31/03/2022

To,

Dr. Claudia Mahler,

Independent Expert,

United Nations

Subject: Submission to the call for contribution on Older Persons Deprived of Liberty\_2022 HRC Report)

Respected Madam,

Human rights violation is the greatest threat to humanity itself. All classes of citizens are subjected to exploitation in one way or the other. Generally, a person of the weak and vulnerable class is subjected to various forms of torture, humiliation, and exploitation. Elders, being one of such categories are vulnerable to such abuses. [World Health Organisations](https://www.who.int/news-room/fact-sheets/detail/elder-abuse) has noted that the global population of people aged 60 years and older will more than double, from 900 million in 2015 to about 2 billion in 2050. 1 in 6 people 60 years and older experienced some form of abuse in community settings during the past year. It has been stated that Rates of elder abuse are high in institutions such as nursing homes and long-term care facilities.

It is seen that during the period of Covid-19, the violation against the elderly increased surprisingly. One of the major causes was financial limitations during lockdown and shutdowns.

Thus, we as human rights advocates and members of the civil society, have a few recommendations to offer as measures to ensure accountability and provide an effective remedy against systemic discrimination based on ageism experienced by elders globally within law enforcement and the criminal justice system.

Yours sincerely,

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1. **Examples of Ageism discrimination prevalent in the society due to old aged customs, societal patterns, economic constraints, or due to covid-19 pandemic-**

Ageism discrimination is prevalent worldwide, it is not only in one part of the world rather equally exists globally. These are a few instances that we came across during our research-

A report by [Amnesty International](https://www.amnesty.org/en/latest/news/2020/12/italyviolations-of-the-h-uman-rights-of-older-residents-of-care-homes-during-covid-19-pandemic/) revealed that the Right to life of elderly people was mostly violated in Italy during the pandemic. Many of the complaints received by Amnesty International was that elderly people were refused the hospital's authority for treatment during a pandemic. Even the conditions of care homes for the aged persons were also not good.

In Italy, the [Italian Society of Anaesthesia, Analgesia, Resuscitation and Intensive Care (SIAARTI)](https://link.springer.com/article/10.1007/s40656-021-00441-3) suggested the need for considering an age limit to be admitted to ICU. Ageism discrimination against elder persons has been used as **triage** in Italy.

Another instance of gross violation of the human rights of the elderly is being practiced largely in the village of Tamil Nadu, India in the name of Thalaikoothal.

The inhuman and illegal practice of Thalaikoothal – a form of geronticide or involuntary euthanasia where the elderly are forced to undergo the procedure against their will – continues to be practiced in the State, a study conducted in Madurai, Virudhunagar, and Theni districts reveal, as per the reports of [THE HINDU](https://www.thehindu.com/news/cities/chennai/thalaikoothal-death-in-26-shades/article8251311.ece). The main reason for the guiltless killings of the elderly remains poverty. In one of the episodes of a popular [show](https://www.youtube.com/watch?v=ohPIthH5alc), the issue was also highlighted.

[World Health Organisation](https://www.who.int/news-room/fact-sheets/detail/elder-abuse) in one of its reports has raised the concern about inhuman tortures made toward the weak elders.

1. **Recommendations relating to good practices on how to ensure that older people can exercise their human rights. Following measures can be adopted in various areas of human rights violations of the elder people.**

* **Health and medical-related issues-**

**Recommendations-**

* Dedicated medical centers- Every state must have dedicated medical centers, hospitals, and clinics with the latest upgraded facilities. Further, the state shall ensure that these facilities are accessible to all the elders or senior citizens through an integrated data recording mechanism.
* Medicines and treatment costs should be subsidized for the elderly. Facilities for cheaper and easily accessible medicine should be ensured.
* There must be a dedicated health insurance scheme regulated by the Government which should also be monitored through reporting system to the health department. After each month the hospital should submit a compiled report to the department directly which will include details of every patient along with treatment details and treatment costs charged from them, for proper monitoring. The health department upon receiving the report should verify it with the patient for disbursement of the expenses.
* **Triage**- there is an urgent need for a universal triage system where ageism, discrimination should not be used like we have seen in a pandemic that how some hospital management globally has used ageism discrimination against older persons as triage to tackle the situation of medical scarcity.
* **Economic and Financial constraints-**

**Recommendations-**

* Special maintenance/monetary benefits for the elderly- There must be a fairly fixed pension amount for each elder to bear their daily day-to-day expenses, especially for widows and elders with no child.
* A Government recognized identity card should be issued to the elderly through which they can avail of various facilities such as food, clothes, etc., from recognized counters at a subsidized rate.
* **Legal Challenges-**

**Recommendations-**

* There should be a dedicated ministry for dealing with the rights of the elderly in each state just like the [Ministry of Women and Child Development](https://wcd.nic.in/).
* Special tribunals/ Fast track courts: Special tribunals and fast track courts should be established in every state for the elderly to get a speedy and fair trial for various issues such as harassment and negligence, Criminal issues, and medical cases.
* Special help desk or complain desk in each police station for elders and senior citizens in every state should be recognized for timely reporting of the cases and speedy recourse just like the case of [Mahila Police Volunteers in every district](https://wcd.nic.in/sites/default/files/GUIDELINES%20FOR%20OPERATIONALIZING%20MPV%20uploaded%20on%20the%20website.pdf).
* Like the Philippines, every country must constitute [The National Commission of Senior Citizens Act for the welbeing of elderly persons.](https://www.officialgazette.gov.ph/downloads/2021/09sep/20210927-IRR-of-RA-11350.pdf)
* Special legislation for elderly and senior citizens should be implemented and properly executed in every state which will recognize the rights of the elderly and make each person either the state or the biological/adopted children held responsible as the case may be the case of violation of such rights.
* Proper monitoring of elderly care homes should be done. There should be a surprise visit of the government authority in every care home so that elderly persons should not be abused.