



Human rights learning pack

Part of the HelpAge International human rights
training toolkit

HelpAge

International

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

We would like to thank the following people for their contributions and support in developing the Rights training: Luke Tumelty

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Contents

Introduction	4
Our commitment to human rights	4
About this learning pack	5
Module 1. Introduction to human rights	6
Section 1: What are human rights?	6
Section 2: Human rights instruments	10
Section 3: Human rights monitoring	11
Quiz	14
Module 2. Human rights of older people	15
Section 1: Older people in the human rights framework	15
Section 2: Income security	16
Section 3: Healthy ageing	21
Section 4: Inclusion and participation	24
Section 5: Older people's rights in situations of conflict and disaster	29
Section 6: Older people's rights in the context of climate change	31
Section 7: How the existing human rights framework fails older people	32
Quiz	36
Module 3. A human rights-based approach to ageing	38
Section 1: Definition and value of a human rights-based approach	38
Section 2: Applying a HRBA to ageing in practice	39
Section 3: Advocating for rights and a HRBA	42
Quiz	46

Introduction

Human rights are rights we all have simply because we are human. We are all born free and equal in dignity and human rights. This means that human rights are not given to us and cannot be taken away. Human rights are universal and apply equally to us all, regardless of our age, disability, nationality, sex, gender, national or ethnic origin, colour, religion, language, or any other characteristic.

In practice, however, people don't always see us or treat us equally when we grow older. Sometimes we are not respected as we were before, our needs are ignored, our contributions are not valued, and the fact that we have rights like anyone else is not recognised. Ageism and age discrimination negatively impacts our human rights in older age.

Our commitment to human rights

At HelpAge International, we believe that we should all be able to determine how we live in older age. Our 2030 Strategy commits us to promoting the wellbeing, rights and inclusion of older people so we can all enjoy a future free from poverty, inequality and discrimination. We want to live in a world where older people's rights are fully recognised and protected in international, regional and national human rights law.

If we are going to change the systems and challenge the attitudes that prevent older people from claiming their rights and participating equally, we have to consistently adopt and promote a human rights-based approach to ageing. Older people's rights should be at the core of how we plan, develop, implement and evaluate all our work. It is about recognising that older people are rights holders, and that duty bearers have legal obligations to respect, protect and fulfil these rights.

Human rights and ageism

Ageism refers to the stereotypes (how we think), prejudice (how we feel) and discrimination (how we act) directed towards people on the basis of their age.¹ It is a barrier to the right to be free from discrimination and the right to equality. According to the World Health Organisation (WHO), one in two people in the world are ageist towards older adults.² Ageism impacts on aspects of older people's lives, including their physical and mental health. WHO data shows that ageism shortens people's lives for around 7.5 years mainly due to placing access barriers to health and care as well as increasing loneliness and social isolation. Although the term ageism was first coined in 1969, data, policies and programmes to combat ageism are still scarce, especially in low- and middle-income countries. Ageism is largely invisible and widely accepted which makes it even more dangerous and detrimental for the health and wellbeing of older people and for societies as a whole.

Human rights and Voice

Human rights and Voice are intrinsically linked. Voice is about older people's ability to claim their human rights, to make choices and to participate meaningfully in decision-making in all parts of their lives, including the personal, family, social and political. Voice is central to a human rights-based approach to ageing.

Voice and ageism are also closely linked. A lack of space to express opinions and participate in decisions affecting older people's lives increases the sense of exclusion and marginalisation. On the other side of Voice there is accountability. When older people raise their Voice, they need to be heard by decision-makers who have responsibility to act, fulfil their rights and keep older people informed and engaged continuously.

¹ World Health Organisation (WHO). Global Report on Ageism. Geneva, Switzerland; 2021.

² Ibid.

The HelpAge Global Network supports and amplifies older people's voices in many ways. For example, by developing Older People's Associations (OPAs) around the world, creating safe and appropriate spaces for older people to convene, access information and act on it, training older people about their rights and supporting older activists to have their voices heard by decision-makers at different levels.

To learn more about HelpAge's Voice Framework, please consult the [HelpAge Voice Training Toolkit](#).

Human rights and gender

Gender equality means equal rights, responsibilities, opportunities and treatment of women, men and people of other genders. While human rights belong to everyone whatever their age, gender, or sexual orientation, in practice older people experience forms of intersectional discrimination based on age and other characteristics, such as gender. A human rights-based approach to ageing requires a focus on how age intersects with gender and other characteristics, and how this impacts gender equality in older age.

At HelpAge, we are committed to eliminating all forms of gender inequality. To learn more, please consult the [HelpAge Gender Equality Training Toolkit](#).

About this learning pack

This learning pack is designed for HelpAge International staff, network members and partners to use for complementary distance learning. It is part of a Human Rights training toolkit that also includes a facilitator's guide and handouts.

It is designed for you to:

- reflect on the impact of ageism on human rights and equality in older age;
- develop an understanding of why a human rights-based approach is important in all development and humanitarian interventions;
- learn the core elements of a human rights-based approach to ageing;
- learn how to adopt a human-rights based approach in your work; and
- strengthen your skills to advocate for human rights of older people and to promote a rights-based approach to ageing.

The learning pack includes an Annex listing further reading to support learning before, during and after the training. It includes a glossary of terms, more in-depth discussion of the topics covered in the facilitator's guide, and quizzes to check what you have learnt.

Module 1 provides a general introduction to human rights. Module 2 looks at human rights of older people. Module 3 unpacks the key principles of a human rights-based approach to ageing and provides guidance on their implementation and promotion in practice.

Module 1. Introduction to human rights

Section 1: What are human rights?

The UDHR: a milestone in the history of human rights

Human rights are rights we all have simply because we are human. They are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity.

“We are all born free and equal in dignity and human rights” (article 1 UDHR)

When we talk about universal human rights, we generally refer to the human rights in international human rights instruments adopted within the framework of the United Nations.

The United Nations (UN) was created at the end of World War II, in 1945, to ‘reaffirm faith in fundamental human rights, in the dignity and worth of the human person.’³

In 1948, after three years of negotiations, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR). This is a milestone in the history of human rights as it was the first international instrument that listed the human rights and fundamental freedoms to be universally protected. Today, the UDHR is the most translated document in the world. Its 30 articles provided the human rights principles and building blocks of international human rights law.

In the following years and decades, many human rights treaties were adopted that build on and further elaborate the rights set out in the UDHR. In 1966, for example, the UN General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Civil and political rights include the right to life; the right not to be subjected to torture or to cruel, inhuman or degrading, treatment or punishment; the right to liberty and security of person; the right to access to justice; the right to participate in public and political life etc.

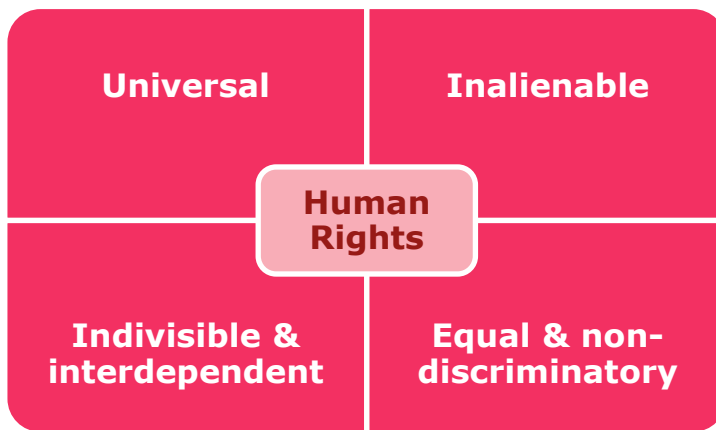
Economic, social and cultural rights include the right to work and the right to just and favourable conditions of work; the right to social security and social insurance; the right to an adequate standard of living; the right to health; the right to education; the right to participate in cultural life, etc.

Both Covenants entered into force in 1976. Together, the UDHR, the ICCPR and the ICESCR form the **International Bill of Human Rights**.

³ Preamble to the United Nations Charter.

Human rights principles

The UDHR sets out the core principles of human rights: overarching principles that influence how all human rights should be interpreted and applied in practice.



Universal

Human rights are universal. This means that everyone, everywhere in the world is entitled to them. The principle of universality is considered the cornerstone of international human rights law.

Inalienable

Human rights are inalienable. This means that you cannot give them up, you cannot lose them, and they cannot be taken away from you.

In specific situations, some human rights can be limited or suspended. For example, if you commit a crime and are found guilty by a court, your right to liberty can be restricted.

Indivisible & interdependent

All human rights are indivisible and interdependent. This means that one right or set of rights cannot be enjoyed fully without the others. They are all interconnected – whether they civil and political rights or economic, social and cultural rights - and no right is more important than the others.

For example, age discrimination in employment (right to equality) contributes to a higher risk of redundancy or unemployment for older people (right to work), and consequently reduces their ability to build up pension rights (right to social security). This increases the risk of poverty in older age (right to an adequate standard of living), and in many cases limits their access to health care (right to health).

Equal and non-discriminatory

Human rights apply to everyone equally. The principle of non-discrimination cuts across all international human rights law and is present in all major human rights treaties.

This means that older people should be able to enjoy all their human rights on an equal basis with others, regardless of their age, but also regardless of their gender, disability, nationality or any other status.



While the principles above are the main overarching principles set out clearly in the UDHR, other human rights principles have since been identified in human rights treaties or by human rights treaty bodies (see section 2). These include, for example, autonomy, participation, accessibility, and inclusion.

Human rights obligations

Human rights are more than just moral norms and standards, they create legal obligations. More specifically, **'duty bearers' have a legal obligation towards 'rights holders' to respect, protect and fulfil their human rights.**

Duty bearers are those entities or individuals that have the legal responsibility to respect, promote and fulfil human rights. It refers mainly to States and State actors who are responsible for the implementation of human rights when ratifying a human rights treaty. They are also the ones to be held accountable in case of human rights violations.

While States are the main duty bearers, certain non-State actors can also be considered duty bearers depending on the context, such as international organisations, private companies, armed groups in conflict settings, service providers and civil society organisations.

Rights holders are those individuals or groups that have rights. As human rights are universal, every human being is a rights holder.



'Ratification' is the international act whereby a state indicates its consent to be bound to a treaty. In other words, when a State ratifies a human rights treaty, it agrees to adhere to and implement the human rights provisions of that treaty.

With regards to human rights, 'respect, protect and fulfil' refers to three distinct types of human rights obligations for States and other duty bearers.

