group is also established. It is essential that the working group is officially mandated to develop and agree the draft policy. The mandate, purpose, membership and timeframe need to be specified.

The national committee or mechanism must be multisectoral. Considering that policies on old age will aim to address the

10 priority areas discussed earlier, it is important that governmental bodies responsible for these areas are represented in the national mechanism. This includes ministries of education, health, labour, social security, justice, housing, as well as ministries of planning and finance. In addition to these, inter-ministerial coordination, aid coordination mechanisms, the parliament, including relevant parliamentary committees or caucuses, national statistical offices, local government and National Human Rights Institutions (NHRIs), should be included. Civil society organisations with recognised related expertise should also participate in the national mechanism

One of the important principles of a human rights-based approach is participation. It is therefore essential that older persons and their representative organisations participate directly in this national mechanism.

3.2.2. Agenda setting

At this stage, national priorities need to be determined. Issues, problems or challenges that the policy will be designed to address should be specified. It is important at this stage to identify what policies and programmes are already in place and need to change, and which ones need to be developed and adopted to ensure older persons' rights. A desk review of existing programmes and policies should take place to identify gaps and areas where the existing policies or programmes are not consistent with requirements of human rights of older persons, or where they are inconsistent with each other. Older persons or their representative organisations must be part of this assessment.

It is important that older persons and their representative organisations are involved in the process of identifying the agenda and priorities from the start. Their role should not come only after the agenda has been set. A review conducted through the perspective of older persons may result in an outcome different from a review conducted without them.

This should entail a robust and comprehensive consultation process with older persons (not on an ad hoc basis), and provide older persons and representative organisations with the necessary support to participate in the consultation process.

Example 5: The National Strategy for Older Persons in Lebanon 2020-2030[38]

The recently adopted National Strategy for Older Persons in Lebanon was based on a process of information collected from various sources. The Strategy provided an overview of the demographic changes in Lebanon since 1980. Information was provided on the number of persons above the age of 60, the demographic pyramid for males and females, and the projection for 2030 and 2050. The projection included estimates related to health, migration, female labour, unemployment, and the impact of Covid-19. A section was also dedicated to analysing the impact of the 2020 financial crisis in the country on the physical and mental health of older persons, their living conditions and financial circumstances.

It is important to design methods for meaningful consultation with older persons about issues that they face in their life, their aspirations and hopes, priorities and solutions.[39] This consultation does not substitute the need for involving older persons and their representatives directly in the working group. In this process, the Voice framework (see Box 9, Section 3.1.10) must be considered. Diversity among older persons must be integrated in the design of the consultation process. It is important to ensure that consultation covers various geographical areas, and is inclusive of various marginalised groups including older women, older persons with disabilities, older migrants, refugees or internally displaced persons.

Consultation may take various forms including focus group discussions, forums or meetings, direct interviews, surveys, peer conversations among older persons themselves, and a reference group of older persons which regularly provides feedback.

38 "The National Strategy for Older Persons in Lebanon (2020-2030)", Ministry of Social Affairs.
39 For discussion of various ways in which older men and women can contribute their voice, see section 5.3: Older persons's voices are 'Shared and combined', in "HelpAge voice framework", page 15.

3.2.3 Data collection & analysis

The use of indicators as tools for the realisation of human rights through policies that are evidence-based depends essentially on the availability of reliable data that captures the enjoyment or violation of human rights. Such indicators can be more meaningful and are more likely to be used to guide policies when they are contextually relevant. Data is also essential for setting indicators to measure progress and ensure accountability, as discussed below (see 3.2.5).

The agenda, or issues to be addressed in the policies, therefore, must be based on knowledge about the living conditions, experiences, needs and rights of older persons through dedicated studies, monitoring and evaluation mechanisms, audits, inclusive data collection and indicators that reflect the realities of older persons.

