



Human Rights & Older Persons

PANEL REPORT

LIFE LONG HUMAN RIGHTS: GENERATION AND AGEING PERSPECTIVE

*organized by the NGO Committee on Ageing in Geneva
during the Commission on Human Rights at the United Nations*

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The NGO Committee on Ageing



Invites you to a Panel Discussion
during the Commission on Human Rights at the United Nations

LIFE LONG HUMAN RIGHTS: GENERATION AND AGEING PERSPECTIVE

Date:	Wednesday, 23 April 2003
Time:	13.15 – 15.00
Place:	Palais des Nations, Room XXII

Chair: *Danielle Bridel*, Zonta International, President NGO Committee on Ageing

Panelists: *Alfred Fernandez*, Président, Université d'été des Droits de l'homme et du droit à l'éducation, Université de Genève

Mariangels Fortuny, Focal point on Ageing, International Labour Office, Geneva

Alphonse McDonald, Senior Population Specialist, United Nations Economic Commission for Europe

Astrid Stuckelberger, Society for Psychological Study of Social Issues and International Association of Gerontology

Introduction by the Chair

Danielle Bridel

President of the NGO Committee on Ageing, Zonta International

Unfortunately the International Bill of Human Rights doesn't include any specific provision concerning the older persons and in fact the Human Rights of older persons aren't recognized in most countries.

The NGOs and among them the Committee on Ageing Geneva (which is simultaneously part of the Conference of NGOs in consultative relationship with the United Nations and of GINA, the Geneva international network on ageing)hoped that the Second World Assembly on Ageing, Madrid 2002 would remedy this lack. They organized panels on the theme at the World NGO Forum (Madrid, 5-9 April 2002) and the Final Declaration of this Forum states in particular : " The Human Rights of the elderly are not recognized in many parts of the world. That is why this Forum, as a priority issue, calls for the full and strict application of the Declaration of Human Rights, recalling that it must be enforced for all citizens, regardless of age. The full inclusion of older people in the social and economic life of their respective societies, the putting to use of their capacity and experience and the defense of their rights against any form of discrimination constitute an essential aspiration of the Forum on Ageing. The governmental document however didn't mention the question.

We thought therefore that the session of the Commission on Human Rights was a good opportunity to again raise awareness on this important theme. We are than grateful to the representatives of the UNECE, the ILO, the Université d'été des Droits de l'Homme and to our colleague Astrid Stückelberger to have contributed in such an excellent manner on the 23 April 2003 to our efforts.

Danielle Bridel¹

¹ Danielle Bridel died a year later, in April 2004, leaving a great legacy which the NGO Committee on Aging is very grateful of.

PANELIST SPEECHES

MARIANGELS FORTUNY

FOCAL POINT ON AGEING, INTERNATIONAL LABOUR OFFICE, GENEVA

The focus of my presentation will be first of all, on the importance of access to education and training throughout the life cycle that is, lifelong learning. Secondly, I would like to place life long learning in a human rights context by focussing on two access barriers that specially older people face in accessing education and training: namely negative stereotypes and age discrimination.

Strengthening the position of older people in the labour market - Importance of lifelong learning -

Lifelong learning is a long-term preventive strategy, far broader than just providing second chance education for those adults that did not receive appropriate education and training earlier in life. For those adults, many of whom are older women with insufficient initial education and training, lifelong learning is about delivering job-relevant learning and building the foundation for further learning.

Implicit in the concept of lifelong learning is the rejection of a society structured on the basis of age in which education and training are one-off undertakings experienced early in life.

According to the conclusions of a recent ILO meeting on lifelong learning, lifelong learning is characterized by a **learning chain** whose components are interrelated and mutually supporting. Components include access to universal, free, and compulsory primary education and, where possible, secondary education; gender equality in access to education and training opportunities; equal access to educational opportunities for minorities and other disadvantaged populations; as well as accessible continuing education and training for adults.

Younger workers have on average more years of schooling and have more access to training programmes than their older counterparts. Research undertaken in 11 developed countries shows that young adults in the 25-34 age group are almost twice as likely to undergo training as older people aged 55-64. This suggests that serious attention needs to be paid to accessibility issues if adult training is to be a more equitable component to the lifelong learning chain.

It is important to note that education and training is key for providing improved employment opportunities, and it is also conducive to better and safer workers conditions. Therefore, it is of crucial importance for extending the working lives of individuals.