RESPECT

The obligation to respect means that States have to refrain from interfering with or curtailing the enjoyment of human rights.

PROTECT

The obligation to protect requires States to protect individuals and groups against human rights abuses.

FULFIL

The obligation to fulfil means that States must take active steps (or 'positive action') to facilitate the enjoyment of human rights by the rights holders.

EXAMPLE: THE RIGHT TO HEALTH

Respect: the right to health requires States to refrain from denying or limiting equal access for all persons to preventive, curative and palliative health services; abstain from enforcing discriminatory practices as a State policy; and abstain from imposing discriminatory practices. In other words, limiting access to health services on the basis of age would be in violation of this obligation.

Protect: this includes the duties of States to adopt legislation or to take other measures ensuring equal access to health care and health-related services provided by third parties. States should also ensure that third parties do not limit people's access to health-related information and services.

Fulfil: requires States to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realising the right to health. This obligation also entails the State to take positive measures that enable and assist individuals and communities to enjoy the right to health.

Source: General Comment No. 14 of the UN Committee on Economic, Social and Cultural Rights

Immediate obligations vs. progressive realisation

Human rights law recognises that a lack of resources can complicate the realisation of human rights in practice. That is why States have to take certain measures immediately to implement the human rights in the treaty, while they have more time to take the necessary steps to implement others. This is also referred to as "progressive realisation".

In general, progressive realisation applies to economic, social and cultural rights, such as the right to health, the right to work and the right to education. Article 2 paragraph 1 of the ICESCR provides that a Member State must:

"take steps to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the Covenant by all appropriate means, including particularly the adoption of legislative measures."

This does not mean that there are no immediate obligations at all when it comes to socio-economic rights. In fact, States have an **immediate obligation**:

- **not to discriminate** between different groups of people in the realisation of the rights in question;
- **to take steps** (including devising specific strategies and programmes) targeted deliberately towards the full realisation of the rights in question;
- **to monitor progress** in the realisation of human rights; and
- to have **accessible mechanisms of redress** available where rights are violated.

States also have some **minimum core obligations** under the ICESCR. These are immediate obligations to meet the 'minimum essential levels' of each of the rights. Even States with very limited resources must demonstrate that they made every effort to use all available resources to satisfy, as a matter of priority, these core obligations, such as:

- ensuring the right to access employment;
- ensuring access to basic shelter, housing and sanitation, and an adequate supply of safe drinking water; and
- ensuring access to enough food to protect people from starvation.⁴

⁴ <https://www.ohchr.org/sites/default/files/documents/publications/factsheet33en.pdf>

For more information	
	The Universal Declaration of Human Rights
	The articles of the Universal Declaration of Human Rights
	What are human rights?
	International Bill of Human Rights: A brief history, and the two International Covenants
	Are economic, social and cultural rights fundamentally different from civil and political rights?

Section 2: Human rights instruments

International human rights treaties

In the decades following the adoption of the UDHR, nine international human rights treaties were adopted that build on the rights provided in the UDHR, including the ICCPR and ICESCR (see Section 1). They are called the 'core international human rights instruments'.

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	1965
ICCPR	International Covenant on Civil and Political Rights	1966
ICESCR	International Covenant on Economic, Social and Cultural Rights	1966
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	1979
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984
CRC	Convention on the Rights of the Child	1989
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990
CPED	International Convention for the Protection of All Persons from Enforced Disappearance	2006
CRPD	Convention on the Rights of Persons with Disabilities	2006

All States have ratified at least 1 of the 9 core human rights treaties. Eighty per cent of States have ratified 4 or more.

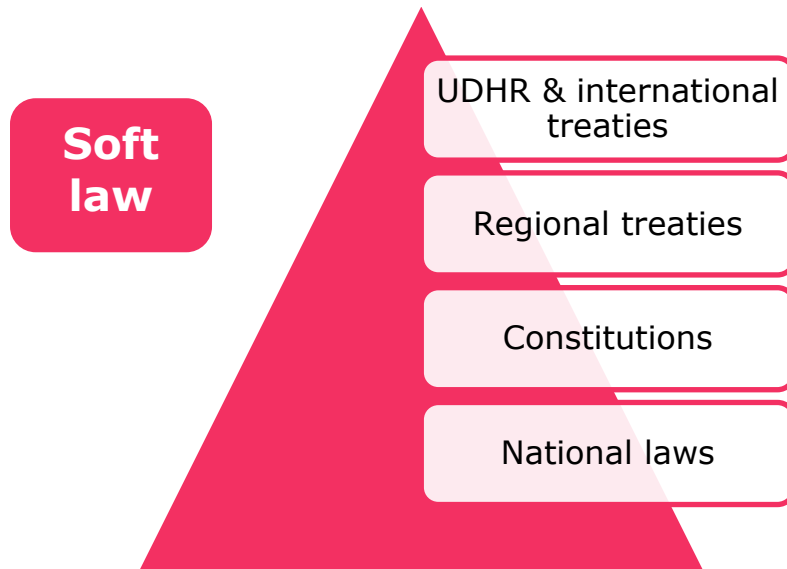
Some of the core treaties were followed by an Optional Protocol, to either cover a specific issue or procedure. For example, the First Optional Protocol to the ICCPR (1966) creates an individual complaint mechanism, while the Second Optional Protocol (1989) covers the abolition of the death penalty.

Other sources of human rights

While in this learning pack we will focus mainly on international human rights treaties, it is important to know that there are many other relevant human rights instruments.

Human rights are also protected by regional treaties, national constitutions, and national legislation. These are all binding instruments that create legal obligations for duty bearers.

Soft law, on the other hand, refers to non-binding instruments such as policies, strategies and guidelines. While they do not create any legally binding obligations on States or other duty bearers, they can affect how human rights are interpreted when applied in practice. At the international level, an example of soft law are the 1991 United Nations Principles for Older Persons and the 2002 Madrid International Plan of Action on Ageing.



Section 3: Human rights monitoring

Human rights treaty bodies

Each of the core human rights treaties has a specific monitoring body. They are committees of independent human rights experts that meet in Geneva, Switzerland, also referred to as the UN Treaty Bodies.

While the specific mandate of the treaty bodies depends on the text of the treaty and Optional Protocol, in general they:

- **Review periodic reports** on the implementation of the human rights treaty. Reports are submitted by the State, but also by civil society, National Human Rights Institutions, academics and other UN bodies. After the review, the Treaty Body publishes a series of recommendations for the State.
- **Consider individual complaints.** Eight of the treaty bodies can receive petitions from individuals, also known as 'individual communications'. However, this only applies to States who have recognised the Treaty Body's competence by ratifying the Optional Protocol that created the individual complaints procedure.
- **Conduct country inquiries** if they receive reliable information of serious, grave or systemic human rights violations. Six of the Committees have this mandate.
- **Provide interpretive guidance** in General Comments and General Recommendations that clarify the scope of human rights provisions, State obligations and how human rights should be implemented.



National Human Rights Institutions (NRHI) are State bodies with a constitutional and/or legislative mandate to protect and promote human rights. While they are established by the State, they operate independently from the State and the government. NHRIs play a crucial role monitoring and reporting on the human rights situation in their country. (Source: GANNHRI)

Human Rights Council

In addition to the UN Treaty Bodies (which are treaty-based), there is also an important monitoring body that is based on the UN Charter: the Human Rights Council (HRC).

The HRC is an intergovernmental body - a body of UN Member States - that was created in 2006 to strengthen the promotion and protection of human rights. It consists of 47 States that are elected by majority. The HRC meets three times a year in Geneva, Switzerland, to discuss human rights issues and make recommendations. It consists of 47 States that are elected by majority.



Photo credit: UN Photo/Jean Marc Ferré

Universal Periodic Review

A specific and unique way in which the Human Rights Council monitors human rights is through the Universal Periodic Review (UPR). It is essentially a peer review of human rights that results in a list of recommendations on how to improve the human rights situation in the State. So far, all UN Member States have been reviewed three times.

Special Procedures

The Human Rights Council also appoints independent experts to monitor human rights. Some special mandate holders focus on specific human rights issues or groups (such as arbitrary detention, poverty, rights of persons with disabilities), while others focus on specific countries.



Since 2014, there is a special mandate holder that focuses on older people specifically: **the UN Independent Expert on the enjoyment of all rights by older people**. Each year, the Independent Expert reports on human rights of older people in thematic reports. The Independent Expert also conducts regular country visits, comments on legislation and policy, and actively advocates for the rights of older people.

Office of the High Commissioner for Human Rights

Office of the High Commissioner of Human Rights (OHCHR) was established by the UN General Assembly in 1993 to work to promote and protect human rights that are guaranteed under international law. OHCHR acts as a secretariat for all of the above UN human rights mechanisms.

The role of civil society in human rights monitoring

Civil society organisations play an important role in human rights monitoring. Along with NHRIs, their reporting to UN human rights bodies and special mandate holders is essential to ensure the efficiency of the different monitoring mechanisms.

To support civil society's engagement with the UN human rights system, the Office of the High Commissioner of Human Rights has developed a series of practical guides.⁵

For more detailed information on how to engage with existing UN monitoring bodies and mechanisms to promote the rights of older people, also see Module 3 of this learning pack.








Regional human rights systems

While human rights are universal, human rights systems have also developed at the regional level. These systems have the advantage of taking into account the particular political, economic and cultural context, and being more tailored to the specific human rights issues and priorities of that region.

It is important to know that there are three comprehensive regional human rights systems: in the Americas, in Africa and in Europe, each with their own human rights instruments and monitoring mechanisms, allowing individuals to file complaints about human rights violations.

Region	Organisation	Main human rights instrument(s)	Main monitoring mechanism(s)
Africa	African Union	African Charter on Human and Peoples' Rights	African Commission on Human and Peoples' Rights African Court on Human and Peoples' Rights
Americas	Organisation of American States	American Declaration of the Rights and Duties of Man American Convention on Human Rights	Inter-American Commission on Human Rights Inter-American Court of Human Rights
Europe	Council of Europe	European Convention on Human Rights Revised European Social Charter	European Court of Human Rights European Committee of Social Rights
	European Union	EU Charter of Fundamental Rights	European Court of Justice

⁵ <https://www.ohchr.org/en/resources/civil-society>

For more information	
	Treaty Bodies in action: an introduction
	The Core International Human Rights Instruments and their monitoring bodies
	What are the Treaty Bodies?
	What Treaty Bodies do?
	Human Rights Treaty Bodies: Individual Communications
	About the Special Procedures of the Human Rights Council
	Fact Sheet No. 30: The United Nations Human Rights Treaty System

Quiz

Question 1. Which of the following is not a human rights principle?