Initially, the availability of national data needs to be assessed, and methods for collection and analysis need to be considered, taking into account the considerations of privacy and utilisation of information. It is important to collect data disaggregated by sex, age, disability, income, race, ethnicity, migratory status, geographical location and other such characteristics relevant in the national context.

Generally, one finds that there are several problems with information gathering and research. Often, surveys are not specifically designed to capture the situation of older persons. Surveys often have age caps, not covering age groups within older age, or they only cover a limited group of older persons, due to the wrong assumption that older persons are a homogenous group.

They also often do not cover the whole range of human rights challenges of older persons. It is therefore essential to improve policy design and outcomes of policies through an evidence-based approach.[40] Information about the situation and reality of the lives of older persons in various living settings, diverse geographical areas and diverse socio-economic backgrounds must be collected.

The inclusion of older persons in the design of public data collection, disaggregated by age, sex, disability, relevant socioeconomic characteristics, geographical location, education, and other such attributes is their right.

Older persons and their representative organisations must be at the centre of the design of methods of information collection and the focus of the information to be collected. Information collection must reflect their realities, concerns, aspirations and solutions through their own voices. Therefore, they must inform what questions need to be asked, what type of information needs to be collected, and the analysis of such information and data.
Ethical and privacy considerations must be at the centre of data collection design, defined through the perspective of older persons.

Example 6: Commitments to research and data collection by Arab States

The Assessment Report found that:
"Egypt's national strategy commits to encouraging research centres and universities to include studies on older persons in their research, Jordan's commits to scientific

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40   For discussion on the role of data on ageing in policies, see for example HelpAge International, "Good Practices and barriers in the use of data for policy and advocacy on ageing in Asia-Pacific", 2015.

Forms of indicators[42]

Indicators can be quantitative or qualitative. Quantitative indicators are generally expressed in statistics (numbers or percentages). However, it is important to remember that in some contexts, expressing data in numbers only may be meaningless, and percentages may be better tools for reflecting the information sought. Qualitative indicators cover any information articulated as a narrative form. Both qualitative and quantitative human rights indicators could also be categorised as fact-based and judgement-based indicators.

Quantitative indicators:

Fact-based: indicator articulated in quantitative form and based on information on objects, facts or events that are, in principle, directly observable and verifiable. Examples: number of older persons enrolled in education or training, or percentage of working older persons in the total working persons.

Judgement-based: indicator articulated in quantitative form and based on information that is a perception, opinion, assessment or judgement, using, for instance, cardinal/ordinal scales. Examples: percentage of older persons treated in hospital x who believe that they have been treated with dignity; or percentage of older persons who believe that the national policy on social security is fair and adequate.

Qualitative indicators:

Fact-based: indicator articulated as a narrative, in a categorical form, and based on information on objects, facts or events that are, in principle, directly observable and verifiable. Examples: the status of ratification of human rights treaties for country x (ratified/ signed/no action); or factual description of an event involving acts of physical violence, a perpetrator and a victim.

Judgement-based: indicator articulated as a narrative, not necessarily in a categorical form, and based on information that is a perception, opinion, assessment or judgement. Examples: opinions of older persons on why the social security system in country x is considered to be not adequate; opinions on how to improve the social security system; or opinions by older persons on what needs to be improved in relation to measures by the State to ensure the right to be free from violence or neglect.

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41 Assessment Report, 4.1.3, p. 17.
42 Information based on OHCHR, "Human Rights Indicators - a guide to measurement", 2012.

3.2.4. Policy elaboration and design

The next stage is for the national committee or mechanism to start developing the content of policies.

The voices of older persons and their representatives must have a paramount place in identifying policy areas, choices and priorities. Thorough, meaningful and effective consultation with older persons must take place. The full range of the voice framework discussed earlier should be utilised here (see Box 9 under section 3.1.10).

