

1st
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Human Rights of Older Persons

KHAW Lake Tee

Human Rights Commission of
Malaysia (SUHAKAM)

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- World's population is ageing – estimated that almost 700 million people are now over 60
- Malaysia – 1990 Census
 - 6.1 % of population - 60 years and above
 - 2000 – 6.3%
 - 2020 – 9.5 %
- Challenges
 - health care, social services and community care.
 - Rapid urbanisation and industrialisation;
 - Changes to the family structure: working parents/single parents;
 - Nucleus family
 - increase in the number of ageing women

- Challenges and issues seen through various perspectives:
 - Medical
 - Welfare
 - Economics
 - Social
 - Even technology!
- HUMAN RIGHTS?

Work of SUHAKAM on Older Persons

- Importance of ageing with dignity and rights of older persons from human rights perspective
- A dialogue on senior citizens in December 2004
- Public Forum on “Ageing with Dignity: Rights of Older Persons” – March 2005
- Roundtable Discussions on Rights of Older Persons in Malaysia – December 2009

Issues and Concerns

- National Policy for the Elderly 1995 followed by the Action Plan 1999 – drawn up to ensure integration and participation of older persons in the development process –its implementation and impact yet to be evaluated.
- Definition – who is an older person? Retirement age?
- Pension scheme – not really adequate for those in low income group, with school-going children or in higher education. Review?

- Continued participation and integration in society – reality – issues of lack of skills for re-employment and also under-utilisation
- Health care, medical facilities – long queues, insufficient trained health care personnel for older persons
- Public Transport, amenities and facilities – not older person friendly- slippery floor, steps are high and no proper grip when climbing into buses

- Insurance policy, bank loan rights of older person
- Lack of respect for the elderly etc
- Dignity, security and free from abuse
- Education and self-fulfilment

Recommendations

- National Policy for the Elderly and Plan of Action – to be strengthened and implemented at all levels and sectors of society. A monitoring system to be put in place
- Retirement age to be raised to 60
- Ministry of Women, Family and Community Development – to keep a Register of Volunteers of older persons who are able and willing to serve society
- A department for the welfare and affairs of older persons
- Appointment of a senator to represent older persons

- Free medical treatment for common diseases affecting older persons – diabetes, high blood pressure, heart disease
- Private hospitals consider providing health care that is affordable to lower-income older persons. Pharmaceutical companies to subsidise drugs for the elderly
- Tax deductions for carers of older persons
- Programs on community care for older persons

- Corporate sector to play role- banks higher rate of interest; discounts by pharmacies, optical shops, supermarkets
- Heavier penalties on those found guilty of abusing or assaulting older persons – to provide a safe and secure living environment
- A study on the feasibility of social pension schemes with considerations for the establishment and extension of social protection mechanisms
- Inclusion of a chapter on issues relating to older persons in development (9th and 10th Malaysian Plans)

Intersection with Human Rights

International Developments

- Vienna International Plan of Action of Ageing adopted by the World Assembly on Ageing 1982 (endorsed by the UN Assembly)
 - Affirmed that fundamental and inalienable rights in the UDHR apply “fully and undiminishedly to the ageing”
 - But not a rights instrument as such

1991 UN Principles for Older Persons

- UN Principles for Older Persons on 16 December 1991 (adopted by General Assembly Resolution 46/91)
- 5 principles
 - independence,
 - participation,
 - care,
 - self-fulfilment, and
 - dignity.

- The Madrid International Plan of Action on Ageing (1982)
 - Building a society for all ages, including the ageing.
- It refers to
 - the ‘full realisation of all human rights and fundamental freedoms of older persons (Art 12(a),
 - ‘ensuring the full enjoyment of economic, social and cultural rights” (12c),
 - elimination of all forms of violence and discrimination against older persons (12e); and
 - elimination of gender-based discrimination (12f)

International Human Rights Treaties

- No dedicated international treaty on the protection of aged
- No specific reference to older persons but implicit reference to the aged

International Human Rights Treaties/Instruments

- Universal Declaration of Human Rights Articles 2, 22, 25
- International Covenant on Economic, Social and Cultural Rights Articles 2,7,9, 11 &12
- International Covenant on Civil and Political Rights Articles 2,7,10, 17
- CEDAW Art 11 (employment) 12 (healthcare), 14 (rural women)
- CPRD – rights of older persons with disabilities – Art 25 (health), Art 28 (social protection programmes)

- But application of existing norms to older persons – yes – treaty monitoring mechanisms and special rapporteurs.

Approach?

- Civil and Political Rights – Protection of Rights of Older Persons Approach
- Non-discrimination and Disadvantaged or Vulnerable Group Approach?
- Preferential Treatment of a Disadvantaged Group Approach?

Human Rights Challenges

2011 report to the UN SG (A/66/173)– examined the human rights challenges to older persons

- Discrimination
- Poverty
- Violence and abuse
- Lack of specific measures and services

Relevant Human Rights

- Human rights are universal. Civil, political, economic, social and cultural rights belong to all human being, including older persons.
- Human Rights of Older Persons include the following indivisible, interdependent and inter-related human beings pertaining to:
 - Adequate standard of living, including adequate food, shelter and clothing
 - Adequate social security, assistance and protection

- Freedom from discrimination based on age and any other status, and relate to all aspects of life, including employment and access to housing, health care and social services.
- Highest possible standard of health care for the aged
- Treatment with dignity
- Protection from neglect and all types of physical or mental abuse
- Full and active participation in all aspects of the political, economic, social and cultural life of society

- Full and effective participation in decision-making concerning the well-being of the aged.
- Universal design and accessibility
- The right to life
- Freedom from torture, cruel, inhumane and degrading treatment or punishment
- Freedom from arbitrary detention
- Right of Privacy

The Universal Declaration is a Promise to All People in All Places at All Times

HE Ban Ki Moon

29 Jan 2012