- Interdependent
- Interconnected
- Inalienable
- Indeterminate
- Inherent

Question 2. True or false? Civil and political rights are considered more important than economic, social and cultural rights?

- True
- False

Question 3. The right to work includes an obligation for the State to adopt national laws or take other measures to ensure equal access to work for everyone. This is part of the State's obligation to:

- Respect human rights
- Protect human rights
- Fulfil human rights

Question 4. True or false? Legally binding human rights norms can only be found in international human rights treaties.

- True
- False

Question 5. Name one of the ways that UN Treaty Bodies contribute to the protection and monitoring of human rights.

...

Module 2. Human rights of older people

Section 1: Older people⁶ in the human rights framework

International human rights standards

Since the adoption of the Universal Declaration on Human Rights, several international human rights treaties have been developed that either focus on:

- A specific **category** of human rights, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- a specific human rights **issue**, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; or
- a specific **group** of rights holders, such as the Convention on the Rights of Persons with Disabilities (CRPD).

To this day, however, **no specific binding international human rights instrument exists on ageing or older people specifically** (see Section 5 on our call for a new convention), and explicit references to this group are scarce.

This means that we have to consider which generally formulated human rights apply to specific human rights issues faced in older age and what exactly is needed for older people to fully enjoy their rights on an equal basis with others.

Regional human rights standards

At the regional level, however, there are two human rights treaties that focus specifically on older people.



Photo description: Colombia Adheres to the Inter-American Convention on the Protection of the Human Rights of Older Persons. Photo Credit: Organization of American States.

The Inter-American Convention on Protecting the Human Rights of Older Persons was adopted in 2015 by the Organization of American States. It entered

⁶ At HelpAge International, we generally use the term "older people". However, when referring to legal frameworks, we use "older persons" to ensure consistency of legal terminology.





into force on 11 January 2017 and has been ratified by 11 Member States.⁷ Article 33 provides for the establishment of a Follow-up Mechanism to monitor implementation of the Convention, consisting of a Conference of States Parties and a Committee of Experts.

Interestingly, the Inter-American Convention includes provisions that are not explicitly covered in the core human rights treaties, such as the rights of older people receiving long-term care (article 12), and older people’s right to a healthy environment (article 25).

The Protocol on the Rights of Older Persons in Africa was adopted by the African Union in 2016. It will enter into force after 15 States have ratified the treaty. In October 2023, Nigeria became the thirteenth State to ratify the Protocol.⁸

The Protocol includes provisions that are tailored to the regional context and challenges. For example, article 8 provides older people’s right to protection from harmful traditional practices, such as witchcraft accusations, and article 12 creates obligations to support older persons taking care of vulnerable children. The Protocol also creates duties for older persons (article 20), such as mentoring younger generations and fostering intergenerational dialogue.

In the sections below, we will zoom in on some of the rights and human rights standards that are particularly important for the key areas of work that HelpAge International focuses on, namely income security, healthy ageing, inclusion and participation, older people’s rights in situations of conflicts and disasters, and older people’s rights in the context of climate change.

For more information	
	OHCHR and older persons
	OHCHR report on norms and obligations regarding the human rights of older persons
	The Inter-American Convention on Protecting the Human Rights of Older Persons
	The Protocol on the Rights of Older Persons in Africa

Section 2: Income security

Right to social security

Older people have a right to social security. The right is guaranteed in article 9 of the ICESCR.⁹ It protects people against work-related income insecurity (caused by sickness, disability, pregnancy and motherhood, employment injury, unemployment, old age, or death of a family member), unaffordable healthcare, and insufficient support from families.

⁷ These are Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Peru, Suriname and Uruguay.

⁸ Other States that have ratified the Protocol are Angola, Benin, Burundi, Cameroon, Ethiopia, Kenya, Lesotho, Malawi, Mozambique, Niger, Rwanda and Togo.

⁹ Other international human rights provisions protecting the right to social security and social protection include article 22 of the Universal Declaration of Human Rights; article 11 of the Convention on the Elimination of All Forms of Discrimination against Women; article 28 of the Convention on the Rights of Persons with Disabilities. At the regional level, the right to social security is protected by article 23 of the Revised European Social Charter; article 17 of the Inter-American Convention on Protecting the Human Rights of Older persons; and article 7 of the Protocol on the Rights of Older Persons in Africa.

The UN Committee on Economic, Social and Cultural Rights – the treaty body that monitors implementation of CESCR – has explained what the core elements of the right to social security are:

- **Availability:** this means that a social security system must be in place under domestic law to ensure that benefits are effectively administered and supervised.
- **Adequacy:** benefits, whether in cash or in kind, must be sufficient in quantity and duration so that older people can enjoy their right to family protection and assistance, a reasonable standard of living and access to health care. This requires regular monitoring of the adequacy of benefits.
- **Affordability:** the direct and indirect costs associated with making contributions to social security must be affordable for all, including older people, and must not compromise the realisation of other economic and social rights.
- **Accessibility:** A social security system should cover all persons, especially those belonging to the most disadvantaged and marginalised groups, without discrimination. Benefits should also be physically accessible.¹⁰

Right to adequate food

Older people have a right to adequate food. In international human rights law, the right to food is part of the right to an adequate standard of living, protected by article 11 of the ICESCR.¹¹



Photo credit: David Lomuria/HelpAge International

The key elements of the right to food are:

- **Availability:** this means that older people should be able to obtain food from natural resources, either through the production of food, by cultivating land or animal husbandry, or through other ways like fishing, hunting or gathering. Food should also be on sale in markets and shops.

¹⁰ Committee on Economic, Social and Cultural Rights, General Comment No.19, The right to social security, 2008; OHCHR, Note on the right to social security, <https://www.ohchr.org/sites/default/files/documents/issues/socialsecurity/2022-10-07/One-pager-social-protection-Socialsecurity.pdf>

¹¹ Other international human rights provisions that protect the right to an adequate standard of living include article 25 of the Universal Declaration of Human Rights; and article 28 of the Convention on the Rights of Persons with Disabilities.

- **Adequacy:** food must satisfy older people's dietary needs, taking into account their age, living conditions, health, occupation, sex, etc. Food should be safe for human consumption and free from adverse substances.
- **Affordability:** food must be affordable for older people. They should be able to have adequate food without compromising on other basic needs, such as rent or medicine.
- **Accessibility:** food should be accessible to all older people, including older people with disabilities, older people with health problems, older people in remote areas, victims of armed conflicts or natural disasters, and older prisoners.
- **Sustainability:** food should be accessible for both present and future generations.¹²

Right to adequate housing

The right to adequate housing is another part of older people's right to an adequate standard of living (article 11 CECSER).¹³ It should be seen as the right to live somewhere in security, peace and dignity.¹⁴ The core elements of adequate housing are:

- **Legal security of tenure:** this means that older people should have a degree of security of tenure that guarantees legal protection against forced eviction, land grabs, harassment and other threats.
- **Affordability:** the costs associated with housing should not compromise older people's other basic needs, such as food and access to health care.
- **Habitability:** older people have a right to housing with elements such as adequate space, protection from cold, damp, heat, wind, structural hazards and disease vectors.
- **Availability of services, materials, facilities and infrastructure:** this means that housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, etc.
- **Accessibility:** housing must meet the specific needs of all older people, including older people in poverty, older people facing discrimination, older people with disabilities, victims of natural disasters etc.
- **Location:** adequate housing must allow older people access to employment options, health-care services and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources.
- **Cultural adequacy:** housing is not adequate unless it respects and takes into account older people's expression of cultural identity and ways of life.¹⁵

The **Inter-American Convention** on Protecting the Human Rights of Older Persons includes specific provisions on older people's right to housing (article 24). It states, for example, that "older persons have the right to decent and adequate housing and to live in safe, healthy, and accessible environments that can be adapted to their preferences and needs."

¹² Committee on Economic, Social and Cultural Rights, General Comment No. 12 (1999) on the right to adequate food; OHCHR, "OHCHR and the right to food", <https://www.ohchr.org/en/food>.

¹³ The right to housing is also protected by article 25 of the Universal Declaration on Human Rights; and article 28 of the Convention on the Rights of Persons with Disabilities

¹⁴ Committee on Economic, Social and Cultural Rights, General Comment No. 4 (1991) on the right to adequate housing; OHCHR, "OHCHR and the right to adequate housing", <https://www.ohchr.org/en/housing>.

¹⁵ Ibid; OHCHR, "OHCHR and the right to adequate housing", <https://www.ohchr.org/en/housing>

Access to work and employment

Older people have a right to work and employment. This right is protected by articles 6 and 7 of the ICESCR.¹⁶ Its core elements are:

- **Availability:** this means that there must be specialised services to assist and support individuals, including older people, to enable them to find available employment.
- **Accessibility:** the labour market must be open to everyone, without discrimination on the basis of their age or any other ground. It also refers to physical accessibility for older people with disabilities, and the right to information on how to gain access to employment.
- **Acceptability and quality:** this means that in addition to having the opportunity to gain a living by work that older people freely choose or accept, they also have the right to just and favourable conditions of work.¹⁷



Photo credit: Duc Le, HelpAge International in Vietnam

The UN CESCR has further clarified that older workers should receive fair wages and equal remuneration for work of equal value and have equal opportunity for promotion based on their experience and know-how. Specific health and safety measures might also be necessary, and older workers should benefit from pre-retirement programmes, if they want to.

The cumulative effects of discrimination against female workers through the life cycle might require targeted measures as well to achieve equality and guarantee fair wages, equal opportunities for promotion and equal pension rights.¹⁸

¹⁶ Other international human rights provisions that protect the right to work and employment include article 23 of the Universal Declaration of Human Rights; article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women; and article 27 of the Convention on the Rights of Persons with Disabilities. At the regional level, older people's right to work and employment is enshrined in article 18 of the InterAmerican Convention on Protecting the Human Rights of Older Persons and article 6 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.

¹⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 23 (2016) on the right to just and favourable conditions of work.

¹⁸ Ibid.

Human rights violations

While older people in principle have the same human rights as everyone else, in practice they face particular challenges which often amount to violations of their fundamental rights.