However, training does not serve much purpose if the jobs are not there. Let me share with you a key message that the ILO launched at the Second World Assembly on Ageing which took place a year ago in Madrid. The message was that *full employment in decent conditions of employment is a viable and productive way of meeting the challenge of ageing.*

Attitudes and stereotypes

Attitudes and stereotypes towards older people are the main obstacle to opening up education and training opportunities and are therefore a barrier to making lifelong learning a reality. Some of these stereotypes may be that older workers are less productive as physical capacities and learning abilities decline with age. Also, the investment in older workers may not be considered worthwhile because older workers have a shorter period of service remaining in the job. These doubts could be dispelled by research results that show that older workers are able to learn new skills as well as younger workers, although different training methods should be used. Furthermore, it is far from certain that young workers will be available in sufficient numbers to meet all demands in the future. Studies have also shown that young people have higher job turnover rates than older workers and therefore an investment in older people is often a better deal because they have a greater sense of loyalty and are unlikely to change jobs late in their career. Also, skills shortages are already being observed in certain areas.

Negative stereotypes often label the discussion about older workers and information technology. The stereotypes are often related to older workers being unable or unwilling to adjust to new technologies. Almost unanimously, companies interviewed for an ILO survey in CEECs claimed that, despite the important role of new technologies in the workplace, older workers present difficulties in using new technologies. Older women tend to experience additional problems in the labour market facing double discrimination in the form of sexist and ageist stereotypes. For older women, socio-cultural factors play a significant role in determining when a woman worker is considered "old".

It is crucially important to encourage an enabling and supportive environment for, and a more open-minded view of older people. All layers of society have important roles to play in this respect, with a primary obligation on the part of Governments to respect, protect and fulfil the rights of its older citizens through appropriate legislation, policies and programmes. Initiatives such as codes of practice, educational programmes and information campaigns are key instruments.

Legislation to prohibit age discrimination

Legislation to prohibit age discrimination is crucial to building equality of opportunity and treatment. Virtually all industrialized countries have enacted legislation prohibiting discrimination in employment or occupation on the basis of race, religion, sex and various other grounds. Very few have laws banning age discrimination. Within the OECD countries, the United States has the best-established legislation. Age discrimination laws have been adopted at the federal level and by most states. The principal federal legislation is the *Age Discrimination Employment Act* of 1967. ADEA seems to have been effective at eliminating the most blatant forms of discrimination, particularly in hiring and has also made mandatory retirement age generally unlawful. Other countries that have age discrimination laws (some adopted quite recently) are Australia, Canada, Finland, Ireland and New Zealand. A few more countries have laws offering some protection to older workers particularly against dismissal but this tends to be very limited.

An important development in late 2000 was the promulgation by the European Union of a major Directive on Discrimination, which includes age among several other grounds not previously covered by EU texts. The Directive requires all the Member States to introduce legislation prohibiting direct and indirect discrimination at work based on age and other grounds over the next five years. An important issue as always, however, will be how this legislation will be enforced.

Also, there are a number of complex and sensitive issues, which need to be addressed and resolved. For example, the Directive recognizes that differences of treatment on grounds of age can sometimes be justified. The challenge for implementation is to identify which types of differences of treatment are acceptable and which are not. It might be sometimes necessary to make special provisions for younger or older workers in order to protect their safety and welfare. Another issue is whether small enterprises should be exempted. The United States Age Discrimination in Employment Act does not apply to private employers with fewer than 20 employees. Another controversy will be over mandatory retirement. In many industrialized countries, requiring employees to retire at a fixed age is a well-entrenched practice and is not considered discriminatory. Issues such as these need to be thoroughly examined and discussed in the employment labour relations and cultural context of each country. However, this is not a reason for delaying the adoption of laws prohibiting age discrimination in employment.

Another essential key to progress in this field lies in the hands of employers and their own initiatives are crucial. A good example is the EFA that provide employers with info and services aimed at promoting age diversity and overcoming stereotypes and discrimination. The EFA encourages companies abandon prejudices about what makes a “younger” or “older” worker. An *all-inclusive* workforce brings into the company a wider range of skills and contributes to avoid skills vacuums caused by experienced employees leaving the business. It can help companies adapt to new markets, and keep them aligned with evolving legislation and social trends.