The national mechanism should then start to discuss the outcome of the consultation conducted earlier and the information revealed through data collection and any other reviews, studies and analysis. It is important to remember that, together with developing policies that are specific to older persons, other policies that are related to older persons that were assessed earlier (see under 3.2.2) should also be revisited in order to identify areas of work that are required in terms of addressing gaps or amending existing policies or programmes.

The content of policies and programmes should focus primarily on the 10 areas of rights of older persons. These are the rights to equality and non-discrimination, autonomy, freedom from violence, abuse and neglect, care and support for independent living, health, social protection and social security, work, education and lifelong learning, participation in society, including public life, and the right to access to justice. However, it is very important to remember that these are not the only human rights of older persons. Other areas of rights must also be addressed, depending on the national context (see details in section 3.1).

Policies must ensure that they address both direct and indirect discrimination against older persons from the perspectives of older persons. They must ensure achievement of equality for all older

> It is essential that the working group is resourced financially and with needed experts to facilitate its work. It is often useful to have a specialist in strategic or policy design to facilitate the consultation.

persons in the enjoyment of rights, with a particular focus on older women (see non-discrimination and equality in section 2.3).

It is important to remember that human rights-based policies and programmes must aim to realise obligations of States to respect, protect and fulfil rights (see under 2.1.a). They must also aim to enable older persons as rights holders to claim their rights. To achieve that, awareness-raising must be carried out, and remedy, justice and accountability measures should be put in place. it is important to incorporate these in the content of policies.

This stage normally requires a number of detailed meetings. It is essential that all those involved in the consultation are mandated to participate by their institutions, and that they are allowed the required time to satisfactorily conclude the process.[43]

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43 The "Guide to national implementation of the Madrid International Plan of Action on Ageing" includes detailed discussions on developing policies on various areas including health, long term care and political participation.

3.2.5. Planning

After the policy is elaborated and agreed by the national mechanism, the planning process starts. This is essential to ensure that the policy becomes live, achievable and is implemented. Plans may be sectorally determined. Plans need to indicate clear activities, methods of coordination, timeframes, and assigned leadership for each activity. Plans must be SMART (specific, measurable, achievable, realistic and have a clear timeframe.)

It is important that the plans include clear and measurable indicators of progress, both qualitative and quantitative.

Part of the responsibility for setting and collecting the information for these indicators could be given to Offices of National Statistics.

The planning process must include revisiting the outcome of the examination of the existing policies and programmes that took place earlier (see under 3.2.2) to assess their impact; cost-effectiveness; sustainability; affordability; and governance issues. It will also consider available infrastructure, and whether there is a need for improvement in any of these areas. Plans must ensure addressing the outcome of this assessment.

Plans must aim to facilitate, promote and provide human rights of older persons. Services must be made available, accessible, acceptable and of good quality (see under 2.1.a).

It is essential that policies and plans incorporate access to effective complaint mechanisms and remedies for all aspects of human rights of older persons. In order to be able to access accountability mechanisms and remedy, older persons must be aware of existing accountability mechanisms and able to access them.

Therefore, awareness-raising of such mechanisms must be incorporated in policies and plans (see further on accountability under MEAL in 3.2.10).

3.2.6. Budgeting

After the plan is elaborated, the national mechanism engages in calculating the budget required for its implementation. Experience shows that often policies and plans do not get official approval without a clear calculation of budget. It should be noted that this is the stage of calculating the cost, not determining how the policy will be financed. At this stage, the cost for the various activities in the plan will be calculated to the closest estimate. It is important to pay attention to all costs, including hidden costs like currency conversion losses or bank fees, if applicable and significant. This is an important step to assess whether the plan is a realistic one or is very ambitious. If the budget shows that the plan is very costly, discussion must take place on which activities must be prioritised and which can be dropped or delayed. The budget for the plan will be the sum of all the different agreed activities.