For example, older people are denied their **rights to social protection and social security**, whether they are women, men, older people with disabilities, or from low income, middle-income or high-income countries. While some older people on a pension say they can get by, many, whether on a contributory or non-contributory pension, say they are unable to afford basic necessities to survive, such as food, water, clothing, housing, medical care, and care and support. Older people receiving a pension where the value of the payment is low say they have to rely on others, including their spouses, children or other family members.¹⁹ Older people on inadequate pensions, or who have no pension at all, are being denied not only their right to social security and social protection but also their rights to health, an adequate standard of living, participation in society, work, autonomy and independence, and education and lifelong learning.²⁰

In terms of the **right to work and access the labour market**, older people face age discrimination as well as multiple and intersectional discrimination on other grounds. Being older has a negative impact on the work opportunities available to older people who want or need to continue working. Mandatory retirement ages, negative stereotypes about older people's ability to work, and ageism-driven social norms saying that older people should not work – these all limit the opportunities for older people to work, together with a lack of retraining opportunities and disregard for past experience. Poor working conditions, the limited nature of jobs available to older people, and failure to make accommodations for older people wanting to stay in employment also restrict older people's access to work.²¹

Finally, older people also face ageism and **age discrimination** in accessing financial services, loans and property. Age limits on bank loans and other financial services, as well as lack of capital and access to information limit their financial autonomy and prevent them from starting or expanding their own businesses.²² Older people also report not being able to make their own decisions in different areas of their lives including finance, and management and disposal of their property. Older women, and especially widows, are affected by harmful beliefs that women should not inherit nor own land and other property.²³ In 55 countries, customary, traditional or religious laws provide daughters and/or widows with a lower share of inheritance than sons and/or widowers. Out of 258 million widows, worldwide, 38 million live in extreme poverty.²⁴

¹⁹ HelpAge International, *Living not just surviving: What older people say about their rights to social protection and social security, and to education, training, lifelong learning and capacity building*, London, HelpAge International, 2019, <https://www.helpage.org/news/living-not-just-surviving-older-people-are-being-denied-their-right-to-social-protection-and-education/>

²⁰ Ibid.





²¹ Ibid.

²² HelpAge International, *Freedom to decide for ourselves: What older people say about their rights to autonomy and independence, long-term care and palliative care*, 2018, London, HelpAge International.

²³ HelpAge International, "Older people in Kenya must be protected from witchcraft accusations", 22 October 2021.

²⁴ ECD (2019), *Social Institutions and Gender Index, SIGI 2019 Global Report*; oomba Foundation (2015), *The Global Widows Report 2015: A Global Overview of Deprivation Faced by Widows and Their Children*, London, Delhi and New York, Standard: Information.

While there is no “**right to economic security**” as such in international human rights law, older people’s economic security is impacted by their access to and enjoyment of a wide range of human rights in older age, including their right to equality and non-discrimination; access to work; social security and social protection; education, training and lifelong learning; and health care.

For more information	
	Poverty, the right to food and social protection (OHCHR)
	HelpAge report on what older people say about their right to social protection and social security
	HelpAge report on what older people say about their right to work and access to the labour market
	Older persons and the right to adequate housing, report by the UN Independent Expert

Section 3: Healthy ageing

Right to health

Article 12 of the ICESCR protects everyone’s right to enjoy the highest attainable standard of physical and mental health.²⁵ According to the Committee on Economic, Social and Cultural Rights, the core elements of the right to health are:

- **Availability:** this means that functioning public health and health-care facilities, goods and services must be in sufficient quantity. This should include the underlying determinants of health, such as safe and potable drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs.
- **Accessibility:** health facilities, goods and services must be within safe physical reach and accessible to everyone, especially to groups at risk of marginalisation, such as older people. It also requires accessibility of information.
- **Affordability:** everyone, including older people, must be able to afford accessing health-care facilities, goods and services, including those that are socially disadvantaged.
- **Acceptability:** the facilities, goods and services should respect medical ethics, and be culturally appropriate. They should also be sensitive to gender and life-cycle requirements.
- **Quality:** health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel and scientifically approved drugs.

For older people, the right to health requires an integrated approach, combining elements of preventive, curative and rehabilitative health treatment with measures to maintain older people’s functional ability, autonomy and quality of

²⁵ Other international human rights provisions that protect the right to work and employment include article 25 of the Convention on the Rights of Persons with Disabilities; and article 12 of the Convention on the Elimination of All Forms of Discrimination Against Women. At the regional level, it is enshrined in articles 6, 11, 12 and 19 of the Inter-American Convention on Protecting the Human Rights of Older Persons, and articles 11 and 15 of the Protocol on the Rights of Older Persons in Africa.

life, including the provision of palliative and end-of-life care and long-term care and support.²⁶ Older people should also the right to meaningful participation in the design, planning, budgeting and implementation of health and care policies and programmatic actions.

Rights of older people with care and support needs

There is no explicit provision on long-term care and support in older age in international human rights law. However, article 19 of the CRPD, which guarantees the right to independent living, does apply to older people with disabilities. It requires the provision of support services to enable such independent living (also see Section 4).



Photo credit: Duc Le, HelpAge International in Vietnam

At the regional level, the rights of older people with long-term care and support needs are protected by article 12 of the Inter-American Convention on the Rights of Older Persons. It provides, for example, that older people have the right to a comprehensive system of care and support that not only protects and promotes their wellbeing but also maintains their independence and autonomy.

Articles 10 and 11 of the Protocol the Rights of Older Persons in Africa also establish limited States' obligations in relation to care and support in home and residential settings.

Other relevant human rights

Without going into further detail, it is important to consider that there are many other human rights that are important for older people with health and long-term care and support needs, such as:

- the prohibition of torture and cruel, inhuman or degrading treatment or punishment;
- the right to privacy and confidentiality;
- the right to free and informed consent;
- the right to liberty and security; and
- the right to access to justice.

²⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health.

Human rights violations

While older people in principle have the **right to health and access to health services**, which is critical in older age, for millions of older people this right is not respected, protected or fulfilled. Even where health services are available, older people tell us they are often limited and unable to meet their health and care needs. Poverty and the costs involved in accessing services also present some of the greatest barriers older people face to enjoying their right to health. With limited access to health insurance and high out-of-pocket costs, many have no choice but to forgo seeking healthcare or face impossible choices between health and other basic needs. In addition, ageism and age discrimination also lead to violations of their right to access quality health and care services. Older people report that their health issues are often dismissed as 'old age' and that they are treated like a burden, or worse, subjected to violence, abuse and neglect.²⁷

Other barriers faced by older people include the lack of physically accessible health services; mixed or poor quality of health services; the absence of a well-paid, well trained and well-resourced healthcare workforce that is able to respond to older people's needs; and the lack of support from community members and health professionals to support older people's participation and autonomy in all decisions related to their health care. These failures are compounded by their exclusion in data systems.²⁸

When asked about their **right to long-term care and support services**, many older people tell us they have no access to the care and support services they may need to live independent lives. The types of care and support services available to older people vary across regions but in most regions long-term care and support services are limited and unaffordable to everyone except those with high income. Other barriers include lack of accessible information about care and support services, failing eligibility criteria, bureaucracy and having to travel long distances.²⁹ What limited formal care and support services do exist are often underfunded, fragmented, and face significant workforce challenges and weak governance, and regulatory and quality assurance mechanisms to ensure older people's fundamental human rights are upheld.

These barriers leave many older people dependent on care provided by family or community members (mostly women) to meet their basic needs. Not only does this give older people little choice or autonomy over the support they receive but it also places significant strain on those providing care, many of whom are older people themselves, and puts both those receiving and providing support at risk of rights violations.






Many older people also have no **access to palliative and end of life care** either to improve their quality of life or to enable them to die free from pain and unnecessary suffering. Awareness of older people's rights to long-term care and

²⁷ HelpAge International, *Healthy ageing for us all: What older people say about their right to health*, 2023, London, HelpAge International, <https://www.helpage.org/resource/healthy-ageing-for-us-all/>

²⁸ Ibid.

²⁹ HelpAge International, *Freedom to decide for ourselves: What older people say about their rights to autonomy and independence, long-term care and palliative care*, London, HelpAge International, 2018, <https://www.helpage.org/silo/files/freedom-to-decide-for-ourselves.pdf>

palliative care is also low among older people themselves, their family members and others, such as service providers.³⁰

For more information	
	The right to health: key aspects and common misconceptions (OHCHR)
	Fact Sheet on the right to health (OHCHR)
	HelpAge report on what older people say about their rights to autonomy and independence, long-term care and palliative care
	HelpAge report on what older people say about their right to health and health services
	Older persons and the right to adequate housing, report by the UN Independent Expert

Section 4: Inclusion and participation

Right to participate in public and political life

Older people have a right to participate in public and political life, as protected by article 25 of the International Covenant on Civil and Political Rights (ICCPR).³¹ It means that all older people have an equal right, without any discrimination:

- to participate in the conduct of public affairs, either directly or through their freely chosen representatives;
- to vote and be elected; and
- to have access to public service positions.

The 'conduct of public affairs' is a broad concept that covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels.³²

Older people also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organise themselves. Older people's right to freedom of expression and their right to freedom of assembly and association are therefore closely linked to their political and public participation.

For **older people with disabilities** to be able to participate in public and political life, accessibility is key. Voting procedures, facilities and materials must be appropriate, accessible and easy to understand and use. It is also important that political meetings and materials used and produced by political parties or individual candidates participating in public elections are accessible.³³

³⁰ Ibid.

³¹ Other international human rights provisions that protect the right to participate in public and political life include article 21 of the Universal Declaration of Human Rights; article 7 of the Convention on the Elimination of All Forms of Discrimination against Women; and article 29 of the Convention on the Rights of Persons with Disabilities. At the regional level, article 27 of the Inter-American Convention on Protecting the Rights of Older Persons guarantees older persons' political rights.

³² Human Rights Committee, General Comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service.

³³ Committee on the Rights of Persons with Disabilities, General Comment No. 2 (2014) on accessibility.