However, it is not only employers who should change attitudes towards older workers. Changes should also come from colleagues, older workers themselves and the society as a whole so that the enormous potential of older workers may be fulfilled. In this sense, the media has a key role to play in combating stereotypes. During the last years the media has been portraying the desirability of a youth culture, which has contributed to negative perceptions of older people. This eagerness of reaching young people is based on past evidence that younger people are the biggest consumers. However, the increasing importance of “grey” consumers is nowadays more and more recognized. A recently undertaken research study noted that “a key target market for many firms should be mature people aged 50-64, most of whom are still in work, have relatively high disposable incomes, are frequently demanding but loyal customers, and who spend more on many items such as holidays than do younger people”

Finally I would like recall the **ILO Older Workers Recommendation, nr. 162 (1980)**. The recommendation refers to older workers as those workers who are liable to encounter difficulties in employment and occupation because of advancement in age. The fact that the recommendation does not quote a specific age to describe an “older worker” is an indication that barriers can be found throughout the life cycle depending on the economic sector, the specific occupation or the national law, regulations and practice. The Recommendation calls on all member States to adopt a national policy to promote equality of opportunity and treatment for workers of all ages and take measures to prevent discrimination against older workers, particularly with regard to access to vocational guidance and placement services; access to employment of their choice that takes into account their personal skills, experience and qualifications; access to vocational training facilities, in particular further training and retraining; and employment security. Equality of opportunity and treatment is based on the principle of non discrimination which is a fundamental human right and a milestone of the ILO's decent work agenda.

ALFRED FERNANDEZ

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La communauté internationale a pris conscience ces dernières années de l'importance d'une approche catégorielle des droits de la personne humaine. La prise en compte des droits des personnes âgées, qui ont été examinés pour la première fois de manière spécifique à la 11^{ème} Assemblée Mondiale sur le vieillissement (2002), appartient à cette nouvelle vision des droits de l'homme.

En ce qui concerne les droits économiques, sociaux et culturels, le Comité, sur l'initiative de l'experte espagnole Jiménez Butragueño, a adopté il y a déjà quelques années (1995) une observation générale qui représente la meilleure base juridique pour protéger au niveau international les droits des aînés. En fait, la Déclaration politique de la 11^{ème} Assemblée s'inspire des principes développés par le Comité qui, à son tour a pris comme point de départ, les Principes sur les personnes âgées adoptés par l'Assemblée générale en 1991.

D'après l'Observation générale, ces principes permettent de regrouper de manière cohérente l'ensemble des droits des personnes âgées. Il convient d'assurer aux personnes âgées en premier lieu une **indépendance** qui inclut l'accès à l'alimentation, à la santé et à l'éducation ainsi que le droit de **participer** dans la mise en œuvre des politiques les concernant. Les personnes âgées ont droit aux **soins**, ce qui comprend non seulement les soins de santé mais encore un environnement familial et affectif, et au **plein accomplissement** de leurs potentialités culturelles, spirituelles et de loisirs entre autres. Enfin, les personnes âgées doivent être traitées avec **dignité**, c'est à dire avec une considération appropriée à leur situation de faiblesse, âge ou condition sociale.

D'un point de vue théorique la protection des droits des personnes âgées se situe dans une conception des droits de la personne qui fait place à un traitement différentiel des droits, que l'on ne doit pas confondre avec une quelconque discrimination. L'attention des groupes défavorisés demande un traitement inégal fondé dans l'action affirmative récemment étudiée par la Sous-commission de promotion et protection des droits de l'homme (2002). En effet une approche non différenciée semble limiter la protection des droits à un prototype que nous pourrions définir comme « homme blanc occidental dans la plénitude de l'âge ». En réalité les droits de la personne doivent prendre en compte l'universalité, dans tous les sens du terme et la « situation » des différents groupes par rapport aux droits.

En ce qui concerne les personnes âgées, ce qui est en jeu c'est la conception même de la société. Deux modèles s'affrontent ici : un modèle que l'on pourrait appeler « économiciste » et un modèle « humaniste ». Pour le premier modèle l'homme vaut ce qu'il produit et lorsqu'il cesse de le faire perd son intérêt. La société est un contrat – le contrat social ?- ou l'on échange des biens marchands. C'est une société du donnant-donnant.

Pour le deuxième, le modèle humaniste, l'homme vaut pour sa dignité fondée, en dernier ressort, sur sa condition d'être libre et responsable qui s'accomplit dans une histoire qui prend fin seulement avec sa vie ici-bas. C'est une société de solidarité qui fait appel à des valeurs non marchandes. Pour elle, l'« être » est plus important que l'« avoir ». Il semble évident que la communauté internationale depuis 1945 a choisi le deuxième modèle notamment la mise en place du système international de protection des droits de l'homme. Mais cela ne se fait pas sans peine tant le poids du matériel est grand. Le moment présent cependant nous semble un tournant dans l'histoire contemporaine, propice à s'interroger sur les valeurs fondamentales de nos sociétés. P. Viveret a récemment appelé à un retour aux « fondamentaux anthropologiques » : le sens de la vie et la solidarité /amitié. Le changement de paradigme que permet d'entrevoir la société de l'information pourrait contribuer à centrer le développement dans la « personne humaine » comme le demande la Déclaration sur le droit au développement » (1986).