3.2.7. Approval

After the policy, plan and budget are elaborated and agreed on by the working group, the information is forwarded to the designated body within the State for approval. This may be the cabinet or parliament. This process may take a while, as the approving authority may have some comments on the policy and plan and require amendments to be made. A period of back and forth may be needed until the policy and plan are finally approved.

3.2.8. Financing

After the approval of the policy and plan, it is time to ensure that it is financed. There are different ways to do that. In one model, different ministries or official bodies contribute financially to the plan according to the work that is required from them. In another model, the plan is fully financed from the central budget of the government. In a third, the plan is financed by international funding including through foreign aid and by UN bodies and agencies. **The ideal situation is that the plan is funded nationally.**

If there is a deficit of national resources, external funding can be sought to complement national funding. The private sector may, and should be encouraged to, contribute to the financing of the plan, including through public-private partnerships. A fund may be established to resource the policy and plan on ageing.

> It is important that the government contributes to financing the plan to show its commitment to it.

Policies and plans are often not implemented, or are partially implemented, because of limited allocated financial resources. National funding of plans ensures that there is national ownership and commitment to the plan.

3.2.9. Implementation

At the implementation stage, each stakeholder that has a role in the policy and plan must assume their responsibilities and commence the required tasks.

Implementation requirements and necessary structures must be agreed at this stage. This includes the role of ageing focal points and other ageing mechanisms. Further, implementation requires coordination between government entities to integrate ageing issues into various relevant policies; collaboration with concerned partners and stakeholders including civil society organisations, particularly those working with or representing older persons; raising awareness of issues of importance to older persons, including through public campaigns; and building capacities of institutions and staff to develop initiatives that address these issues.

The changes achieved from implementing policies for older persons must aim at the realisation of enjoyment of their human rights; and must reflect the aspirations, sentiments and needs of older persons.

This is measured through assessing how much the policies and plans contributed to the realisation of the State's obligations to respect, protect and fulfil human rights, through facilitating, promoting and providing rights, including through services that are available, accessible, acceptable and of good quality. The assessment must be made through the participation of older persons.

It is essential to have regular meetings between the implementing partners. These can be meetings every two to three months of all stakeholders involved in each sector. Also, a meeting of the whole group involved in implementation may be advisable every six months. These meetings allow for exchange of information, better coordination and identification of challenges and opportunities.

3.2.10. Monitoring, evaluation, accountability and learning (MEAL)

Interested parties both within and outside the government should be involved in designing the process for monitoring the implementation of policies and plans, measuring progress, considering their impact, and determining if they are achieving their intended goals. It is important to designate a body or a team that will be responsible for leading the monitoring and evaluation process.

Monitoring and evaluation should be open, inclusive, participatory and transparent for all persons. They should focus on the impact of the policy on older persons through the perspective of older persons, focusing particularly on those in situations of marginalisation and disadvantage. Therefore, older persons and their representatives must be included in any team that is established to lead a monitoring and evaluation process.

Monitoring and evaluation, and the results framework, must be included in the policies and plans. In a human rights-based approach, the results framework is based on the realisation of rights by the State as duty bearer and the ability of older persons as rights-holders to claim their rights. It therefore must analyse and address issues of inequalities, discriminatory practices and unjust power relations that are often at the heart of non-enjoyment of human rights by older persons.

Participation of older persons and their representatives in monitoring and evaluation is essential to collect information about the actual impact of policies on the lives of older persons, and for identifying gaps, inconsistencies or problems.

A. Monitoring

Monitoring involves systematically assessing progress towards achieving an intended result. It is a continuous ongoing process of data and information gathering, which provides the basis for decision-making, learning, action and preparations for future evaluations. Monitoring should be included in policies and plans with a clear framework indicating what is to be monitored, by who, when, how, etc.

Monitoring may take various forms. It is usually an internal process, based on reporting by the various stakeholders involved in implementation. The form and period of reporting must be decided in advance. It might be agreed that for a three to four year plan, for example, reports are submitted by each sector involved in the implementation every year. These are then discussed in a meeting of the group as a whole. This regular reporting allows for making adjustments if needed.

