

Human Rights of Old Persons

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Abstract

One of the biggest demographic shifts of the twenty-first century is the aging population, which has profound implications for human rights. Although older people have the same universal rights as everyone else, they frequently face particular difficulties and systemic barriers that undermine their autonomy, dignity, and well-being. This paper examines older people's human rights, looking at the social, legal, and economic factors that affect their capacity to lead fulfilling lives. It makes the case for a rights-based approach to aging, one that places a higher priority on the dignity and empowerment of older people while addressing the structural injustices that make them more vulnerable.

The first part of the conversation starts with a summary of important international frameworks, such as the Madrid International Plan of Action on Ageing (2002), the United Nations Principles for Older Persons (1991), and the Universal Declaration of Human Rights (UDHR). The importance of nondiscrimination, inclusion, and respect for the rights of senior citizens are emphasized in these papers. There are still a lot of holes in their regional and national implementation, nevertheless. Institutional and cultural ageism still permeates social programs, healthcare, and employment, marginalizing older people and denying them the chance to make significant contributions to society.

Access to healthcare, social security, abuse protection, and the right to participate are among the major issues this study examines. Elderly people usually face insufficient healthcare services, which are sometimes combined with age-related prejudice that prevents them from receiving necessary treatments. Many times, social security systems fall short of providing sufficient financial assistance, leaving elderly people at risk of poverty. Furthermore, elder abuse is still a widespread problem that frequently takes place in both private and institutional settings. It can take many forms, from financial exploitation to physical and mental assault. Despite these obstacles, elderly people are further excluded from societal involvement by being excluded from decision-making processes.

The study looks at examples that show both beneficial legislative changes and rights abuses against senior citizens. Age-friendly programs that enhance community involvement, healthcare access, and urban planning, for instance, have been adopted in some nations, demonstrating the potential for improvement when older people's rights are given priority.

The recommendations highlight the necessity of more robust legal safeguards, the implementation of all-encompassing national policies that conform to international standards, and extensive awareness-raising initiatives to counteract ageism. A more inclusive society is ensured by intergenerational programs, which are proven to be an effective means of promoting understanding and solidarity between younger and older generations. For governments and international organizations to successfully serve the varied demands of older populations, they must also make investments in data gathering and research.

This study emphasizes the significance of elevating the rights of older people to the forefront of the global

human rights conversation. Given the aging of the world's population, defending the rights of senior citizens is not only morally required, but also practically essential. A multi-stakeholder, coordinated approach is necessary to guarantee that everyone can age in security, autonomy, and dignity. Through tackling these problems, communities can create more just structures that honor and protect the rights of senior citizens, demonstrating a shared dedication to equality and justice for all.

Keywords: Older Persons' Rights, Ageism, Elder Abuse, Human Rights of Elderly, Social Security for Older Persons, Geriatric Care

Introduction

One of the hallmarks of the twenty-first century is the aging of the people worldwide. Life expectancy has dramatically grown due to advancements in healthcare, technology, and social development, which has resulted in a sharp increase in the global population of older people. Over 2 billion people worldwide are predicted to be 60 years of age or older by 2050, with the majority living in developing nations. Opportunities and difficulties are presented by this demographic shift, especially with regard to protecting and advancing the human rights of the elderly. Despite their significant contributions to society, older people frequently experience systemic discrimination, neglect, and special vulnerabilities that jeopardize their well-being and dignity.

The global Declaration of Human Rights (UDHR) and other global declarations and treaties guarantee older people the same fundamental human rights as everyone else. However, in order to address age-related risks, their unique requirements and circumstances call for customized responses. Economic stability, safety from abuse, healthcare access, and participation in decision-making are important issues. Older people, regrettably, often face ageism, which takes the form of institutional policies, societal attitudes, and legal frameworks that minimize and diminish their contributions.

Global economic inequality and cultural diversity add to the importance of these issues. While older people in low- and middle-income nations frequently struggle with poverty, a lack of social safety nets, and insufficient healthcare systems, those in high-income countries may experience social isolation and restricted access to geriatric care. The hazards older people experience are further increased by the intersectionality of gender, racism, disability, and socioeconomic position. For instance, lifetime gender differences in income and caregiving obligations increase the likelihood that older women may endure poverty and neglect.