ALPHONSE McDONALD

SENIOR POPULATION SPECIALIST, UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

The issue of Human Rights and elderly people is of great concern, but strangely enough in spite of all the rhetoric concerning this subject, even in the UN, when it comes to firm declarations and implementation of policies concerning the rights of older people, we have few concrete references and also strange gaps not only in pronouncements but in concrete policies.

Why should this be so? There are a number of reasons, one being that elderly people are no longer important because the modern economy is geared towards younger people and their spending power which can keep the economy running. But, elderly people DO have quite considerable purchasing power, especially in societies such as we have in Europe, which are based on the principle of the welfare state and where communities accept a certain responsibility for the welfare of all people. So this economic argument is not too strong. However it doesn't explain why no political group in which all issues are represented, pays no attention to the issue of elderly people.

Then of course there is also the legalistic argument, whereby an instrument of human rights is a general instrument that applies to all citizens and therefore there is no need to single out specific groups. In the ideal state that of course would be the case, and if that were true we would not need all these conventions in addition to the universal declaration of human rights because that would give us all the instruments that we need. If the universal declaration of human rights were properly implemented then we wouldn't need all these conventions. So that is not the answer to the question. It is difficult to pinpoint why policy makers don't pay heed to the plight of elderly persons. Why is this so? On the one hand if everything goes well, we all get there. In the modern industrial world we all mostly get beyond the age of seventy. It is very strange because one would say out of pure self-interest you would have to have policies in place that take care of your own interests. On the other hand, we all have parents and one would expect that just out of deference to one's parents one would try to make sure that they would have a decent quality of life. It is rather strange therefore that we should have this lack of political pronouncement on human rights concerning elderly people and worse still, a lack of implementation of those instruments in existence.

There is of course, a great fear about the concept of human rights as this implies that society HAS to do something about it. Strangely enough, we have no qualms at all to talk about the general objective persons, and we have no problem in singling out what are, or were being called, vulnerable groups, meaning children and mothers. Of course that was something that had to do with survival of society. When it comes to talking about those who have already contributed to the well being of society, then suddenly there is no need to talk about this. But I think that older persons have the right to expect that society will take care of their basic needs. Basic needs of course are a matter of definition as they differ in time and space. Expectation of needs today are entirely different to what they were 50 years ago and needs in Africa will not be the same as those in Europe or Latin America. There are no single criteria. But the problem of making the individual, institutional arrangements so that older persons can have a decent quality of life and are not being discriminated against, which is quite a normal law, are the issues that should be taken care of.

Strangely enough, many countries in Europe do have national legislation that protects the interests of older persons. It is not that they are not doing something *nationally*, but rather that they do not want to do something *internationally*. Sweden has a wonderful national programme of human rights and one of the groups is the elderly. Scotland, England and Belgium all have bills of rights of older persons and many other countries have specific programmes on the rights of the elderly. But they talk about the rights and do not want to bring it to the level of the human rights, which is very strange. In Europe when we had the follow-up of Berlin all sorts of efforts were made on all sides by all sorts of people and NGOs pushed very hard to obtain references on Human Rights in Madrid and Berlin. It was really hard

work and was slipped in. It was not applauded and decided that it should be presented as a major issue. So where do we go from here?

One problem is the consistency between national practices and regional and international practices. I think that one of the reasons why people are afraid to bring the Human Rights of the elderly to the international level is that they are afraid that this will be a claim for more support to poorer persons. We all know how good countries are at keeping promises when it comes to technical cooperation! For 30 years we have been talking about 0.7% and there are only 5 countries that have attained this level. There are always more important issues to talk about when it comes to technical cooperation, so this is one of the problems we have. There is still a lack of international solidarity to provide support for those who need it the most.

In Europe you have the worthy institution of the Council of Europe that also has a convention of Human Rights, but older persons are not mentioned in it. To include them would constitute a good challenge. That is an instrument that you in Europe should be able to handle. Given that there are all these small separate instruments nationally, it should be possible that the Council of Europe extends their own convention to include what others have done.

Regarding the social policies in the European Union, it must be remembered that the EU was conceived originally as an economic union and not as a social one. The member states are reluctant to go into the social sector and they do it because it helps the economics. They do not do it because it is a goal in itself. There, I think, we will have a very powerful block as we shall soon have 10 new members. They will be the most powerful group of countries in continental Europe; 25 close countries looking inwardly who have the possibility of making new policies in the social sector, which as such is not a priority, but it will be, only as a function of economic well-being. So if we want to influence the EU in the social sector, we have to do it through the benefits it creates for the economic system and, if we are lucky, it may be done as a matter of right and a matter of solidarity.

