



International concern with regard to rights of elderly persons: A synoptic view

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Abstract

In the international human rights framework up until recently, elderly people's human rights had received little attention. However, discrimination, violence, poverty, and marginalization are only a few of the many human rights issues that older people must contend with. Several "soft law" measures, such as declarations, principles, and action plans, exist to safeguard the rights of senior citizens and other existing human rights instruments apply to them just as they do to every other human being. However, it has been argued that these measures are insufficient to address the specific problems faced by the segment of society. This research paper reflects the different conventions, treaties, and other legislative provision which are generally talking about the rights of the elders from an international perspective.

Keywords: elderly, human rights, covenant, principle, aging

Introduction

On the international forum, when the World Assembly on Aging report was originally published in 1982, it brought aging-related concerns to the forefront for the first time. This debate led to the recognition that fundamental rights that apply to older people which are mentioned under the Universal Declaration of Human Rights apply to an aged person with its full effect and spirit.

In a report, it was acknowledged that elderly people have a right to better housing, nutrition, and environmental conditions. A social assistance program for older people should be in place as it was also acknowledged that older people have the right to a family and to have one. United Nations population estimates indicate that there will be approximately 962 million people over the age of 60 in the world in 2017. On Argentina's initiative, the topic of aging was first discussed at the UN in 1948. In 1969, Malta brought up the subject once more. The General Assembly requested in 1971 that the secretary-general draught a comprehensive report on the aged and make recommendations for national and international action. The World Conference on Aging was decided upon by the Assembly in 1978. The world assembly on aging, which took place in Vienna from July 26 to August 6, 1982, resulted in the adoption of an international plan of action on aging. The main goal of the strategy was to increase each country's ability to manage population aging while taking into account the special requirements and worries of the elderly. In 1982, the Assembly devised a plan to advance awareness of the social, economic, and cultural aspects of aging and related humanitarian issues. and in the years that followed, the Assembly urged governments to keep up their efforts to guarantee that the plan's follow-up action was successfully carried out. The organization's guiding principles for older people were accepted by the UN General Assembly in 1991 ^[1].

The purpose is to make sure that older people's circumstances receive top priority attention and to give governments a wide-ranging framework within which to operate. As a result of the General Assembly's ratification of

the Vienna International Plan of Action on Aging through its resolution 37/51 on December 3, 1982, they were accepted after being adopted by the World Assembly on Aging. Through its decision 37/51 of December 3, 1982, the General Assembly. The 18 principles are intended to safeguard older people's independence by upholding their fundamental rights to appropriate nutrition, shelter, activities that generate revenue, etc.

The International Plan of Action on Aging was adopted in 1982, and today is its tenth anniversary the Assembly held a special international conference on October 15 and 16, 1992. Later, the decision was reached to declare 1999 as the International Year of Older Persons on December 11, 1992, when the General Assembly enacted a proclamation on aging. To generate income, promote lifelong health, and foster a new kind of active aging, the Proclamation calls for international cooperation ^[2]. It calls for a national effort to encourage older people to be seen as assets to their societies rather than a burden; to involve the entire community in planning for later life; and encourage cooperation between the new and elderly generations to balance tradition with innovation in the development of the economy, society, and culture ^[2]. At its 54th session, the General Assembly voted to hold a second global assembly on aging. On April 8, 2002, the 20th anniversary of the Vienna World Assembly was held in Madrid, Spain, Its focus was on reviewing the results of the first World Assembly and adopting an updated action plan and long-term aging strategy. The International Day of 18 principles, which are grouped into 5 clusters and include homey independence, participation, health care, self-fulfillment, and dignity of the older person, was established by the General Assembly on October 1st. Health care and treatment are specifically covered under principles 11 and 14 of the 1991 Principles of the United Nations for senior citizens. At the second global assembly on aging, held in Madrid, Spain, in April 2002, the Madrid International Plan of Action on Aging was approved to address the opportunities and difficulties presented by the population aging in the twenty-first century and to encourage the growth of a society for all ages.