Significant but insufficient international efforts have been made to address the rights of older people. Dignity, independence, and involvement are emphasized in documents like the Madrid International Plan of Action on Ageing (2002) and the United Nations Principles for Older Persons (1991). Significant gaps in protection and enforcement have been left, nevertheless, by the lack of a legally binding international convention tailored to older people. Many nations lack adequate legal and policy frameworks that give their aging populations' needs and rights top priority.

This essay examines the various facets of older people's human rights, emphasizing the main obstacles, legislative and policy frameworks, and workable remedies. It emphasizes how urgent it is to embrace an aging strategy based on rights that places a premium on equity, autonomy, and dignity. Through an analysis of international case studies, the study highlights the structural problems that sustain inequality as well as the best approaches that can spur change.

In addition to being morally required, protecting the rights of senior citizens is essential for sustainable

growth as societies continue to age. Because they are essential to families, communities, and economies, older people's rights must be respected in order to build inclusive societies. This study promotes a worldwide commitment to defending the rights of senior citizens, acknowledging that meeting their needs now will influence the welfare of generations to come.

Conceptual Framework

Understanding the human rights of older people is based on a conceptual framework, which offers an organized perspective for examining the problems, ideas, and solutions. Like all people, older people have intrinsic dignity and equal rights, but in order to fully realize these rights, particular strategies are needed to address their unique vulnerabilities. This framework incorporates important ideas about human rights, the special characteristics of aging, and the function of legislative and policy tools.

1. Human Rights Principles and Older Persons

Since human rights are inalienable, universal, and indivisible, everyone, regardless of age, has the right to live in equality, autonomy, and dignity. These ideas serve as the foundation for comprehending the rights of senior citizens and are expressed in texts like the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR). But older people frequently face structural obstacles that keep them from fully exercising these rights. Ageism-based societal attitudes marginalize older people by viewing them as onerous or dependent. This discrimination undermines the values of equality and nondiscrimination by limiting their access to opportunities and necessary services. Furthermore, their experiences are made more difficult by the intersectionality of variables like gender, racism, disability, and socioeconomic class.

2. Key Dimensions of Human Rights for Older Persons

Civil, political, economic, social, and cultural rights are all part of older people's human rights. Several dimensions that represent the particular difficulties encountered by this group can be used to classify these rights:

2.1. Right to Dignity and Autonomy

Elderly people are entitled to a dignified life and the freedom to make their own decisions about their personal relationships, living circumstances, and health treatment. In order to guarantee that elderly people are respected and not viewed as helpless objects of care, this right is essential.

2.2. Right to Health

Access to healthcare is a critical right for older persons, yet age-related discrimination often limits their ability to receive adequate care. The right to health includes not only physical and mental healthcare but also preventive measures and long-term care services that address the complexities of aging.

2.3. Right to Social Security and Adequate Living Standards

To live independently, older people need to be financially secure. Social safety nets and pensions, which are frequently insufficient or unavailable, are relied upon by many. Access to resources, shelter, and a healthy diet are all part of the right to a sufficient standard of living.

2.4. Freedom from Abuse and Exploitation

Elderly people are susceptible to financial, emotional, physical, and neglect abuse, among other types of abuse. To guarantee their safety, strong legislative frameworks and enforcement strategies that tackle abuse in institutional, familial, and social settings are necessary.

2.5. Right to Participation

Senior citizens are entitled to take part in social, cultural, and political activities. Their active participation in society must be encouraged by inclusive policies that guarantee their opinions are heard in decisions that impact their lives.

3. Legal and Policy Frameworks

3.1. International Frameworks

The UN Principles for Older Persons (1991), which place an emphasis on independence, participation, care, self-fulfillment, and dignity, are one example of a non-binding document that represents the rights of older people. According to the Madrid International Plan of Action on Ageing (2002), development objectives should incorporate aging.

The absence of a legally enforceable worldwide agreement for older people has led to fragmented protection in spite of these attempts. Promoting a specific norm is still essential to filling in these gaps.

3.2. National and Regional Frameworks

Policies at the regional and national levels differ greatly. While some nations have tackled aging-related concerns with progressive laws and initiatives, others have challenges due to societal attitudes and a lack of resources. Aligning national policies with international norms is necessary to guarantee uniformity and efficacy in the protection of senior citizens.