ASTRID STUCKELBERGER

SOCIETY FOR PSYCHOLOGICAL STUDY OF SOCIAL ISSUES
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To tackle the issue of human rights and ageing, one can proceed with a two way analysis of United Nations documents: 1) by looking at the place of human rights in documents on ageing, 2) by looking at the place of ageing in human rights documents.

1) IS HUMAN RIGHTS ADDRESSED IN UN DOCUMENTS ON AGEING?

- The **UN principles of Older Persons adopted by the General Assembly in 1991** starts with a firm commitment to the Universal Declaration of Human Rights and keeps throughout the text the dimension of ensuring the capacity and ability of older persons to live in society. Let's just quote:

The General Assembly:

Appreciating the contribution that older persons make to their societies,

Recognizing that, in the Charter of the United Nations, the peoples of the United Nations declare, inter alia, their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Noting the elaboration of those rights in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other declarations to ensure the application of universal standards to particular groups,

- From the **1st UN Assembly on Ageing in Vienna in 1982**, the Vienna Plan of Action does not include explicitly the human rights' perspective.
- During the **UN International Year of Older Persons in 1999**, a document was produced with the Department of information at the United Nations in Geneva compiling existing texts².
- From the **2nd UN Assembly on Ageing in Madrid in 2002**:

1. the Madrid political declaration contains two sections mentioning human rights:

*Article 5 : We reaffirm the commitment to spare no effort to promote democracy, strengthen the rule of law and promote gender equality, as well as to **promote and protect human rights and fundamental freedoms, including the right to development**. We commit ourselves to eliminating all forms of discrimination, including age discrimination. We also recognize that persons, as they age, should enjoy a life of fulfillment, health, security and active participation in the economic, social, cultural and political life of their societies. We are determined to enhance the recognition of the dignity of older persons and to eliminate all forms of neglect, abuse and violence.*

*Article 14 : We recognize the need to achieve progressively **the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**.*

2. the 2nd International Plan of Action on Ageing of Madrid contains sections mentioning human rights in diverse fields and dimensions. The following paragraphs could be mentioned:

Paragraph: 1, 10, 12a+e, 13, 15, 21a+h, 28h+l+j, 32f, 71, 72, 91, 108, 115, 116

² The brochure "Human Rights and Older Persons" (1999) can be obtained upon request (e-mail: astrid.stuckelberger@sgg-ssg.ch)

2) IS AGEING ADDRESSED IN UN HUMAN RIGHTS DOCUMENTS?

When looking closely at the **Universal Declaration of Human Rights** with the perspective of finding ingredients for older persons rights, we can only witness the lack of direct reference to old age although when one analyses closer, it is possible to indirectly infer ageing issues. Some examples.

- Article 2: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”* Age is not mentioned although it is a dimension such as sex, race, colour. It could be explained by the fact that when the Declaration was adopted and proclaimed by General Assembly on the 10 December 1948, ageing was certainly not an issue or a visible concern; another explanation is that the persons who have written this declaration could not think of old age, either for not having lived it yet or because it is difficult to see the ‘mirror effect’ when you might yourself be at that age.
- Article 16: *“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.”* If one thinks of the formidable extension of life, and of the capacity of man to be able to reproduce during his whole life, one can wonder if this right will allow men to be fathers beyond 100 years old. The *right to marry at full age* is also interesting: what is ‘full age’? does it include older persons? this term needs to be defined.
- Article 21: *“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”* This right is ahead of time. In Switzerland if you are beyond 70 years old, you can no longer to take part in the government and politics. This issue will certainly be questioned in the future.
- Article 23 is about employment, the right of employment to the whole of society which refers to Mariangels and is a burning issue in most European countries as we witness an increasing number of pre-retirees unemployed or forced pre-retirement.
- Article 25 is worth mentioning as it is the only article that explicitly says "old age": *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, **old age** or other lack of livelihood in circumstances beyond his control.”*

Now if one looks at other documents produced and adopted by the United Nations, one of the only and most important documents referring to older person is the **General Comment No. 6, adopted by the Committee on Economic, Social and Cultural Rights in 1995** (General Comment No. 6, contained in document E/1996/22, Annex IV). This General Comment was adopted by the Committee on Economic, Social and Cultural Rights, which is responsible for monitoring compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, ratified by 141 States.

This document is a stepping-stone thanks to the initiative and work of the Spanish member of the commission, Jiménez Butragueño. As Alfred Fernandez mentioned, it is the best legislative basis to protect the rights of older persons at the international level. The 1991 UN principles for older persons adopted by the General Assembly served as a basis for the elaboration of this comment.

