



# Human Rights & Older People

Co. Wicklow Network for Older People

Friday 16<sup>th</sup> May 2014

Brockagh Resource Centre

# Age Action Ireland

- Non-government organisation that campaigns for better policies and services for older people
- Membership based
- Policy and advocacy
- Information service
- Care and repair service
- Advocacy in nursing homes
- Intergenerational programme
- Global ageing and development
- Getting started – computer & IT training

# Human Rights – Introduction

- Human rights history and evolution
- Universal Declaration of Human Rights (UDHR) – 1948
- Human Rights are rights which **belong to every individual** – simply because we are human beings.
- They are about **human dignity** as opposed to simply human needs or charity
- Language of human rights recognises that people are social beings and not just human beings
- They embody the **basic standards** without which people cannot realise their inherent human dignity

# Human Rights cont.

- Based on the UNDR declaration, the United Nations developed **Conventions which are legally binding**
- They are a **common minimum standard** set of rights that Governments sign up to.
- Some Conventions are universal and some have been developed to address groups of people who experience particular discrimination or need particular protection
- Examples include the Convention on the **Rights of the Child**, the Convention on the Elimination of all forms of **Discrimination Against Women** the Convention on the Rights of **Persons with Disabilities**

# Human Rights & Older People

- 9 International Human Rights Convention but none on older people & older people not specifically mentioned
- International Covenant on **Civil and Political Rights** and International Covenant on **Economic, Social & Cultural Rights**, are universal but do make reference to older people
- Older people rarely mentioned in commentary or recommendations made by the Committees established to **monitor compliance** with the Conventions
- Clear **gap** in current human rights infrastructure

# What would a Convention do?

- A new Convention would articulate how each human right **specifically applies to older people** and what measures Governments must take to comply with it
- Articles would deal with, e.g.
  - Protection from elder abuse
  - Support in care settings (in nursing homes, in palliative care settings and in the community)
  - Access to social security or pensions
  - Access to age appropriate healthcare
  - Protection from age discrimination

# What would the benefits be?

- A Convention is **legally binding** on the Governments that ratify it
- Governments would have to **report periodically** to the UN on how they are complying with the Convention
- Civil society (NGOs) can provide **shadow reports** on the Governments own report and use the recommendations UN make to campaign for change, e.g. Children's Rights Alliance
- Individuals could make **direct complaints** to the UN if their rights have been violated (and all domestic remedies have been exhausted)
- Potential for a **national monitoring body**

# What would the benefits be?

- **Population ageing** – more older people in Ireland and globally, the number of people whose rights may be violated increasing at a huge pace
- We are all ageing – it is not just an issue for older people now, we will all (hopefully!) reach old age
- Ageism and age discrimination, need a **cultural shift** in how older people are perceived – a new Convention would increase the visibility of older people
- Move towards older people being viewed as **rights holders** rather than recipients of charity or welfare



# Will we get a Convention?

- The General Assembly at the UN established the Open Ended Working Group on Ageing (OEWGA) in 2010 to strengthen the protection of the human rights of older people
- Meets once a year for a number of days at the UN in New York
- In 2012 the **General Assembly** mandated the OEWGA to consider and report on what should go into a new international legal instrument on older people's rights
- Current lack of consensus
- Need to ensure the **lived experience** of older people is heard when the Convention is being drafted

# How can you help?

- Write to your local TD
- Bring it up with MEP candidates
- Sign our petition
- Feed in to any consultation processes on a Convention
- Link in with the new UN Independent Expert on the Rights of Older People

# Charter & Commissioner

- Main difference between a Convention and a Charter is that a Charter would not be **legally binding**
- Wales is looking at introducing a Charter or “Declaration of the Rights of Older People” - sets out the rights that older people have in current law
- Wales and Northern Ireland have an **Older Person’s Commissioner** which is an independent public body whose aim is to safeguard and promote the interests of older people

# A human rights based approach

- Using a **human rights based approach** (HRBA) gives human rights law meaning to people's lives, brings the law to life
- HRBA includes the following principles:
  - Using human rights law
  - Non-discrimination or the prioritisation of vulnerable groups
  - Participation and empowerment
  - Accountability

# A human rights based approach



- HRBA can be used in **service delivery**, in policy making and by communities as well, e.g. Rialto Rights in Action
- Even when we get a Convention we have to ensure Ireland ratifies it and the rights are implemented and realised for older people on the ground

# A human rights based approach

“Where, after all, do universal human rights begin?

In small places, close to home - so close and so small that they cannot be seen on any maps of the world.

Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works.

Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

*Eleanor Roosevelt, Presentation to UN High Commission, New York, 27th March 1958*