

## **Statement by Dr. Kiran Rabheru. Session 1: Limitations and gaps of selected human rights norms and obligations**

**The world has never** seen such rapid growth older people who are living longer, and who are so incredibly diverse as well as non-homogeneous. Often perceived as a burden to society and discriminated against simply because of their age, older people are deprived of fundamental enjoyment of their human rights. This must STOP!

A major driving force behind age discrimination against older persons is “**Ageism**”, defined as the way we think, feel, and behave towards people because of their age. It is highly pervasive affecting 1/2 persons globally, is largely unconscious, and sadly, it is socially accepted <sup>1</sup>.

**The COVID-19 pandemic** has created a “perfect storm”, triggering unprecedented catastrophes in the lives of older people, and exposing decades of ageism. Millions of older people have been left behind- voiceless, invisible, and expendable. Countless gut wrenching, inhumane stories about older people being neglected, abused, and mistreated are shamefully abundant, and are often normalized in the media. The expressions of ageism are often invisible: emotional pain & suffering, social isolation, loneliness, feeling of abandonment, fear, anxiety, depression, loss of purpose and dignity, accompanied by sudden decline in physical and mental health, loss of independent function, suicidal ideation, and requests for medically assisted death

- **Let’s pause and reflect:**
- Intention vs. impact of unconscious bias
- These are upstream events – not measured.
- We only measure downstream phenomena such as deaths, infections, hospitalizations
- The 1-year health costs of ageism in the USA alone = \$63 billion (Becca-Levy-2018)
- Ageism results in poor health outcomes in 96% of studies, with a strong association between mental health conditions and ageism (Chang-2020)

## So, why does this happen?

1. Currently, there are no explicit guarantees against ageism and age discrimination, no explicit obligation on States to take active measures to eliminate ageism, no substantial consideration of the special features of age discrimination that require a tailored definition of discrimination, e.g., CRPD and the right to reasonable accommodation.
2. Monumental Gaps: exist in access, protection, exclusion are blatant abuses of fundamental human rights, and have seriously eroded older persons' dignity, autonomy, and independence. Examples include:
  - **Access** to health care - physical, mental, social, and end of life care; justice, transportation, inclusive living options, lifelong learning.....
  - **Protection** against elder abuse, financial insecurity, abetting the digital divide and climate change.....
  - **Exclusion** from research and collection of meaningful data. These critical elements which are relied upon by governments, institutions, corporations, and others to create the current unfair and unjust ageist policies and laws.....

### 3. What you permit, you promote

If we permit and therefore promote the violations of human rights of older people today, **they will certainly impact us all tomorrow. These rights are precious – they must be valued and protected by all of us today for our own future, no matter how old you are!**

The existing international normative standards are fragmented, deficient, they are applied inconsistently, or are too general to provide specific coverage to protect human rights of older people in law and in practice, rendering the UN's 2030

promise to “Leave No One Behind” a very intangible goal, considering that older persons worldwide are projected to outnumber youth by 2030.

#### 4. Recommendations for OHCHR for its 52<sup>nd</sup> session:

1. To develop and implement a strategic plan focusing on older persons’ human rights ensuring it remains as a standing agenda item on OHCHR’s regular workplan supported by dedicated financial and human resources.
2. To convene regular multistakeholder meetings including member states civil society, NHRIs, Independent Expert and others to review all pertinent aspects of human rights of older persons and to rectify any identified gaps.
3. To advocate for the collection and reporting of relevant and meaningful data on older persons which is human rights centered and disaggregated, to provide appropriate decision support & resource allocation by all stakeholders
4. To urgently undertake a transformational shift to focus on older persons and to combat ageism and age discrimination (e.g., CRPD undertook for persons with disabilities). This paradigm shift is aligned with Mdm Michelle Bachelet & Mr. Volker Türk’s notions to support the UN Decade of Healthy Aging & the OWEGA to develop a dedicated international instrument on the human rights of older persons.
5. To develop a vision and reimagine the world using transformative evidence and science-based enhancements to optimize successful aging. The current ageism-based paradigm must be reformed to a human rights-based one which includes upstream interventions across all domains including policy, legislative, intergenerational, and educational, based on WHO’s recommendations to combat ageism and to fulfil the promise of the UN’s 2030 Agenda of leaving no one behind.
6. Support the recommendations of the [Joint written statement of the Global Alliance for the Rights of Older People \(GAROP\)](#) on behalf of the

412 member organizations and the critical role played by the UN  
Independent Expert.

**THANK YOU**

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GAROP 2014: "In our own words" [In Our Own Words. What older people say about discrimination and human rights in older age: A consultation by the Global Alliance for the Rights of Older People](#)