Now, in the ‘NGO world’ it is true that there are more and more documents produced addressing human rights to specific local or national situations. For example, Helpage International produced a document in 2001 called *“Equal Treatment, Equal Rights and Actions to Engage in Age Discrimination”*. Other NGOs such as the International Federation of Older Persons are working on age discrimination. Also to mention that the **World NGO Forum on Ageing**, being held prior to the 2nd UN Assembly on Ageing in Madrid, produced a **final declaration and recommendations entitled: “Development and**

Rights of Older Persons”, which reflects the priority area that civil society would like to mainstream in the future (see reference at the end of this brochure).

There are also, as Alphonse mentioned, many countries that have put in place commissions on Human Rights and are improving the legislation in order to guarantee better protection and security to older persons.

Despite the incredible efforts made for the 2nd Assembly on Ageing in Madrid, we must admit, one year after, that not much has changed within the UN system: human rights and older persons issues are still not addressed, not one item at the Human Rights Commission of this year mentions explicitly ageing or older persons.... But what is more worrying is that it is missing in the framework of the UN agenda in general – just to mention, while ageing will be one of the most important challenge of the XXIst century, the Millennium Development Goal, the new roadmap for the century, does not make any reference to older persons!!! It is quite ironical that the ‘genitors’ of today’s society have become in a way the ‘forgotten parents’ of humanity!

3) WHY IS THE ISSUE OF AGEING OR GENERATIONS NOT ADDRESSED IN THE UN?

There is no doubt that the issue of human rights and older persons needs to be addressed in more depths and with a life long and generation effect perspective. But before, let me underline some of my reflections when trying to understand why ageing/generation issues and older persons do not get more attention, although it is of paramount demographic and socio-economic importance; and this is not only within the High Commissioner of Human Rights but in the majority of UN specialized agencies. While many may not know the subject, there are other more fundamental psychological explanations:

- *The psychological denial and the death taboo*: maybe many of us live in the illusion of our immortality, which allows to avoid any subject to do with ageing. Most people do not want to think about their own old age, because after all old age is unconsciously associated to death, and death is not such a ‘sexy subject’. It’s certainly an obstacle...for many, the confort zone is to think that the professional life stops with retirement, so does the agenda they are addressing...old age is far away for people here at the commission of human rights – another way of putting it is that old age does not exist yet because they have themselves not lived it... So this could be the first point: a psychological blockage. I would also like to add the ‘narcissist component’ that I heard: “it does not look good to talk about old age”! further exacerbated by those who are approaching old age. They do not want to be perceived as weak or vulnerable, because old age still has this label of vulnerability. So considering those factors, of course, a collective denial of old age could be expected to include it in the agenda.
- *The economic reference value of a human being* : it is a fact in the world of development, I have heard it : “Older persons?...they are not interesting! there is no cash return!”. The implicit calculation is that the importance of a human being lies in the number of potential years he has to live - the criteria and reference of prioritizing an issue. So the notion of right being measured by economic standards does somewhat prevail here and this is really a handicap. This explains why children are such a focus of attention: “the children are the future!”, yes of course this is true in the long run, but for the moment their future is all of us! They will inherit what we and the elders will leave in their hands!! So assuming that youth is a priority because they will live longer, so the investment is more worthy... should be redimensioned in the light of the 4 to 5 generations living together today. The danger of focusing on only one or two generations is that we might be pouring water in an bucket full of holes... I think the future of humanity lies in the cohesion of society and especially in what the older people are leaving as a legacy to the future generations, There are good scientific grounds to say that older generations behavior is transmitted from one generation to the next: for example it is known in health studies that alcoholism, smoking habits, sexual abuse or violence, but also poverty perpetuates from generation to generation in the same family lineage. This concept has not yet been brought to the attention of the development perspective and is still not addressed.

- *The hidden role and contribution of older persons to society*: another question not addressed enough is how important and useful older persons are in society. More research has to be done to prove that older generations and grand-parents are key to the sound development of younger generations. Some researches in the US report that if some grandparents are absent from the family there is a higher levels of violence and disruptive behavior in children. Another important issue in the whole age debate lies in the economic contribution of older persons: for example, will the 13.2 million orphans become street children or will one find mechanisms to protect the right of grandparents custody to take care of them? Sustainable solutions lie within society and tradition: bringing the orphans to live with their grand-parents is not only a good economic solution, but especially a very important human development solution.