4. The Role of Intersectionality

Seniors' lives are influenced by overlapping elements like gender, racism, class, and disability, as acknowledged by intersectionality. For instance, because of caring duties and lifetime salary disparities, older women are more likely to experience economic instability. Developing inclusive policies that safeguard all older people requires addressing these interlocking disparities.

5. Toward a Rights-Based Approach

A rights-based approach to aging places a high value on equity, autonomy, and dignity. It calls for incorporating the rights of senior citizens into local and international government at all levels. In order to ensure that older people are empowered to assert their rights, advocacy, awareness-raising, and capacity-building are crucial elements of this strategy.

By placing older people's rights within this conceptual framework, this study draws attention to the need for systemic reform in order to alleviate the injustices and vulnerabilities that aging populations experience. Encouraging cultures where aging is valued and promoted requires acknowledging older people as active participants with rights rather than passive recipients.

Key Human Rights Issues Faced by Older Persons

A major global demographic transition, the aging population draws attention to the particular human rights issues that older people experience. Elderly people frequently face institutional discrimination and hurdles that compromise their well-being, autonomy, and dignity, even though they have the same rights as everyone else. Social, economic, and institutional issues that disregard the unique requirements of aging populations are the root cause of these difficulties. This section examines the important human rights concerns that older people face, highlighting their urgency and interdependence.

1. Right to Health

Despite being a fundamental human right, elderly people frequently encounter major barriers while trying to get healthcare services. Age-related discrimination in healthcare systems can result in a shortage of specialized medical practitioners, inadequate geriatric care, and treatment delays or denials. Many older people often lack access to or cannot afford long-term care, rehabilitation, and preventive healthcare, especially in low-income environments.

Despite being prevalent in older populations, chronic illnesses, impairments, and mental health conditions like dementia and depression are frequently disregarded. Furthermore, acute care is given priority in many nations' healthcare systems above the comprehensive, continuous care that senior citizens need. In addition to violating their right to health, these deficiencies make them more vulnerable.

2. Right to Social Security and Adequate Living Standards

To live freely and with dignity, elderly people need to be financially secure. Nonetheless, a lack of social safety nets, limited work options, and insufficient or nonexistent pensions cause financial instability for many elderly people. Because they frequently earn lesser income during their working careers and are less likely to get adequate pension benefits, older women are more susceptible.

For older people, access to housing, food, and utilities is often hampered, as is their entitlement to a sufficient standard of living. In developing nations with insufficient official social security systems, older people may depend on family support, which is becoming more and more taxing due to urbanization and shifting family dynamics.

3. Freedom from Discrimination

Ageism is a widespread kind of discrimination that impacts older people in all spheres of life. Because of societal perceptions that portray them as weak, reliant, or unable, older people are frequently excluded from social events, work opportunities, and decision-making processes.

Intersectionality exacerbates this discrimination; older women, members of ethnic minorities, and people with disabilities, for instance, experience numerous layers of prejudice that further marginalize them. In the workplace, older people are frequently refused opportunities to continue contributing or coerced into early retirement, which violates their right to labor and economic participation.

4. Protection from Abuse and Neglect

Elder abuse is a pervasive and often unreported human rights violation. In addition to financial exploitation and neglect, it encompasses sexual, emotional, and physical abuse. Institutional care institutions, communities, and families are just a few of the places where this kind of abuse can happen. Another serious problem is neglect, which shows up as a failure to offer proper care, assistance, or basic necessities. Those who are dependent on caretakers or older adults with disabilities should be especially concerned about this. This transgression is made worse by the absence of institutional and legal safeguards against elder abuse.

5. Right to Participation

Elderly people are frequently left out of decision-making processes that impact their lives, despite their right to full participation in social, cultural, and political life. They are marginalized and made even more invisible in society as a result of this exclusion.

Even though their demographic importance is growing, older people are still underrepresented in political processes and decisions in many countries. Older people may be discouraged from speaking up due to cultural and societal standards, which limits their ability to have an impact on decisions like housing, healthcare, and community planning.

6. Right to Education and Lifelong Learning

Despite the fact that education is a lifetime right, older people frequently do not have access to educational opportunities. By boosting their abilities, enriching their quality of life, and facilitating their active engagement in society, lifelong learning may empower older adults. However, they frequently face barriers to education and training programs due to age-based preconceptions and insufficient policies.