Right to participate in social and cultural life

Older people have the right to take part in cultural life, as guaranteed by article 15 (1)(a) of the ICESCR.³⁴ Cultural rights are an integral part of human rights. The full promotion of and respect for older people's cultural rights is essential for **positive social interaction** between individuals and communities.³⁵

Opportunities for older people to participate in cultural life must be available; accessible; affordable and acceptable. Another core element is that of **appropriateness**. This refers to the realisation of human rights in a way that is culturally appropriate and respectful. For example, governments must consider the cultural values attached to food and food consumption, the use of water, the way health and education services are provided and the way housing is designed and constructed.³⁶



Photo credit: Maheder Haileselassie Tadese / Fairpicture / HelpAge International

According to the International Committee on Economic, Social and Cultural Rights, governments are obligated to pay particular attention to the promotion and protection of the cultural rights in older age. Older persons play an important role because of their creative, artistic and intellectual abilities, and as the **transmitters of information, knowledge, traditions and cultural values**.³⁷

The right to participate in cultural life is closely linked with the **right to education**. Through education individuals and communities pass on their values, religion, customs, language and other cultural references, all of which helps to foster an atmosphere of mutual understanding and respect for cultural values.³⁸

³⁴ It is also provided in article 27 of the Universal Declaration of Human Rights. Article 30 of the UN Convention on the Rights of Persons with Disabilities guarantees the right to participate in cultural life, recreation, leisure and sport for older persons with disabilities. Relevant regional human rights provisions include article 21 (Right to culture) of the Inter-American Convention on Protecting the Rights of Older Persons, and article 17 (Participation in programmes and recreational activities) of the Protocol on the Rights of Older Persons in Africa.

³⁵ Committee on Economic, Social and Cultural Rights, General Comment No. 21 (2009) on the right of everyone to take part in cultural life.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

Right to independent living

There is no general human right to independent living, nor one for older people specifically in the international human rights framework. Article 19 of the CRPD, however, guarantees the right to living independently and being included in the community for older people with disabilities.



Photo credit: HelpAge International

Article 19 provides that people with disabilities have a right to live in the community, with choices equal to others. To ensure the full enjoyment of this right, governments must take measures so that:

- people with disabilities can **freely choose** where they live and with whom they live;
- they have access to a range of in-home, residential and other community **support services** that are gender and age sensitive - including personal assistance – to support independent living and to prevent isolation or segregation from the community; and
- **community services and facilities** for the general population are available on an equal basis to older people with disabilities and are responsive to their needs.³⁹

One of the core elements of the right to living independently is the **right to legal capacity** (see article 12 CRPD). This means that older people can decide themselves where, with whom and how to live, irrespective of any impairment, and they cannot be placed in institutional settings without their consent.⁴⁰

³⁹ Article 19 UN Convention on the Rights of Persons with Disabilities; Committee on the Rights of Persons with Disabilities, General Comment No. 5 (2017) on the right to live independently and be included in the community. At the regional level, Participation, integration, and full and effective inclusion in society are among the key principles of the Inter-American Convention on Protecting the Rights of Older Persons (article 3). Articles 7-8 also protect older people's right to independence and community integration. Article 13 of the Protocol on the Rights of Older Persons in Africa guarantees access for older persons with disabilities to assistive devices and specialised care, w

⁴⁰ Ibid. Also see Committee on the Rights of Persons with Disabilities, General Comment No. 1 (2014) on equal recognition before the law.

Right to accessibility

Older people with disabilities have a right to accessibility. This is guaranteed by article 9 of the CRPD. It means that they must have access, on an equal basis with others, to:

- the physical environment;
- to transportation;
- to information and communications, including information and communications technologies and systems; and
- to other facilities and services open or provided to the public, both in urban and in rural areas.

The right to accessibility should not be confused with the right to reasonable accommodation.

Accessibility relates to groups, whereas reasonable accommodation applies to individuals. Governments must provide accessibility before receiving an individual request to enter or use a place or service. This obligation is unconditional.

Reasonable accommodation, on the other hand is enforceable from the moment an individual with an impairment needs it in a given situation. It can be used as a means of ensuring accessibility for an individual with a disability in a particular situation. Contrary to accessibility, the duty of reasonable accommodation exists only if implementation constitutes no undue burden on the entity.

Accessibility	Reasonable accommodation
Groups – general solution	Individuals – individual solution
Proactive - Accessibility regardless of complaint/request	Reactive - Accessibility in response to complaint/request
Unconditional	Only if no undue burden

Human rights violations

Meaningful **participation** of older people and their representative organisations in policy making is essential to strengthen older people's voice and agency in decisions that affect them. In practice, however, older people are often not consulted or included in decision-making processes and policy development. Barriers include social isolation, digital exclusion and gender roles, ageism, culture, beliefs, habits, and the lack of concrete opportunities to participate.⁴¹ Other barriers include a lack of political will, or lacking financial or human resources or instruments for implementing participatory approaches.⁴²

The lack of participation of older people in decision-making processes was made painfully clear during the COVID-19 pandemic when governments made top-down decisions with far reaching consequences on older people's lives, without including or even consulting them in the process.

To be able to fully enjoy their **right to autonomy**, older people must be able to make their own choices about all aspects of their lives. They must also have the legal capacity to exercise their decisions. Yet in many cases, older people are




⁴¹ Pinto, J.M, Neri, A.L., Trajectories of social participation in old age: A systematic literature review, Rev. Bras. Geriatr. Gerontol. 20, 2017, 259–272.

⁴² UNECE, Meaningful participation of older persons and civil society in policymaking, Guidance Note, 2021, <https://unece.org/sites/default/files/2021-09/UNECE%20meaningful%20participation%20guidance%20note.pdf>

stripped from their legal capacity by guardianship measures, which remove their ability to make decisions about certain aspects of their lives.⁴³

Older people are often unable to make their own decisions about their finances, employment, management and disposal of their property, who to vote for, where and with whom to live, access to health services, family life and participation in community, voluntary or social activities. Different people are preventing, or interfering with, older people's autonomy and independence, including government and local authorities, policy makers, local leaders, service providers and family members. A deterioration in health or income, the loss of a job or retirement, and a change in circumstances, such as going to live with a family member, are events that make older people dependent on others, which means they lose autonomy and independence.⁴⁴

Accessibility is an important condition to build barrier-free, inclusive societies where older people in all their diversity can live independently and participate fully in all aspects of life.⁴⁵ In practice, however, limited accessibility of their environments severely limits older people's inclusion. For example, older people report that long distances from the parking lot and waiting in long queues prevent them from going out on their own, while others mention the lack of seating areas in public places, inaccessible sidewalks and roads in poor condition as a barrier. Many older people depend on public transport to get around, but this often remains inaccessible, unaffordable or unavailable (limited service). Older people report barriers such as high steps, little time to find a seat, lack of accessibility for wheelchair users etc. as barriers preventing them from using public transport.⁴⁶

For more information	
	Democracy, the right to participate and the electoral process
	HelpAge report on what older people say about their right to education, training, lifelong learning and capacity-building
	HelpAge report on what older people say about the barriers they face to social inclusion

⁴³ Autonomy and care of older persons, Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, 2015, *UN Doc. A/HRC/30/43*.

⁴⁴ HelpAge International, *Freedom to decide for ourselves*, London, HelpAge International, 2018, <https://www.helpage.org/silo/files/freedom-to-decide-for-ourselves.pdf>.

⁴⁵ Rights of older persons with disabilities, Report of the Special Rapporteur on the rights of persons with disabilities, 2019, *UN Doc. A/74/186*, para. 55.

⁴⁶ HelpAge International, *Including us*, 2023. Also see HelpAge International, *Ageing and the city: making urban spaces work for older people*, London, HelpAge International, 2016, <https://www.helpage.org/silo/files/ageing-and-the-city-making-urban-spaces-work-for-older-people.pdf>

Section 5: Older people's rights in situations of conflict and disaster

The relationship between human rights law and international humanitarian law

International humanitarian law (IHL) and international human rights law are two distinct but complementary bodies of law. They are both concerned with the protection of the life, health and dignity of individuals. IHL applies in armed conflict while human rights law applies at all times, in peace and in war.

The main difference in their application in times of war is that international human rights law allows a government to suspend a number of human rights if it faces a situation of emergency. IHL cannot be suspended (except as provided in article 5 to the Fourth Geneva Convention).

However, a government cannot suspend or waive certain fundamental rights that must be respected in all circumstances. These include the right to life, the prohibition of torture and inhuman punishment or treatment, the outlawing of slavery or servitude, the principle of legality and the non-retroactivity of the law and the right to freedom of thought, conscience and religion.

Governments have a legal obligation to respect and implement both IHL and human rights law. In situations of armed conflict, human rights law complements and reinforces the protection afforded by IHL.

Source: International Committee of the Red Cross

Older people's rights in humanitarian emergencies and conflict situations

There are only a few international and regional human rights provisions that focus specifically on human rights in humanitarian emergencies and conflict situations.

Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD) provides that governments must take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters. However, this provision applies only to older persons with disabilities and not to all older persons.

At the regional level, **article 29 of the Inter-American Convention on Protecting the Rights of Older Persons** requires governments to:

- adopt all necessary specific measures to ensure the safety and rights of older persons in situations of risk, including situations of armed conflict, humanitarian emergencies, and disasters, in accordance with the norms of international law, particularly international human rights law and international humanitarian law;
- adopt assistance measures specific to the needs of older persons in preparedness, prevention, reconstruction, and recovery activities associated with emergencies, disasters, and conflict situations; and
- foster the participation of interested older persons in civil protection protocols in the event of natural disasters.

Article 14 of the African Protocol also guarantees older persons' right to protection in conflict and disaster situations. It requires governments to:

- ensure that in situations of risk, including 'natural calamities' and 'civil strife or wars', older persons have priority access to assistance during rescue efforts, settlement, reparation and other interventions; and

- ensure that older persons receive humane treatment, protection and respect at all times and are not left without needed medical assistance and care.

While the Fourth Geneva Convention and other principles of international humanitarian law apply to older people as to all civilians,⁴⁷ older people remain at disproportionate risk of violence during armed conflict.

The concept of protection plays a central role in humanitarian action as it encompasses all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights Law, IHL, international refugee law). It emphasizes the need for a holistic approach that prioritizes the safety, dignity, and rights of affected populations across all phases of emergency response and recovery.

Human rights violations

A large and rapidly growing number of older people are affected by humanitarian crises. The proportion of the population aged 50 and over in fragile countries, where conflict and disasters are more likely to occur, is expected to rise from 12.3 per cent (219.9 million) in 2020 to 19.2 per cent (586.3 million) in 2050.

In emergency response, older people are typically overlooked in favour of larger, more visible groups, such as women and children. They are rarely consulted and are often missed out when data and information is collected so, their needs are unknown.

Humanitarian assistance such as shelter, health facilities, and water, sanitation and hygiene supplies and services are rarely designed to meet the needs of older people or people with disabilities.