4) THE NEED FOR A METHODOLOGY IN ADDRESSING “LIFE LONG HUMAN RIGHTS”

Now just a few methodological problems I would like to rise as the subject of today is ‘life long human rights’, a very important dimension. The life cycle pattern and life course has changed over the last decades: First, we are now living up to 100 years old, 123 being the world record of French Jeanne Calment. Second, this means that 4 to 5 generations are living together in our society at the same time. Consequently, the definition of old is not just a one category of 65 years old and more; the good news is that today in gerontology, old age starts rather around 80+ years old! So, the mere definition of ‘older persons’ could bring a methodological problem in human rights documents

As mentioned, the life cycle is changing: living longer in most regions of the world, we are more ‘at risk’ during our lifetime to change jobs, to marry and divorce, to pass the poverty line during our lifetime, to migrate and live in different countries, and to learn our whole life. Those multiple life cycles were not the standard at the time when the Universal Declaration of Human Rights was written. The situation has changed and this is also a methodological problem.

Another very important methodological problem arises when we address the right to die in dignity as it calls for the respect of fundamental cultural, religious and societal values. How are we going to address those rights in a universal way without thinking of our universal values of life? For example, when you listen to debates on euthanasia, you have people who reject it strongly according to moral values, while others think it is their right to take their lives away when they are sick, suffering or feel they are a burden. If you address the debate on the right to active euthanasia, you address the debate on the right to live and its collective value. What are then the consequences of such regulations within the whole of society? Youth could well be saying next “I also have the right to do the same way as my grandparents...”. This is another moral and philosophical problem, which will need to be addressed.

Finally, one of the most important methodological problems should be mentioned, namely the “generation effect”. This deals with the rights and the situations linked to a specific generation with a specific collective history. Let us take for example the baby-boomers, the ‘hippy generation’ that is approaching retirement age soon. Well, there are already retirement pensions in Holland specialised in pre-retired drug addicts, specific to that generation – this pension provides drugs with the right for those pre-pensioners to take drugs for their health maintenance. Another example very ‘à la mode’, the technological revolution factor that Danielle mentioned. Well, consider the technological divide not so much as a North-South issue, but more as a ‘younger- older generation’ issue. The gap and speed at which technology is changing represents a real uncertainty for the cohesion of generations. Compared to the ICT generation (ICT - Information and Communication Technology) of today, the older generations can enter the category of a new vulnerable group: the “Digital Homeless”. In terms of human rights, you could wonder if we should not protect this divide by discussing if they have the right to live without technology? What about our future, will we not have also a generation-specific issue to which we would like our rights addressed. Many dimensions are generation specific, when you think about it. Methodologically, rights will require adaptation to those generation changes and have to be ideally, adaptable and dynamic.

In conclusion, what can we do to improve the gap between human rights and older persons? Although I have a few suggestions and solutions, I am not sure how they should be implemented.

First, if truly committed, we should take all key UN instruments and the Universal Declaration of Human Rights, and see how we could add or formulate them better with the old age and generation perspective. In other words, how can we mainstream the issue. This could be further used in statements and discussions.

The second, is that we are handicapped by the fact that ageing is just not there! Most of the documents and discussions in the UN system still do not mention this dimension. The struggle is the same as the one done for women and children before they were mentioned in all the UN documents.

A third point, about an issue I have at heart: the Millennium Development Goals. When we read the Millennium Declaration with an old age perspective in mind, one cannot avoid being astonished by the non existence of older persons, the ageing and the generation perspective throughout the document. In fact, it brings an fundamental question about the human dimension of the goals: are they "*human* millennium development goals" or mainly "quantitative and economic goals"? From a psychological point of view, if you address human development, it encompasses life from birth to death.

The fourth point is the power of NGOs to make a change: I believe more and more that the older persons NGOs can really make a change. In Madrid we saw fantastic, pro-active groups who have produced the book the World NGO Forum Declaration on Development and Rights of Older Persons. They have really been movers to put human rights at the forefront of the declaration. They are activists who have, as they say, "We have nothing to lose, we can speak out now". They are ready to try and move society in direction that will be profitable for future generations.

The last suggestion is very practical and relatively easy: why don't we ask that a special rapporteur on older persons and human rights be nominated by the Human Rights Commission? This would help bring forward cases that would not be mentioned otherwise and be profitable in the long run to older generations but furthermore to youth and all of us who will one day also become old age citizens.



Conference of Non-Governmental Organisations

<http://www.ngocongo.org/>

The Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CONGO) is an independent, international, not-for-profit membership association of nongovernmental organizations that facilitates the participation of NGOs in United Nations debates and decisions. CONGO is most active in the major UN centers of New York, Geneva, and Vienna, but extends its work to all regions of the world.

