

ELDERLY RIGHTS

With the demographic transformation process in the world in recent years, meeting the needs of the elderly such as care and health, participation in society, security, lifelong learning has become an area that should be evaluated in the context of human rights. Thus, the rights of the elderly began to be discussed as one of the main issues of the United Nations (UN) agenda. **At this point; “The Open Ended Working Group on Aging” was established by the UN General Assembly with Resolution 65/182 of 21 December 2010.**¹

According to the United Nations data, there are 727 million people aged 65 and over in the world in 2020. In particular, the majority of older individuals are women, as they live longer on average than men. It is estimated that in the next three decades, the number of older people worldwide will double, and exceed 1.5 billion by 2050. It is predicted that there will be an increase in the size of the elderly population between 2020 and 2050 in all regions. In the world, the rate of population aged 65 and over is expected to increase from 9.3% in 2020 to 16.0% in 2050.²

The UN General Assembly has declared 2021-2030 as the Decade of Healthy Aging, and the World Health Organization (WHO) leads the efforts to promote and develop healthy aging globally.³

In studies conducted on when aging begins, individuals aged 65 and over are considered elderly according to WHO, while individuals aged 60 and over are considered elderly according to the UN.⁴

In the UN General Assembly's Resolution 33/52, dated 14.12.1978, it was accepted for the first time that it was necessary to draw attention to the problems that arise with the increase in the elderly population in the world, and it was decided to organize in consultation with the member states. For this purpose, the first World Assembly on Aging was held in Vienna in 1982 with the participation of member states and expert organizations in the relevant field to draw attention to the issue of aging worldwide.⁵

The Vienna International Action Plan on Aging, the first international instrument on aging, providing a basis for formulating policies and programs on aging, was prepared in order to enable governments and non-governmental organizations to deal effectively with the aging of the population and to strengthen their capacity to meet the growth potential and dependency needs of the elderly and was approved by the UN General Assembly in 1982 (*Resolution 37/51*).⁶

1. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/523/46/PDF/N1052346.pdf?OpenElement>

2. https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa_pd-2020_world_population_ageing_highlights.pdf p.3

3. <https://www.who.int/news-room/fact-sheets/detail/ageing-andhealth#:~:text=At%20this%20time%20the%20share,2050%20to%20reach%20426%20million.>

4. <https://www.sbb.gov.tr/wp-content/uploads/2020/04/YaslanmaOzelIhtisasKomisyonuRaporu.pdf> p.4

5. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/360/70/IMG/NR036070.pdf?OpenElement>

6. <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/425/29/IMG/NR042529.pdf?OpenElement>

The first action plan, includes sixty-two action proposals addressing sectoral areas such as health and nutrition, protection of elderly consumers, housing and environment, family, social welfare, income security, and employment and education based on the rights of the elderly, in addition to research, data collection, analysis, education, and training and promotes regional and international cooperation. In order to monitor these determined actions, **1 October has been declared as World Elderly Day.**⁷

In 1991, the General Assembly of the UN Human Rights Council determined the principles of quality of life standards that will guide and encourage the development of government programs that will protect the rights of older people by ensuring their independence, participation, care, self-actualization and dignity.⁸

In 2002, “**Madrid International Plan of Action on Aging**” was adopted. In this action plan, the opportunities and challenges caused by demographic aging in the 21st century were addressed, and it was decided to enable the society to develop in terms of all age groups.⁹

The theme for UN International Day of Older Persons 2021 has been determined as “**Digital Equality for All Ages**”. This theme reveals the need for older people to access and participate in the digital world.¹⁰



7. <https://www.un.org/esa/socdev/ageing/documents/Resources/VIPEE-English.pdf>

8. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons>

9. <https://www.un.org/esa/socdev/documents/ageing/MIPAA/political-declaration-en.pdf>

10. https://unece.org/sites/default/files/2021-07/PB26-ECE-WG.1-38_0.pdf

UN International Day of Older Persons 2021 addresses an adequate understanding of the types and effects of age-based discrimination, the need for policy and international document on the rights of the elderly, and concerns about a **“human rights-based approach to the elderly and all ages”**.¹¹

The Open-Ended Working Group on Ageing (2010), aiming to develop concrete ways to strengthen the rights of the elderly, has been discussing the necessity and applicability of a legally binding international document for the past few years.

The following documents published by the UN are reference documents that can be used in the field of elderly rights:

- ▶ Universal Declaration of Human Rights (1948),
- ▶ International Covenant on Economic, Social and Cultural Rights (1966),
- ▶ Declaration of Social Development and Development (1969),
- ▶ First World Assembly on Aging, held in Vienna (1982),
- ▶ UN Principles for the Improvement of Quality of Life for the Elderly (1991),
- ▶ Copenhagen Declaration on Social Development (1995),
- ▶ WHO Action Plan for the Elderly (1999),
- ▶ UN Millennium Declaration (2000),
- ▶ Second World Assembly on Aging, held in Madrid (2002),
- ▶ UN 2030 Sustainable Development Goals

Important regulations regarding the rights of the elderly in Europe are as follows:

- ▶ 1997 Treaty of Amsterdam,
- ▶ EU Framework Directive 2000/78/EC,
- ▶ 2008 European Commission Draft Directive Against Discrimination,
- ▶ Treaty of Lisbon 2009,
- ▶ 2014 European Commission Recommendation on the Promotion of the Human Rights of the Elderly,
- ▶ European Accessibility Law

The European Social Charter (1965) includes minimal protection against discrimination. “The right of the elderly to social protection” was added to the Additional Protocol dated 1988. Article 4 added to the relevant Protocol is as follows: The right of the elderly to social protection; “With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures designed in particular.”¹²

According to the General Comment No. 6 (1995) of the UN Committee on Economic, Social and Cultural Rights titled “Economic, Social and Cultural Rights of Elderly Persons”; when regulations on international non-discrimination were adopted, the problem of demographic aging was not as evident as it is today. Therefore, it is seen that discrimination on the basis of age was included in the regulations regarding the prohibition of discrimination in a limited way in the previous periods.¹³

Published in 2021, a comprehensive report of the Australian Human Rights Commission entitled “What's Age Got to Do with It?” reveals that ageism affects people across the adult lifespan, making it the most pervasive form of prejudice, yet it remains the least researched and the most socially acceptable.¹⁴

According to the 2021 World Health Organization's "Global Report on Age Discrimination", age discrimination occurs when people are categorized by age in a way that causes disadvantages and injustice and affects intergenerational solidarity. Report also recommends conducting international studies to address the lack of knowledge about attitudes towards age discrimination towards young adults and middle-aged people, what these attitudes are and how they affect people.¹⁵

12. <https://rm.coe.int/168007a84e> Art. 4

13. https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_6429_E.pdf

14. <https://humanrights.gov.au/our-work/age-discrimination/publications/whats-age-got-to-do-it-2021>

15. <https://apps.who.int/iris/rest/bitstreams/1336324/retrieve>

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- <https://www.un.org/en/observances/older-persons-day>
- <https://rm.coe.int/168007a84e> Art 4.
- https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_6429_E.pdf
- <https://humanrights.gov.au/our-work/age-discrimination/publications/whats-age-got-do-it-2021>
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