This can include periodic reporting at the national level, such as government reports on realising the plans according to the indicators that have already been set in the plan; or through reports from ministries to the parliament; or through parliamentary scrutiny. Monitoring and engagement of CSOs and National Human Rights Institutions, especially those working on the rights of older persons, is also an important mechanism.

It is essential that older persons are themselves involved in the monitoring process, as they are the ones that can best assess the impact of policies and plans on their lives.

Example 7: Better information and data helps reform policies[44]

In 2011, the Philippines introduced a means-tested social pension. Strict criteria meant that only those aged 77 or over, and who were frail or disabled with no income or family support, were eligible. These excluded millions of older persons. Four years into the programme, a group of organisations including HelpAge International conducted a feasibility study on expanding the programme into a universal social pension that would leave no one behind. The study found that data on older persons was insufficient to effectively study income in later life. Data was not well disaggregated, and often related to only a single age cohort of 60+ or 65+. The organisations decided to improve existing data and produce more detailed analysis, disaggregated by age, gender, disability and location. This revealed a number of facts that were not known before, including that most older persons could not depend on their adult children as their main source of support. It also showed that by making the pension programme universal, the government could reduce the national poverty rate and lift over three million Filipinos out of poverty. This was used to reform the existing pension scheme. As a result, 200,000 persons were added to the social pension programme in 2018.

B. Evaluation

Evaluation can be broadly understood as the process of assessing not only the expected or actual results from the plan's implementation, but also the processes contributing to these results. It is a systematic assessment of the design, implementation and results of the plans based on a set of indicators that were developed earlier for evaluation purposes. Therefore, the evaluation must relate to both the process and outcome of policies and plans. Like monitoring, evaluation must be integrated in policies and plans.

Evaluation can be carried out while the implementation of the plan is still ongoing (for example mid-term evaluation) or when it is completed (final evaluation).

Evaluation is an externally-led process. It is important that evaluation is carried out by an experienced person or a group that is independent of the process of developing the policy. They must have expertise in a human rights-based approach and in policies related to older persons.

Evaluation must focus not only on whether the policy and plans were implemented or not, but must primarily focus on their social impact and their effectiveness. They must also focus on the process, especially how policies and plans were developed, and the role of older persons in the process.

It is therefore important that the evaluation process relies on gathering information from older persons to ensure that it reflects their experiences and perspectives, and to assess the degree of their participation in the process. Analysis of the information and evaluating it must also include older persons and persons with expertise in the rights of older persons.

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44   This example is based on HelpAge International, "Ageing and the SDGs - six steps to older people's inclusion", case study, page 9.

C. Accountability

Monitoring and evaluation are important tools for accountability for policy coherence and outcomes. In a human rights-based approach, accountability, which itself is an important principle of HRBA, focuses on assessing the linkage of the content of policies and plans with human rights obligations, as well as measuring the extent to which efforts were made in implementation of policies and plans, and the impact and outcomes of these policies and plans for older persons.

Accountability processes will therefore measure how appropriate the policies and plans are for older persons in relation to realising their human rights: establishing which elements of the policies and the plans did not succeed, why, and who was responsible.

This will allow for public scrutiny, especially scrutiny by older persons and their representative organisations, and also provide important steps to learn from for the next stages. This is achieved through monitoring how the rights of older persons are being affected, as well as availability of remedies when things go wrong. Through this, duty bearers in the State become accountable to rights holders. Availability and accessibility of remedies when things go wrong, as an essential element of accountability, requires raising awareness of older persons and those who support them of these remedies and how to access them so that if commitments are not implemented and made a reality, someone or an institution can be held to account.