Since its founding in 1948, CONGO has worked to ensure that NGO voices are heard throughout the international arena. CONGO's role in mobilizing NGOs to form the first worldwide NGO forum on human rights in 1968, its role in conceiving forms of NGO participation in UN world conferences and its advocacy on behalf of NGOs at UN Headquarters highlight CONGO's major objectives: to ensure that NGOs are present when governments discuss issues of global concern at the United Nations and to facilitate NGO discussions on such issues.

CONGO does not take positions on substantive matters. However, the Conference does provide, through special and ad hoc **NGO Committees**, fora for discussion of substantive matters by its members and members of the UN Secretariat, UN delegations, and other experts.

CONGO NGO Committees bring together NGOs in Consultative Relationship with the United Nations, members of the Secretariat and members of delegations to discuss current themes and issues before the UN and the global community. Through these committees CONGO members and the larger NGO community work together to share information, to cooperate on substantive issues, and to bring NGO expertise into the mix of ideas being considered by governments and at the United Nations.

CONGO NGO Committees operate in Geneva, New York and Vienna.

Geneva NGO Committees and Sub-committees:

- Ageing
- Development
- Sub-Committee on the South
- Disarmament
- Human Rights
- Freedom of Religion and Belief
- Sub-Committee on Racism, Racial Discrimination and Decolonization
- Status of Women
- Panel on Health
- Spirituality, Values and Global Concerns
- Youth

The NGO Committee on Ageing at the United Nations in Geneva

Under CONGO, Geneva like New York and Vienna, has a Committee on Ageing. The NGO Committee on Ageing in Geneva is concerned with ageing and generational issues.

Its aim is to raise public awareness, to work with UN agencies and governments in order to include ageing issues in their policy planning.

The member organisations of the NGO Committee on Ageing in Geneva share their programmes and problems related to the multiple perspectives on ageing and intergenerational questions.

Chairperson : Danielle Bridel, Zonta International

Members :

- All India Women's Conference
- American Association of Retired Persons
- Associated Country Women of the World
- Association of WHO Former Staff Members
- Brahma Kumaris World Spiritual University
- Federation of Associations of Former International Civil Servants
- Inner Wheel
- International Alliance of Women
- International Association of Gerontology
- International Association of Universities of Third Age
- International Council of Jewish Women
- International Council of Women
- International Federation of Settlements
- International Federation of Social Workers
- International Federation of University Women
- Pan Pacific and South East Asia Women's Association international
- Rotary International
- Society for Psychological Study of Social Issues
- Soroptimist International
- World Federation for Mental Health
- World Federation of Methodist and Uniting Church Women
- World Union of Catholic Women's Organizations
- Zonta International

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UN and NGO Key Websites & Events on Ageing

UNITED NATIONS PROGRAMME ON AGEING

<http://www.un.org/esa/socdev/ageing/>

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE (UNECE)

<http://www.unece.org> ou <http://www.mica2002.de/>

EUROPEAN FORUM ON POPULATION AGEING

<http://www.shef.ac.uk/ageingresearch/>

2002 UN & NGO Events on Ageing

THE VALENCIA FORUM, VALENCIA, SPAIN (1-4 APRIL 2002)

Scientific Meeting of experts for the WAA2

<http://www.valenciaforum.com/>

NGO FORUM ON AGEING - NGO SITE FOR THE WAA2 (5 – 10 APRIL 2002)

<http://www.globalaging.org/waa2/index.htm> or <http://www.forumageing.org>

THE UN SECOND WORLD ASSEMBLY ON AGING, MADRID (8-12 APRIL 2002)

<http://www.un.org/esa/socdev/ageing/waa/>

UNECE EUROPEAN MINISTERIAL CONFERENCE, BERLIN (11 - 13, SEPTEMBER 2002)

<http://www.unece.org/ead/pau/age/conf2002frame.htm>

Chronology

of Internationally endorsed policies in relation to older persons

1982

1st World Assembly on Ageing, Vienna
Vienna International Plan of Action on Ageing, 62 recommendations

1991

United Nations Principles for Older Persons

1992

General Assembly adopts eight global targets on ageing for the year 2001

1992

General Assembly: Proclamation on Ageing

1999

United Nations International Year of Older Persons

2002

2nd World Assembly on Ageing, Madrid
Political Declaration, 19 articles
International Plan of Action on Ageing, 132 recommendations

World NGO Forum on Ageing, Madrid
Final Declaration and Recommendations: "Development and Rights of Older Persons"

Valencia Forum
"Research Agenda on Ageing for the 21st Century"
Joint project of the United Nations Office on Ageing and the International Association of Gerontology

1st UNECE Ministerial Conference on Ageing
Ministerial Declaration
Regional Implementation Strategy for the Madrid International Plan of Action on Ageing 2002