Older people face numerous barriers that see them excluded from humanitarian response, including:

- Food distribution points can be difficult for older people to reach and food aid packages do not cater for older people's particular nutritional requirements;
- Older people who are physically unable to flee are often left behind, isolated from their family and communities; and
- Health conditions such as diabetes and dementia are common in older people in many low- and middle-income countries. The medicine is often not available or in short supply, while health services are disrupted. This can become life-threatening for older people.

These barriers lead to violations of their basic human rights, enshrined in international and regional human rights treaties, as well as national legal frameworks.

In emergencies, older people are not being adequately provided with basic needs and essential resources and services, such as food, clean water, sanitation and shelter. Furthermore, they may face economic challenges, particularly if they lose their livelihoods. Limited access to financial resources can impact their ability to meet basic needs and maintain a decent standard of living, curtailing their basic human **right to an adequate standard of living**. Limited mobility, health issues, and gender can exacerbate these challenges.

Older people often have specific health needs and may require regular medical attention and medications. In emergencies, access to healthcare services may be




⁴⁷ Fourth Geneva Convention, articles 17, 27, 85 and 119; International Committee for the Red Cross, Customary International Humanitarian Law, Vol. 1: Rules, (ICRC, Customary IHL) Rule 138. The Elderly, Disabled and Infirm, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule138.

disrupted, and age-related health issues may be neglected, leading to violations of the **right to health**.

In conflict situations, older people are often facing heightened risks to their lives as they become caught up or targeted during hostilities. They may also be more vulnerable to various forms of violence, abuse and neglect, including physical, emotional, and financial. In emergencies, the breakdown of social structures and increased stress can heighten the risk of exploitation and violence threatening older people's **right to life and to live free from violence**.

In humanitarian settings, displaced people, including older people, may lose or lack identity documents, leaving them more vulnerable to detention (and refoulement for refugees) and jeopardizing their **right to be free from arbitrary arrest/detention**.

Humanitarian response plans and policies may not always account for the diverse needs of older people. Inclusive planning and policies that are developed in consultation with older people and their representative organisations, and take into account older people's voices and consider age-specific vulnerabilities, are essential for addressing these challenges and taking account of older people's **right to participation in decision-making processes** that affect their lives and well-being.

For more information	
	About human rights in conflict situations (OHCHR)
	About humanitarian crises and human rights (OHCHR)
	HelpAge report on Older people's experiences of the Ukraine war and their inclusion in the humanitarian response

Section 6: Older people's rights in the context of climate change

Older people are often disproportionately affected by climate change, which can have specific and significant impacts on their human rights. Age does not in itself make individuals more vulnerable to climate risks, but age is accompanied by a number of physical, political, economic and social factors that may do so.⁴⁸ The human rights impacts of climate change on older people are aggravated by ageism, which can lead to older people being neglected, ignored and marginalised in laws and policies.⁴⁹

Climate change can have profound and far-reaching consequences on the full enjoyment of older people's human rights. The following key areas where these impacts can be observed touch upon the main rights that may be affected but are not meant to be exhaustive.

Rights to life, health and safety

Extreme weather events, rising sea levels, heatwaves, and other climate-related disasters can pose direct threats to human life, violating the right to life as recognised in international human rights instruments. Older people may be more susceptible to heatwaves and extreme weather events, leading to increased health risks such as heat-related illnesses and cardiovascular problems, as well

⁴⁸ Office of the High Commissioner for Human Rights, Analytical study on the promotion and protection of the rights of older persons in the context of climate change, 2021, para. 5.

⁴⁹ Ibid., para. 7.

as mental health issues. Climate change can also affect the spread of vector-borne diseases, posing additional health challenges for older populations.

Older people may face challenges in accessing humanitarian assistance and support during and after climate-related emergencies. These can create disruptions to necessary health care and services for older people. Older people who do not have adequate existing structures of care and support may also face challenges in accessing relevant information during an emergency.⁵⁰

Right to adequate standard of living, including housing, food, and water and sanitation




Climate-related disasters, such as floods, hurricanes, and wildfires, can lead to forced displacement, loss of homes, and inadequate living conditions, violating the right to adequate housing. Older people may face difficulties in evacuating or finding suitable shelter, and displacement can disrupt their social support networks.

Climate change can also affect food production and disrupt food supply chains, affecting food availability and contributing to food insecurity. Older people may face challenges in accessing nutritious and dietary appropriate food, impacting their right to adequate nutrition. Because older people often live in poverty and on fixed incomes, they face difficulty in coping with the rising costs of food. When food is scarce, some households allocate it in a way that favours younger family members, and some older people are physically less able to access food distribution points or are left out in relief efforts.⁵¹

Changes in precipitation patterns, droughts, and water scarcity resulting from climate change can affect access to clean water and sanitation, infringing upon the right to water and sanitation.

Right to a clean, healthy and sustainable environment

Climate change can degrade ecosystems and compromise environmental quality, impacting the overall right to a clean, healthy and sustainable environment, which has been recently recognised by the UN General Assembly. As human rights and the environment are interdependent, a clean, healthy and sustainable environment is necessary for the full enjoyment of a wide range of human rights, such as the rights to life, health, food, water and sanitation and development, among others.

For more information	
	Analytical study on the promotion and protection of the rights of older persons in the context of climate change (OHCHR)
	Report on the rights of older persons in the context of climate change-induced disasters (UN Independent Expert on the enjoyment of all human rights by older persons)
	Climate Justice in an Ageing World (HelpAge International discussion paper)

Section 7: How the existing human rights framework fails older people

Older people face particular human rights challenges in almost every area of their lives. A continued lack of awareness and attention for the human rights of older people significantly limits our enjoyment of fundamental rights in older age. Many

⁵⁰ Ibid., para. 11.

⁵¹ Ibid., para. 23.

older people in the world have no or limited access to health care, employment, pensions, support services, decision-making power, access to justice and so on.

The main cross-cutting challenges that impacts the full spectrum of older people's rights is the pervasiveness of ageism.

The impact of ageism on human rights

Everyone everywhere has the right to freedom, equality and a life lived in dignity. But as we grow older, we may face stereotyping, prejudice, and discrimination because of our age. This stops us from enjoying our human rights equally with others.

Ageism is deeply rooted in our societies. Ageist views and behaviours are pervasive and negatively impact every aspect of older people's lives. In fact, ageism is not only a human rights violations itself, it also lies at the basis of other human rights violations in older age.

"Ageism and age discrimination are human rights violations and purveyors of other human rights violations. The pervasiveness and omnipresence of ageism globally is such that discrimination, marginalization and exclusion of older persons are anticipated as the norm."

UN Independent Expert on the enjoyment of all human rights by older persons

For example, ageism impacts the right to health by placing many access barriers to healthcare, such as health triage, exclusion from clinical trials and poor management of illness. Ageism is also an impediment to the right to autonomy as it is often common practice to institutionalise older people against their will or to make end of life decisions on their behalf. Ageism in the work place is widespread and hinders older people's right to work. It is also one of the major barriers for older people's voices to be heard and curtails their participation and their meaningful engagement in political, economic and social life.

What is particularly problematic is that ageism often remains **unnoticed or unsanctioned**. At the individual or community level, ageism affects how we see and treat older people, sometimes without even being aware of it.

Negative thoughts and feelings about ageing can even affect how we feel about ourselves getting older and results in **internalised ageism**.

At societal level, ageism can – consciously or unconsciously – impact how rights and equality of older people are integrated in laws and policies. In other words, ageist stereotypes are **reflected in legal and policy frameworks**, which in turn further perpetuate and institutionalise those stereotypes.

Protecting and promoting the human rights of older people in all their diversity therefore must go hand in hand with tackling all forms of ageism in all systems and at every level.



Photo credit: Kierran Allan/HelpAge International.

Gendered ageism

Gendered ageism is the intersectionality of age and gender bias and discrimination. A recurring definition describes it as a double jeopardy, where two interacting power systems lead to an increased vulnerability.⁵² Although both men and women experience gendered ageism, evidence suggests that it has much worse consequences for older women in terms of their health and wellbeing.⁵³ Yet prevailing attitudes and norms can render older women's experiences of gendered ageism largely invisible. Older women face the cumulative effects of ageism and sexism in many aspects of their lives.

- ➔ To learn more about how ageism works at different levels in society, see HelpAge's practical guide: ['Exploring systemic ageism'](#).
- ➔ To learn more about gendered ageism, see HelpAge's [brief on older women's lived experiences of gendered ageism](#).

Gaps in the human rights framework

While the core UN human rights treaties apply to everyone the lack of explicit references to older people has resulted in a lack of understanding and awareness of the human rights challenges that older people face, a lack of international practice, as well as a lack of government action.

For example, recommendations on the rights of older people by UN treaty bodies and other monitoring mechanisms on the rights of older people remain very scarce:

- Out of a total of 104,705 recommendations/observations by **UN treaty bodies**, only 917 (**0.9%**) concern older people.
- Out of a total of 101,132 recommendations/observations within the framework of the **Universal Periodic Review**, only 556 (**0.5%**) concern older people.
- Out of a total of 18,615 recommendations/observations by **UN Special Procedures** (such as UN Special Rapporteurs and Independent Experts), only 536 concern older people (**2.9%**).⁵⁴

There are also significant gaps in the international human rights framework with regards to older people's rights. There is, for example, no explicit standard on:

- the rights of older people in residential care;

⁵² Clary Krekula, Pirjo Nikander, and Monika Wilińska, Multiple marginalisations based on age: gendered ageism and beyond, in Liat Ayalon and Clemens Tesch-Römer, Contemporary perspectives on ageism, 2018.

⁵³ Rochon PA, Kalia S and Higgs P, 'Gendered ageism: addressing discrimination based on age and sex', The Lancet 398:10301, 2021, pp.648–49.

⁵⁴ Based on a search of the Universal Human Rights Index in November 2023.

- the right to palliative care;
- the right to care and support for independent living in older age;
- legal capacity and the right to make decisions in older age; or
- the prohibition of elder abuse.

Other important human rights standards are included in the CRPD, such as the right to legal capacity and the right to independent living and being included in the community. However, these do not apply to older people *without* disabilities.

“Today, more than ever, older persons need stronger protection to fully enjoy their human rights. But the reality is that international legal frameworks – which should protect everybody, without discrimination – still render older persons invisible.”

M. Bachelet, former UN High Commissioner for Human Rights (2021)

The most remarkable and problematic gap is the lack of a clear, comprehensive prohibition of discrimination on the basis of age. The lack of an explicit right to equality in older age creates a barrier to the effective implementation of all other human rights in older age.