The crucial subject of an older person's rights is one of the plan's main themes. The promotion and defense of all fundamental freedoms and human rights. For the establishment of an age-inclusive society in which senior citizens engage completely, free from age-based prejudice, and with the respect, they merit, including the right to development. The advancement and defense of all fundamental rights and freedoms are necessary for the creation of a society that is inclusive of all ages^[3]. Agreements made by the International Organization for the Protection of Older Persons. National assistance for aging issues is urged by the general assembly. Additionally, national initiatives and policies play a significant role in development strategies. A significant share of the world's population is elderly. The following list contains the treaties and declarations made at the international level to recognize and defend senior citizens' rights. Both governmental and non-governmental organizations are essential to the delivery of healthcare services and the formation of self-help groups led by senior citizens. The elderly are portrayed as contributing members of society rather than as a burden, and they are given positive personalities.

1. Human Rights Declaration, 1948

The Universal Declaration was approved and declared on December 10, 1948, by the General Assembly of the United Nations. Thirty items make up the Declaration, and some of them are about the elderly^[4]

1. Senior Citizens and Social Security (Article 22)

Every person has a right to social security as a member of society, and they have a right to each state's organizational structure and financial resources to achieve the economic, social, and cultural rights essential to their dignity and the unconstrained development of their personalities^[5] If someone becomes disabled due to old age, illness, disability, etc., they have the entitlement to social security, especially the elderly. Social Security is the assistance that is secured by the citizens on their own: for example, tax money is utilized for public welfare which covers social security measures. This effort required national and international cooperation to provide benefits to the elderly segment of society

2. Welfare measures for Workers (Article 23)

Every employee has a right to safe working conditions, where they can enhance their work efficiency from joining the job till retirement. Further, the equal pay for equal work principle should be followed. Under Municipal Law, the same right is given under the head of socio-economic rights, which is non-justiciable. Yet some criteria are to be followed to implement this principle in letter and spirit.

3. A sufficient level of living and social security (Article 25)

Everyone has the right to an appropriate standard of living, which includes access to food, clothing, shelter, and medical care, for the health and well-being of themselves and their families the right to security and sufficient social aid in the event of unemployment, disease, disability, widowhood, old age, or other lack of livelihood brought on by events beyond his control.⁶ Every individual has the right to maintain their living standard, it includes basic rights i.e. housing, clothing, food, and medical attention. Social security refers

to the government's provision of financial aid to its citizens in the event of unanticipated events, such as a job loss, a medical condition, a disability, widowhood, or old age.

2. Global Covenant on Economic, Social, and Cultural Rights, 1966

According to the preamble of the covenant, the United Nations charter aims to advance respect for all people's human rights, including those of men, women, and children. States Parties bind themselves to ensure that no form of discrimination will be used when exercising rights. State Parties acknowledge that everyone has the right to employment and an equal opportunity to advancement, except for seniority and competence being the only factors taken into account. The State Parties recognize that everyone has a right to a minimal standard of living, which includes reasonable access to shelter, clothing, and food. Everyone has the fundamental right to a life free from hunger. the right of everyone to the highest level of physical and mental health.

1. Guarantee of Human Rights

It would be an obligation of the concerned government to promote the objectives of the covenant without any discrimination based on national or social origin, property, birth, language, religion, sex, race, color, or any other characteristic^[7].

2. Right to Work and Wages (Article 7)

The Principle of Right to work encompasses favorable conditions for work like minimum wages, equal pay for equal work without any discrimination based on gender, promotion criteria, a healthy environment in which workers can enhance their work efficiency, leisure time, and remuneration for the holiday.

3. Social Insurance and Social Security, respectively, (Article 9)

The states who are participants in the present pact agree that social security, including social insurance, is a constitutional entitlement for everyone. Every state which is a member of this covenant⁸ will ensure economic security to an individual by providing job opportunities to young and economic support to older persons in the form of a pension scheme. Every individual who is on job can get an insurance policy under the Government scheme because the insurance Policy requires periodical payment of installments, which is only possible in the case of job holders.

4. Fulfillment of Basic Needs

Member countries will ensure to provide basic needs to their citizens and fulfillment of the obligation of healthy living conditions for its inhabitants.

3. Elderly Rights Under the 1966 World Convention for Civil and Political Rights

This agreement was respected.⁹ to achieve all human rights for all individuals, including women, men, and children. Every state party promises to uphold and respect each person's rights equally and without the restriction of any kind. The use of torture and other inhumane, cruel, or degrading practices is forbidden. No one shall, in particular, be the subject of medical experimentation without his or her free consent. Humanity and respect for each person's

intrinsic worth must be shown to everyone who has had their freedom violated. No one's privacy loved ones, or residence shall be invaded arbitrarily or unlawfully.