Example 8: lessons learnt on accountability in applying a human rights-based approach to long-term care for older persons in Scotland[45]

In 2016, Scottish Care undertook a 15-month project aiming to explore the application of a human rights-based approach in the operational delivery of older persons' care and support. A report was produced in 2017 exploring if and how the outcomes of the project use a human rights-based approach in practice. The report shows how each of the HRBA principles can be achieved through the short- and long-term outcomes of the project. The report then uses three case studies or issues to evaluate if there were barriers to achieving a human rights-based approach through the project. One of the issues explored is the planned outcome that older persons will be confident in accessing and using personal budgets within the context of their preferred choice, whichever that may be. The report found that accountability in this regard will require raising awareness with older persons and those who support them, as without knowledge and awareness of what a person is entitled to, it is impossible to hold anyone to account. So, one of the key barriers identified in the realisation of human rights in this context was knowledge, awareness and understanding. As a result, the report concludes that neither the partnership under the project nor the individual practitioner can be held accountable, and that this needs to be redressed in the future.

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45 European Network of National Human Rights Institutions, "Applying a human rights-based approach to long-term care for older persons: a toolkit for care providers", March 2017.

D. Learning

The process of monitoring and evaluation allows for learning lessons and identifying problems, gaps, opportunities and challenges. Understanding what worked well, what did not, why it worked or did not, what contributed to the results, etc is important for an evidence-based process of reforming and improving policies. Information collected and the learnings from it can be used in order to start the cycle again: the process of elaborating the new policy and plan. The planning for this process must start before the time that the current policy frame and plan is set to end.

Older persons must participate in the learning process, so that this process is conducted from their perspectives and actual experiences, and through their own voices.

Age-responsive policy planning, elaboration, budgeting and MEAL is essential to ensuring policies that ensure the realisation of the rights of older men and women. Meaningful participation of older persons and their inclusion through the different steps of policy development is key to ensuring age-responsive policies.

Conclusions

Older persons are equal to anyone else in rights and dignity. However, the rights of older persons have long been unrecognised and unprotected. Older persons are systematically discriminated against. They are simply not enabled to enjoy their rights!

Laws, policies, plans, development agendas, data, information gathering and research often focus on other groups within the population and disregard older persons. When steps are taken to collect information or develop laws, policies or plans relating to older persons, these are often done by others, not through the participation and perception of older persons, especially those who are additionally marginalised. Consequently, perceptions and stereotyping of older persons result in laws, policies, plans and measures that do not necessarily reflect their reality, lived lives, voice and aspirations. They adopt an approach that is based on perceived needs and not on equal human rights.

It is time to change this! It is time to end perceptions and stereotypes about older persons. Policies, plans, laws, measures and actions that focus on realising the human rights of older persons are therefore needed urgently. Older persons must be at the centre of the process. Their views and experiences must guide the content of any laws, policies and measures that relate to older persons, and their full and meaningful participation must be ensured throughout the process. It is important that policy recommendations are well-structured.

A human rights-based approach, which is founded on principles of participation, inclusion, accountability, rule of law, non-discrimination and equality, provides a very important tool for realising the rights of older persons as rights holders in policies and plans.

Policies must relate to all human rights of older persons, with a particular focus on the 10 priority areas. However, it is very

important to adopt effective cross-sectoral policies to avoid siloing rights, which has the serious impact of undermining the effectiveness of realising human rights.

Older persons must be enabled to have meaningful participation in the various steps of policy development. It is essential that their role is not limited to consultation to collect their views on their situation and priorities. Older persons and their representatives must be enabled to inform and impact on the full process. Accountability measures and ensuring remedy for problems in policies and plans, and for failure in their implementation, must be defined through the participation and voices of older persons.

Policies must ensure that they address both direct and indirect discrimination against older persons from the perspectives of older persons. They must ensure achievement of equality for all older persons in the enjoyment of their rights, with a particular attention to older women.

An approach that puts older persons at the centre of the process of developing policies and plans, aimed at realising their human rights and enabling them to enjoy these rights, must guide all policies and plans for older persons.

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