Interconnected Challenges

These interrelated human rights concerns put older people at risk in a vicious circle. For instance, poor health outcomes are frequently caused by economic insecurity, which raises the likelihood of abuse and reliance. In order to address these problems, a comprehensive strategy that incorporates the values of equality, autonomy, and dignity into laws and procedures is needed.

Through acknowledging and resolving the distinct obstacles encountered by senior citizens, communities can protect their rights and establish welcoming spaces where people of all ages can prosper. In addition to being a question of justice, this demonstrates society's dedication to ensuring the welfare of all of its constituents.

Legal and Policy Frameworks

International, regional, and national frameworks all work together to protect the rights of older people. The implementation of these rights is nevertheless hampered by loopholes in the law and enforcement procedures, notwithstanding the notable advancements that have been made. In order to protect the dignity, independence, and general well-being of older people, this section looks at the current legal and policy frameworks and pinpoints areas that need to be improved.

1. International Frameworks

Several human rights documents on a worldwide scale implicitly recognize the rights of older people. All age groups, including the elderly, are entitled to dignity, equality, and a sufficient standard of living, as stated in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

When the United Nations Principles for Older Persons (1991) were adopted, a specific focus on older people evolved. These principles promote independence, participation, care, self-fulfillment, and dignity. Furthermore, the Madrid International Plan of Action on Ageing (2002) promotes the rights of older people in light of societal changes and calls for incorporating aging into development plans.

Despite these initiatives, older people's legal protection is limited because there isn't a legally binding international agreement that addresses their rights specifically. In order to create comprehensive and legally binding criteria that are suited to the particular difficulties older populations experience, support for such a convention is still growing.

2. Regional Frameworks

Older people's rights have also been addressed by regional organizations. The first legally binding agreement pertaining to older people was the Inter-American Convention on Protecting the Human Rights of Older Persons (2015), which was ratified by the Organization of American States (OAS). It highlights the rights to independence, health, and safety from discrimination and violence.

Though they don't have the specificity and enforceability of a specialized convention, frameworks like the European Social Charter and the African Union Policy Framework and Plan of Action on Ageing include provisions for older people.

3. National Frameworks

There are significant differences in country policies pertaining to the elderly. Certain nations, like Sweden and Japan, have put in place strong social safety nets and age-friendly laws. Allocating funds for comprehensive programs is difficult for others, especially in low- and middle-income nations. Despite being crucial, laws prohibiting elder abuse, discrimination, and neglect are frequently not implemented because of cultural norms and a lack of understanding. Moreover, the interconnectedness of aging with gender, social status, and disability is often overlooked by legal systems.

Challenges in Realizing Older Persons' Rights

The implementation of older people's human rights is hampered by major obstacles, even though these rights are acknowledged internationally. These issues come from systemic neglect and discrimination against older populations, which are sustained by social, economic, cultural, and institutional reasons. It is essential to comprehend these obstacles in order to create methods that effectively safeguard and advance the rights of senior citizens.

1. Ageism and Social Stereotypes

Ageism continues to be one of the most widespread issues, influencing institutional procedures and society attitudes. Elderly people are frequently marginalized in decision-making, employment, and community involvement because of stereotypes that portray them as weak, dependent, or unable. The rights of older people to dignity and participation are violated by these biases, which also lower their self-esteem and limit their ability to make significant contributions to society.

2. Inadequate Legal and Policy Frameworks

Their legal protection is lacking since there isn't a legally binding international treaty that addresses the rights of elderly people. Even though existing frameworks like as the Madrid International Plan of Action on Ageing and the Universal Declaration of Human Rights (UDHR) emphasize their rights, enforcement mechanisms are either ineffective or inconsistent. In many low- and middle-income nations, the resources necessary to execute such policies are scarce, and national policies frequently lack comprehensiveness.

3. Economic Insecurity

Older adults face severe economic issues, especially those who do not have access to social security or pensions. Caregiving obligations and lifetime wage differences disproportionately affect older women. Many elderly people are at risk of poverty and their right to a sufficient standard of living is jeopardized by the lack of sufficient social safety nets.