Our call for a new UN convention

HelpAge International therefore calls for the drafting and adoption of a new international binding treaty: a UN convention on the rights of older persons.

- We actively engage and advocate for a convention with the **UN Open-Ended Working Group on Ageing**, created by the UN General Assembly in 2010 to consider the gaps in the human rights framework and how best to fill them.
- HelpAge also supports the work of the **Global Alliance for the Rights of Older People**, a network of over 400 organisations worldwide. Its mission is to support and enhance civil society engagement with Member States and NHRIs at all levels around a convention on the rights of older persons.

What difference would a new convention make?

Only a new convention could address the gaps in the existing human rights system:

- It would **cover all areas of older people’s lives** that are currently not adequately provided for.
- It would **clarify States’ human rights obligations** and responsibilities towards older people and require States to implement laws and policies that promote older people’s equality, dignity and autonomy.
- It would also require States to collect, disaggregate, analyse and disseminate information and **data on older people’s rights**.
- It would establish dedicated **monitoring and accountability systems**.

A new UN convention would create a new UN human rights treaty body:

A UN Committee on the Rights of Older Persons

This Committee of experts would monitor implementation of older people’s rights through periodic reporting, individual complaints and country inquiries. It would also develop guidance on how human rights apply in older age.






Human rights do not operate in a vacuum. The recommendations and decisions of this Committee would impact other UN bodies and mechanisms, further promoting the rights of older people.

One of the best examples of this impact is the CRPD. For example, more than 12,000 recommendations/observations by UN treaty bodies concern people with disabilities.

In addition to filling protection gaps, a convention would have a broader impact on governments and society as a whole, transforming older people's lives:

- A convention would help governments and others to address population ageing positively, eliminate age discrimination and better protect older people's rights.
- It would generate financial and other resources for programmes and interventions to support older people and make the implementation of recommendations in ageing and development policies, such as the Madrid International Plan of Action on Ageing and the Sustainable Development Goals, more likely.
- It would help us change our attitudes towards older people and see older age as a time when we can continue to flourish and develop.

For more information

	Report of the UN Independent Expert on ageism and age discrimination
	HelpAge International report on international human rights law and older people: Gaps, fragments and loopholes
	HelpAge report on Advancing Equality for Older People
	HelpAge report on the identification of possible gaps in the protection of the human rights of older persons and how best to address them
	FAIR Guidelines
	Global Alliance for the Rights of Older People

Quiz

Question 1. A binding treaty on the human rights of older persons exists in which of the following regions?

- Africa
- Americas
- Arab region
- Europe
- South-East Asia

Question 2. True or false? Older people have the right to make their own decisions about their health and care, unless they live in residential care facilities.

- True
- False

Question 3. Older people have the right to participate in public and political life. This means that:

- They have the right to vote and be elected.
- They have the right to participate in the development and implementation of policies.

- They have the right to equal access to public service positions.
- All of the above

Question 4. While human rights apply in situations of conflict, governments can derogate from all of them in situations of emergency.

- True
- False

Question 5. What are some of the reasons that older people's rights are not adequately protected? Select all the correct answers.

- Ageism affects laws and policies.
- Older people do not face as many challenges as other marginalised groups.
- There is no clear prohibition of age discrimination in human rights law.
- There is no specific human rights monitoring body for older people.

Question 6. True or false? A new UN convention can help change the way we think about ageing and older people.

- True
- False

Module 3. A human rights-based approach to ageing

Section 1: Definition and value of a human rights-based approach

International development policies and strategies often focus on the economic consequences of demographic changes and how to overcome the 'challenges' of an ageing society. This approach contributes to ageism and the perception of older people as a burden. It is reflected in terminology, such as the 'grey wave' or the 'silver tsunami.'

Older people themselves are therefore viewed as a 'burden' on society, as a vulnerable group, in physical decline and in need of support and assistance. The prevailing narrative is that if we get older people to contribute to society as 'assets' rather than burdens, they deserve to be included.

"[A]lthough the Universal Declaration on Human Rights proclaims that all human beings are born free and equal, it is evident that the enjoyment of all human rights diminishes with age, owing to the negative notion that older persons are somehow less productive, less valuable to society and a burden to the economy and to younger generations."

Report from the Eighth working session of the UN Open-ended Working Group on Ageing, 28 July 2017

The problem with this type of ageist and **needs-based approach** is that it denies older people the dignity and fundamental rights that are inherent to all human beings.⁵⁵

A **human-rights based approach (HRBA)** to ageing, on the other hand, puts the fundamental rights of older people in all their diversity at the very centre.

While there are many definitions of a HRBA, one that is particularly well-known and used is the UN definition of a HRBA to Development. In 1997, the UN Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes. Up until then, international development, human rights and international security had developed in silos. UN agencies adopted their own approach and interpretation to a HRBA, however.

There was therefore a need for a more uniform approach, a "common understanding". UN agencies defined what a HRBA would entail for all development cooperation programmes and activities, in all sectors:

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights.
2. Human rights standards guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.⁵⁶

⁵⁵ Also see EU Fundamental Rights Agency, Shifting perceptions: towards a rights-based approach to ageing, 2018, Luxembourg, EU Fundamental Rights Agency.

⁵⁶ The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies (2003)

At HelpAge International, we use the following definition that focuses on the core elements of a HRBA:

A human-rights based approach to ageing is a way of working which is based on human rights principles and human rights standards, and aims to ensure older people’s dignity, voice and wellbeing.



Human rights **principles** are overarching principles that will define how rights are applied in practice, such as equality, inclusion and participation.

Human rights **standards** are the norms we find in human rights treaties and other instruments, such as the UN Convention on the Rights of Persons with Disabilities (CRPD) and the African Charter on Human and People’s Rights.

The importance and value of a human rights-based approach to ageing is mainly that it allows us:

1. To **empower older people as rights-holders** to claim and exercise their rights.
2. To **strengthen capacity of governments and other duty-bearers** who have the obligation to respect, protect, promote, and fulfil older people’s human rights.⁵⁷

According to the UN Independent Expert, a human-rights based approach to ageing also:

- recognises that age is a social construct;
- encompasses diversity;
- strives for inclusion; and
- values and supports the genuine participation of older persons.⁵⁸

It is therefore the most appropriate and effective framework to challenge ageism.⁵⁹

Section 2: Applying a HRBA to ageing in practice

Using the PANEL principles

The ‘PANEL principles’ are a way of breaking down what a human rights-based approach means in practice. Each letter represents one of the key principles.

⁵⁷ <https://ennhri.org/about-nhris/human-rights-based-approach/>

⁵⁸ Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, 2021, A/HRC/48/53.

⁵⁹ Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, 2021, A/HRC/48/53.

Participation

Participation is about meaningful participation in decision-making. Older people have a right to participate in decision-making processes which affect the enjoyment of their rights.

It ensures that policies, programmes and interventions are based on older people's perspective: their lived lives, needs, priorities and ambitions, and not based on the perspective of others, which may include ageist assumptions, pre-conceptions and stereotypes.

Participation must be active, accessible and meaningful. Direct participation of, and consultation with, older people and their representative organisations should be continuous and integral to the process. Accessibility refers, among others, to ensuring that relevant information is accessible.

Ask yourself: are older people able to meaningfully participate, including in decision-making processes? Are activities based on older people's perspectives? Is participation accessible for older people in all their diversity?

Accountability

Accountability is about viewing older people as rights holders rather than objects of charity, and viewing governments as duty bearers with an obligation to protect, respect and fulfil older people's rights.

Accountability is not necessarily about confrontation with duty bearers. It also aims to enable duty-bearers to meet their obligations, through raising awareness or capacity building.

It requires effective monitoring of human rights.

Ask yourself: have I identified the human rights that are impacted by the issue/activity? Have I clarified that older people are rights holders and they have human rights? Which obligations does the government or other duty bearers have?

Non-discrimination

Non-discrimination is about analysing and tackling the root causes of inequality.

All forms of discrimination must be prohibited, prevented and eliminated. This includes discrimination against older people on the basis of age, gender, disability or any other ground, including multiple or intersectional discrimination.

To achieve equality, those most at risk of discrimination must be prioritised.

Ask yourself: how does the issue/activity affect different groups of older people, such as older people with disabilities, older women, etc.? How can I prioritise those most at risk of discrimination or human rights violations?

Empowerment

Empowerment is about empowering rights holders to know and claim their rights.

Older people and other rights holders (such as family members, formal and informal caregivers) should understand their rights and be able to claim and exercise their rights.

This includes supporting them in their claim, and to participate in the decisions and development of policies that affect them.

Ask yourself: how can we increase older people's understanding of their rights? How can we support older people to claim their rights and to participate in the decisions and development of policies that affect them?

Legality

Legality is about the legal obligations created by human rights.

Legal guarantees confirm the position of older people as rights holders and of States as duty bearers.

A HRBA requires the recognition of rights as legally enforceable. It requires adhering to norms of national and international human rights law.

The principle of legality is closely related to that of accountability: legal guarantees confirm the position of older people as rights holders and of States as duty bearers.

Ask yourself: which human rights norms apply to this issue/policy/intervention? Are there any human rights treaties that are relevant? Is there perhaps a lack of legal guarantees to protect older people's rights?

Rights and Voice

Adopting and implementing a human-rights based approach to ageing is strongly connected with Voice. HelpAge International and network members have been implementing Voice activities for years. The Voice framework is informed by this work.

We use 'Voice' as an umbrella term covering participation, empowerment, agency, autonomy and accountability. HelpAge International and network members aim to shift from working 'for' older people to working 'with' them, and putting them at the centre of interventions and advocacy, so they become actors of the changes they want to see. The Voice framework and 2030 Strategy commit to mainstreaming Voice, and being more deliberate in ensuring older people have a voice, are supported to connect with others and gain agency – but are also 'heard' by duty bearers, who are accountable to uphold the rights of older people. Understanding power dynamics and forms of power at play is central to ensuring empowerment and genuine engagement. The process is dynamic as power is linked to external contextual factors but also to social norms and entrenched cultural practices.

Voice has in common with a HRBA that it aims to empower people to know and claim their rights, and to participate in policy and decision-making processes.

Think about language

When talking or writing about older people, it is important to use language that reflects a human rights-based approach and views older people as rights holders and equal citizens.