4. International Action Plan on Aging, Vienna, 1982

The first assembly on aging is called for by the UN. The United Nations raised awareness of aging issues in the middle of the 1970s by recognizing them as a major issue affecting a rising share of the global population. The UN made a decision "to begin an international action program aiming at providing possibilities for older people to contribute to national growth, as well as economic and social stability" In its resolution 33/52 on December 14, 1978, the United Nations General Assembly voted to hold the first global assembly on aging in 1982. The World Assembly served as a platform for those who want to see older people's interests mainstreamed in society. The prologue to the plan says that policies are being developed on a global, regional, and national scale to improve the lives of the elderly as individuals and to spend their advancing years in peace, health, and security in both mind and body, and research the effects of aging on development. The elderly should be allowed to live full, happy lives in their own families and communities, and should be respected as valuable members of society.¹⁰

The Purpose of the Assembly IS

Therefore, the action plan should be viewed as an essential part of the main international, regional, and national strategies and programs developed in response to pressing global issues and requirements. Its main objectives are to increase countries' aging of their populations, as well as the particular demands and concerns of their participation in the creation of a new global economic order, and to support an adequate global response to aging-related difficulties. The primary goals of assembling are:

- To improve awareness on a national and worldwide level of the implications of the aging of the population on the economy, society, and culture.
- To advance knowledge of the humanitarian and development concerns associated with aging on a national and worldwide level.
- To put forth and encourage the creation of action-oriented policies and programs that guarantee the social and economic security of the aged and provide them the chance to participate in and profit from the development.
- To establish policy choices and options that are in line with national values and aims as well as widely accepted worldwide standards for the needs of the elderly and population aging.
- To promote the international exchange of knowledge and expertise in this field, as well as to encourage the development of pertinent research, education, and training in response to the aging of the world's population.

Since the goal of the assembly on aging is good health, safety, and well-being of the elderly, older consumers should be protected. The Vienna Plan has recommendations, broken down into six components.

5. The United Nations Principles for Older People, Adopted in 1991

The effects of the aging population and changes in society and the economy have been the subject of extensive research and debate during the past two decades. The declaration on aging, the United Nations General Principles for Older Persons were adopted by the UN General Assembly in 1991. In addition, the UN General Assembly set a global target on aging for the year 2001 in 1992. Other resolutions that are occasionally enacted aim to encourage governments to incorporate this into the formulation of their policies and programs.

Elderly Independence Principle

Six rights are covered under the first principle, and they are as follows:

- Older adults should have access to sufficient amounts of food, shelter, clothing, water, and medical care with the support of their income, families, communities, and self-help.
- Older people ought to have access to employment possibilities or other sources of income.
- Older people ought to be permitted to have a say in the timing and location of their departure from the labor force.
- Access to relevant education and training programs should be available to older people.
- Elderly people should be able to live in situations that are secure and flexible enough to accommodate their evolving needs and preferences.
- As long as feasible, elderly people should be permitted to live at home.

6. Olders' Rights at the 1995 Copenhagen Un World Conference On Social Development

The commission has been the main UN body in charge of overseeing and implementing the Copenhagen Declaration and Programme of action since the international summit for social development was held there in 1995. In 1996, the commission's membership increased from 32 to 46 as a result of the summit, which led to the commission's mandate being renewed. It holds a single annual meeting in February for around two weeks at the UN headquarters in New York.

The Goal of the Summit

Our head of state and government will take steps to increase older people's chances of leading better lives. Create and put into action plans to guarantee that everyone has appropriate economic and social security during widowhood, infirmity, and aging. The goal of this summit is to advance the status of women of all ages^[11] such that they can influence the formulation, application, and assessment of governmental rules. Additionally, the government's agenda should include the development of aging-related issues and the implementation of national and international efforts on behalf of the aged. This summit guarantees that older people may access social services and social security to meet their basic human needs, that those in need are helped, that older people are safeguarded from abuse and violence, and that they are considered a resource rather than a burden. stepping up efforts to prevent retirees from becoming impoverished.