4. Limited Access to Healthcare

For older people, access to reasonably priced, age-appropriate healthcare is a major challenge. Many healthcare systems underserve the elderly by prioritizing acute care over long-term and preventive care. Their access to essential therapies is further restricted by age-based discrimination in the healthcare industry, particularly for mental health and chronic illness.

5. Elder Abuse and Neglect

Elder abuse is a common but underreported problem that includes financial, emotional, physical, and sexual abuse. Intentional or inadvertent neglect denies elderly people access to essential care and assistance. This issue is made worse by the absence of strong institutional and legal safeguards against elder abuse.

6. Exclusion from Decision-Making

Decisions that impact their lives, like those pertaining to housing, healthcare, and community development

frequently leave older people out. Because of this marginalization, their voices are silenced and the idea that they are passive care users rather than active rights holders is maintained.

Case Studies

1. Elder Abuse in Domestic Settings

60% of older people in India experienced abuse, according to a 2021 survey by HelpAge India, with family members frequently acting as the abusers. Financial exploitation, verbal abuse, and emotional neglect were common types of abuse. Enforcement is uneven even after the Maintenance and Welfare of Parents and Senior Citizens Act (2007) was passed, requiring adult children to help their elderly parents both materially and financially. Many elderly people are not aware of their rights, and cultural taboos make it difficult for them to report abuse, leaving them at risk. This emphasizes the necessity of improved public awareness campaigns, enforcement measures, and easily available legal advice.

2. Pension and Social Security Challenges

In order to give older people financial security, India's National Social Assistance Programme (NSAP) offers programs such as the Indira Gandhi National Old Age Pension Scheme. However, there are practical issues with the program, including inadequate coverage, delayed payments, and a lack of funding. Many elderly people, particularly those living in rural regions, are left in financial instability because they do not have the necessary paperwork to get these payments.

3. Age-Friendly Initiatives

The Vayomithram Project in Kerala offers senior adults who live in cities treatment and support. The program, which offers palliative care, mobile clinics, and free medical consultations, demonstrates a regional approach to meeting the needs of senior citizens.

These incidents highlight India's efforts and difficulties in protecting senior citizens' rights.

Recommendations

1. Strengthening Legal Protections

India should strengthen the implementation of current legislation, such as the Maintenance and Welfare of Parents and Senior Citizens Act (2007), to combat elder abuse and neglect. Establishing specialized elder care units in police stations, raising public awareness, and making sure senior citizens have easy access to legal assistance are all ways to do this.

2. Expanding Social Security Programs

The Indira Gandhi National Old Age Pension Scheme and other social security programs for the elderly in India require improvement and growth. Elderly people's financial stability can be greatly increased, particularly in rural areas, by raising pension amounts, streamlining eligibility requirements, and guaranteeing on-time payments.

3. Healthcare Access and Age-Friendly Services

To address age-related health challenges, India should make investments in geriatric care services, including specialized training for healthcare professionals. Elderly people would receive the healthcare they require if mobile health clinics were expanded and palliative care was made more accessible in remote regions.

4. Promoting Public Awareness and Combating Ageism

Public awareness campaigns about elder abuse, age-friendly services, and older people's rights should be started. In addition to reducing ageism and fostering intergenerational solidarity, educational activities in

schools can advance inclusive society norms.

5. Fostering Inclusive Communities

The quality of life and social integration of older people can be enhanced by supporting local governments in creating age-friendly cities with accessible infrastructure, community facilities, and chances for social interaction.

Conclusion

Establishing inclusive, respectable society requires respecting the human rights of the elderly. Significant issues still exist even if these rights are recognized by international frameworks, such as ageism, insufficient legal protections, economic instability, restricted access to healthcare, and elder abuse. While measures like social security programs and eldercare programs in India show potential, implementation and knowledge gaps nevertheless jeopardize the wellbeing of senior citizens. It is essential to improve elderly people's access to healthcare, increase social security programs, and fortify legal protections in order to solve these problems. Fostering inclusivity and lowering age-related discrimination also requires public awareness campaigns and the development of age-friendly communities. Through the adoption of a rights-based approach and a commitment to comprehensive policy reform, communities may guarantee that older individuals have access to the entire range of their human rights, enabling them to actively engage in economic, cultural, and social life.

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