Needs-based approach	Rights-based approach
Objects of our assistance	Rights holders
Passive beneficiaries	Active agents
Deserve our attention and generosity	Obligation to respect rights
Focus on vulnerability of the individual/community	Focus on environmental and societal barriers to the equal enjoyment of rights
Addresses symptoms of ageism	Addresses causes of ageism
Doesn't address power imbalances	Addresses power imbalances
Accountability of NGO to donor	Accountability of States and service providers (incl. NGOs) to older people

It is also important to think about terminology used that could reflect ageist stereotypes and which alternatives can be used instead.

Language to avoid	Language to use
The Elderly	Older people or older persons
Vulnerable or a vulnerable group	At risk of.. Excluded by.. Marginalised by..

Them	Us: When we are older.. In our older age
As long as possible	.. so we can live in our own home. Full stop.
Deserve rights, attention, investment	We have the right to.. Authorities have an obligation to..
Untapped resources, assets	People, rights holders



The term “elderly” is often used to describe an older person, or older persons in general. However, the use of the term perpetuates ageist stereotypes about older persons, suggesting that they are frail and vulnerable and lack capacity. For this reason, the UN General Assembly decided in 1995 that the term “older persons” was the appropriate term to use for the purposes of the United Nations.

Source: General Assembly resolution 50/141 and report A/HRC/48/53 of the UN Independent Expert on the rights of older persons

Section 3: Advocating for rights and a HRBA

Integrating human rights in our messaging

At HelpAge International, it is our mission to promote the wellbeing, rights and inclusion of older people so we can all enjoy a future free from poverty, inequality and discrimination. This is part of our 2030 Strategy.⁶⁰ Advocating for the rights of older people and a human rights-based approach to ageing is essential to reach that goal.

We therefore actively call for a UN convention on the rights of older persons in our engagement with the UN Open-Ended Working Group (see Module II). To support that advocacy, it is important that all HelpAge’s work, including public reports, case studies and statements are rooted in human rights and echo our call for the protection of rights in older age. This is especially important when addressing or engaging with governments.

When discussing issues or obstacles that older people face, include **references to relevant human rights standards and principles** to make your point. For example, when preparing reports or statements relating to income security, highlight that older people have a fundamental right to social security and social protection, on an equal basis with others. Also point out relevant human rights principles, such as equality and non-discrimination and inclusion of older people.

As noted above, it is important to use **language that reflects a HRBA** to ageing. It is equally important when advocating for the rights of older people and a HRBA to ageing.

Engaging with governments

When engaging with governments, it is important to know where they stand on various human rights related issues. Assess the legal, political and economic context of the country or region in question. Inquire with staff or partners on the ground that are familiar with the specific context and political climate.

For example, several drivers and barriers have been identified for mobilisation of support for a UN convention on older people’s rights.⁶¹ These can also impact the success of advocacy for rights in general.

⁶⁰ <https://www.helpage.org/about-us/values-vision-and-strategy/2030-strategy/>

⁶¹ J. Scubba (2014), “Explaining campaign timing and support for a UN Convention on the Rights of Older People”, *The International Journal of Human Rights*, 18:4-5, 462-471; A. Herro (2017) “The human rights of older persons: the politics and substance of the UN Open-Ended Working Group on Ageing”, *Austrian Journal of Human Rights*; A. Herro (2019), *The Pre-negotiation of UN Human Rights*

Barriers	Drivers
Human rights (treaty) fatigue	Reputation and esteem-seeking as key motivation
Concern over economic impact	Concerns over population ageing among policymakers (impact on health, social security etc) boosts a sense of urgency
Lack of priority setting of older peoples' concerns by governments	Political figureheads who take the topic forward
Lack of national policies/programmes/changes in law or enforcement of existing tools	Support for (or at least refrain from blocking) a convention by most influential Member States and transnational coalitions
Lack of individuals in government to address concerns/push agenda forward	Strong pressure at national level from civil society (especially in democratic states) – "Name and shame" tactics
Lack of spaces for meaningful engagement of older people themselves	Strong pressure from National Human Rights Institutions
Lack of capacity (no funds, no staff, no human rights literacy) – resulting from the lack of government prioritisation	Stronger Global Network of civil society organisations
Low number of CSOs dealing with older people's concerns and/or adopting a rights-based approach	Strong local networks involving multiple stakeholders, including Older People's Associations (OPAs)
Lack of human rights education and awareness and/or UN systems in civil society organisations	Advocacy resources, meetings and information exchange opportunities to support civil society
Lack of a coherent civil society network (cf. disability rights movement)	Education resources for civil society
Lack of support from 'mainstream' human rights organisations	Support for a convention/older people's rights from CSOs working on women's rights, disability rights, etc.
Difficulty in reaching relevant stakeholders to bring about change (e.g. care providers)	Celebrity supporters ("older people's champions")
No public interest in the topic	Media and international advocacy opportunities, such as IDOP
Ageist attitudes (including internalised ageism and fear of stigmatisation) across the public	Increased awareness and education about the value and contributions of older people to society

Treaties: The Case of the Convention on the Rights of Persons with Disabilities", *International Negotiation*, Vol. 24/2, 240-265; C. Green (2023), "Supporting civil society organisations in mobilising for human rights of older people" (unpublished).

Focus on ratification and/or implementation of regional instruments ⁶²	Active promotion of the importance and benefits of an international legally binding instrument on the rights of older persons
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Existing recommendations from UN monitoring bodies can be used to support your statements and key asks. You can find all recommendations on the rights of older people by UN treaty bodies, Special mandate holders or within the framework of the Universal Periodic Review (see Module 1 – section 3) using the **Universal Human Rights Index**: <https://uhri.ohchr.org/en/>

It can produce overviews of recommendations by region, country, human rights themes, concerned groups and by Sustainable Development Goals (SDGs) and targets, as well as perform text searches and advanced searches by using filters.

Advocating for human rights in challenging contexts

While promoting human rights and human rights language is key, civil society and other stakeholders may work in challenging contexts with small political spaces, in which there is a high level of political or societal resistance towards human rights. In those situations, openly advocating for human rights can pose certain risks. In those situations, it can be helpful to:

- Work closely with local community and/or religious leaders.
- Refer to regional human rights standards as well as national constitutions and legislation, rather than UN human rights treaties.
- Adopt a progressive approach, starting with key asks that are easier to find consensus about before building up to more controversial asks.
- Focus on the data rather than rights or use alternative terms such as 'dignity' of older people.
- Conduct regular power and risk analysis to identify "safer" entry points and work in broader coalitions.

Engaging with human rights monitoring mechanisms

Civil society plays a key role in the promotion and protection of the rights of older people through engagement with UN human rights monitoring mechanisms (see Module 1). With regards to the **UN treaty bodies**, this can take the form of:

- **Promoting the adoption of new international instruments and the ratification of or accession to existing treaties:** in the African region, for example, civil society can call on governments to ratify the new Protocol on the Rights of older Persons so that it can enter into force.
- **Monitoring the reporting obligations of States parties:** for example, civil society can encourage governments to meet reporting deadlines, and raise public awareness about a State's obligation to submit a report at a given time.
- **Submitting written information and attending sessions:** civil society can prepare and submit their own report on the rights of older people to UN treaty bodies to be considered within the periodic review of a country.

⁶² The perceived barrier consists of CSOs allocating their resources to advocacy on implementation or ratification of the regional instrument, thereby limiting their focus on a global instrument. However, regional instruments can also become a driver, for instance when support and number of ratifications grows, and the instrument can be presented as an example by CSOs and esteem-seeking Member States (also see under "Drivers").

CSOs can also take the floor to make oral statements and highlight specific human rights issues.

- **Following up on human rights treaty bodies' concluding observations:** Once the treaty body session has taken place and the concluding observations adopted, CSOs can undertake follow-up activities at the national level to raise awareness of the recommendations and to encourage the government to implement them.⁶³




Civil society can also engage with the **UN Special Rapporteurs and Independent Experts**, including by:

- **Responding to calls for inputs on specific topics or countries:** all calls for inputs are posted on the OHCHR website: [https://www.ohchr.org/en/calls-for-input-listing?deadline_status\[state\]=all](https://www.ohchr.org/en/calls-for-input-listing?deadline_status[state]=all)
- **Engaging with special mandate holders prior and during country visits:** for example, the UN Independent Expert on the Rights of Older Persons visits at least two countries each year and meets with civil society organisations during those visits so they can brief the Independent Expert about the human rights situation of older people in the country.

TOPIC	MANDATE
Poverty	Special Rapporteur on extreme poverty and human rights
Food & water	Special Rapporteur on the right to food
	Special Rapporteur on the human rights to safe drinking water and sanitation
Housing	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living
Health	Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health
	Special Rapporteur on the elimination of discrimination against persons with leprosy
Inclusion	Special Rapporteur in the field of cultural rights
	Special Rapporteur on the rights of persons with disabilities
	Special Rapporteur on the right to education
Gender (also see under VAN)	Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
	Special Rapporteur on violence against women and girls, its causes and consequences
Climate change	Special Rapporteur on the promotion and protection of human rights in the context of climate change
	Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

⁶³ OHCHR, Working with the United Nations Human Rights Programme: A Handbook for Civil Society, 2008.

Humanitarian crises and conflict	Special Rapporteur on extrajudicial, summary or arbitrary executions
	Special Rapporteur on the situation of human rights defenders
	Special Rapporteur on the human rights of internally displaced persons
	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
	Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
Violence, abuse and neglect (also see under Gender)	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
	Special Rapporteur on contemporary forms of slavery
	Special Rapporteur on trafficking in persons, especially women and children

For more information	
	HelpAge Guide to establishing rights-based policies in Arab region
	A self-assessment tool on how to adopt a HRBA (Scottish Human Rights Commission)
	HelpAge Voice Framework
	OHCHR, Working with the United Nations Human Rights Programme: A Handbook for Civil Society
	OHCHR, Resources for NGOs, human rights defenders, and other actors in civic space

Quiz

Question 1. Explain in your own words why a human rights-based approach to ageing is important?

...

Question 2. Which of the following are considered to be key principles of a human rights-based approach?

- Accountability
- Legality
- Partiality
- Empowerment
- Discrimination

Question 3. True or false? Empowerment is about increasing the capacity of government actors to implement human rights.

- True
- False

Question 4. Which of the following statements reflects ageist bias and/or a needs-based approach? (select all that apply)

- Older people have a right to education regardless of their age.
- As active participants in the labour market, older people are entitled to human rights.
- Older people are assets to society, so governments should promote their inclusion.

Find out more:

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