- Poverty Eradication.
- Policies for Strengthening the Copenhagen Programme.
- Social security to Elderly.

- Initiatives to Protect Older Persons.
- Social cohesion on valuing diversity.
- Protection of crimes against the elderly

7. Rights of Elderly in the Habitat Agenda, 1996

The Habitat Agenda made notice of the need for older people to have a place to live as well as essential services and facilities for their health and education in light of the fast-expanding trend of elder abandonment by younger family members. To fully participate in their communities and society and to make decisions that affect their well-being, including their housing needs, older people have a right to live happy and productive lives. It is important to acknowledge and honor their numerous contributions to human settlements' political, social, and economic systems. To enable people to continue leading fulfilling lives in their communities, special attention should be paid to accommodating their changing housing and transportation needs. We pledge to provide older people with prompt housing, basic programming, and resources for their health and education.

The Object of the Agenda

The Habitat Agenda highlights the general advancement of human rights, including quality of life, voluntary work, and the use of all available resources to obtain social, economic, and environmental rights. That which transforms it into reality is a vision ^[12] The objectives of the Habitat Agenda are fully in line with the objectives and tenets of the pertinent United Nations charter and international law.

1. National development program.
2. Access to other facilities.
3. Legal Protection against discrimination.
4. Policies to meet housing needs.
5. Temporary shelter and basic services.

8. International Action Plan on Aging, Madrid, 2002

The Department of Economic and Social Affairs, which is in charge of the Aging program and the first International Action Plan agreed by United Nations member states in Vienna in 1982, planned the 2002 Second World Aging Assembly, which was held in Madrid, Spain. The purpose of the second assembly was to evaluate the progress assembly that took place in Vienna in 1982. The Madrid Plan of Action seeks to guarantee that everyone can live in safety and dignity and continue to take part in their society as full citizens. The Madrid Plan of Action provides the foundation for bringing the subject of population aging into the global development debate and the execution of state policies intended to address the problem of creating societies for all ages.

The Purpose of the Plan

The strategy is meant to be a useful tool for policymakers as they concentrate on the main issues related to population and individual aging. Priorities included establishing enabling and supportive environments, increasing health and well-being in old life, and older people and development.¹³ The plan's main themes included the following:

1. the complete fulfillment of all elderly people's human rights and fundamental freedoms.
2. achieving secure aging and eliminating old age poverty
3. enabling older people to engage completely and successfully in economic, political, and social life.

4. the provision of chances for personal growth, fulfillment, and well-being during one's life.
5. making certain that economic, social, and cultural rights are adequately exercised.
6. the dedication to gender equality among senior citizens, among other things.
7. providing older people with health care, assistance, and social safety.
8. viii. Elderly indigenous people's condition, their unique situation, and the need to find ways to give them a voice in decisions that directly affect them are all recognized.
9. fostering collaboration between all governmental branches, civic society, the commercial sector, and senior citizens themselves to put the international plan of action into practice.

Solution to the Problem of Elder Mistreatment

It is important to emphasize on the outside that there are several potential problems involved in developing an appropriate legal response to elder mistreatment. Three, in particular, should be noted.

1. As elder mistreatment continues to receive professional and media attention, policymakers and legislators come under increasing pressure to do something and to be seen to be doing something in response to the problem.
2. A second problem is the tendency of the legislator to take legal models from other areas and apply them in the context of elder mistreatment.
3. Third, no matter how suitable a legal approach may seem in theory, it is nearly guaranteed to fail in practice without adequate money, appropriate support services, and community activities.

Conclusion

It is evident from the discussion above that the International Platform offers a variety of conferences and declarations that address the aging issue. Since the adoption of the Universal Declaration of Human Rights in 1948 and through the year 2002, every Plan focuses on the Global Ageing Strategy. The 54-year trip was intended to uphold senior citizens' rights. In these years many things came into existence as well as legal and informal social security for the aged, which are also human rights. The older concept was to replace the older person with the youngster. But the innovative latest idea is to alter the nature of work for the elderly without replacing them and make them independent and income-generating members of the family till health is allowing the elderly. Lastly providing education, training, and awareness to the elderly about the concept of aging, symptoms, causes, consequences, and pre-aging therapies by which aging can be postponed and work efficiency can be enhanced.

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