

Marrakesh Declaration

OLD-AGE HUMAN RIGHTS: OPPORTUNITIES AND WAYS TO PROTECT AND TO PROMOTE THE RIGHTS OF THE ELDERLY

Declaration prepared by the committee composed of Najat El Mekkaoui, National Council of Human Rights (Morocco), Katharina ROSE, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Debbie KOHNER, European Network of National Human Rights Institutions, Silvia STEFANONI, HelpAge International, Susan B. SOMERS, International Network for the Prevention of Elder Abuse, Elsa FORNERO, University of Turin (Italy).

During the 2nd World Human Rights Forum held in Marrakech, Morocco from 27th to 30th November, 2014, a thematic Forum was organized on “Old-age Human rights: Opportunities and ways to protect and to promote the rights of the elderly” (see Annex).

The National Council of Human Rights (Morocco), the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the European Network of National Human Rights Institutions, HelpAge International, the International Network for the Prevention of Elder Abuse, the South African Human Rights Commission, “Entraide Nationale” and the Ministry of Solidarity, Women, Family and Social Development of Morocco participated in this thematic forum.

Article 1 of the Universal Declaration of Human Rights states that: “All human beings are born free and equal in dignity and rights.” Furthermore, Article 22 adds: “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

Article 25 declares that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

A central theme of the Madrid International Plan of Action on Ageing (MIPAA, 2002) was “the full realization of all human rights and fundamental freedoms of all older persons” (MIPAA, paragraph 12.a). However, older persons’ rights are not fully respected in many countries around the world. Many older persons are subjected to discrimination, violence and abuse without proper protection of their human rights.

Yet, people over 60 are a growing proportion of the population of almost all countries in the world. According to the UN, the number of older persons globally (aged 60 years or over) is expected to more than double, from 841 million people in 2013 to more than two billion in 2050. By 2050, the older population will represent 20% of the planet’s population, and is projected to exceed the number of children under 18 for the first time in 2047 (it has already overtaken the population of children under five). Today, about two thirds of the world’s older persons live in developing countries. By 2050, nearly 8 out of 10 will live in less developed regions.

International human rights conventions prohibit discrimination on the basis of race, sex, disability, migrant worker status, and being a child and consider such discrimination both morally and legally unacceptable. The same cannot be said for discrimination on the basis of older age. The UN has now established an Open Ended Working Group¹ to discuss how to make progress in strengthening the rights of older persons and has appointed an International Expert² on the enjoyment of all human rights by older persons. This appointment recognizes that ageing represents one of the most important human rights issues of the 21st century. The Plans of Action of Vienna (1982) and Madrid (2002) have not been sufficient to promote opportunities for older persons' effective participation in economic, social, cultural and political life and existing international human rights mechanisms have not adequately protected their human rights. Concerted efforts are urgently needed to address the challenges faced by older persons and specifically older women, who face intersectional discrimination based on older age and gender.

Following interventions from the panel and the floor, participants developed the following recommendations:

Recommendations:

1. To collect evidence and data on the human rights situation of older persons ensuring national and international surveys do not have an upper age limit.
2. To identify the gaps in the protection of the rights of older persons and action required. Gaps identified during the forum include: gender discrimination in old age; access to justice for older persons; impunity of abuses and violence against older persons; poverty; inequality; access to adequate health and care; stigmatization of older persons; and the importance of taking into account the impact of intersectional discrimination (based on age, gender, ethnicity, disability etc..).
3. To establish social security systems to protect people in old age from poverty and destitution and implement the ILO Social Protection Floor. Social security should function as insurance both at the micro (personal) and the macro (aggregate) levels. This requires designing a rights-based system from the outset, ensuring the participation of citizens in the design and equipping citizens with financial literacy. Pension systems should be adequate; sustainable; efficient; and transparent.
4. To address violence against older women, and recognize this is a global phenomenon characterized by different forms of violence, on which data is currently not available. There is a need for UN human rights mechanisms and agencies including UN Women and the Commission on the Status of Women (CSW) to adequately address the issue of violence against older women and to provide recommendations and develop benchmarks to inform and measure progress within countries.

¹ The Open Ended Working Group (OEWGA) was established by General Assembly resolution A/RES/65/182 on December 2010.

² The Resolution A/HRC/24/L.37/Rev.1 (September 2013) established a new independent expert.

5. To raise awareness on the human rights of older persons and encourage engagement, including for and with older persons themselves, their families, care givers, service providers, policy makers as well as with international and regional human rights protection mechanisms. In South Africa, this has been realized through nation-wide public hearings resulting in the creation of an Older Persons Forum and Charter. In Morocco, actions have been developed between the Ministry of Solidarity, Women, Family and Social Development and the National Assistance to promote intergenerational solidarity through awareness campaigns and partnerships with civil society.
6. To promote cooperation among various stakeholders and to support the important role of NGOs and National Human Rights Institutions (NHRIs). Strengthen the capacity of NHRIs as they have a unique and important role in effectively addressing and monitoring human rights of older persons. Through their international and regional networks, they can collaborate and also identify trends and systemic abuses in relation to human rights of older persons.
7. To clarify and strengthen the state obligations with respect to the rights of older persons.
8. To develop binding instruments on older persons' human rights, at the international (Convention), regional and national levels to promote and protect the rights of older persons and to focus on implementation and monitoring of such legal obligations, including through the development of national monitoring mechanisms and implementation plans.

A convention on the rights of older people would protect older people's rights under international law. It would also:

- o Provide a definitive, universal position that age discrimination and ageism are morally and legally unacceptable,
- o Provide clarity on governments' human rights obligations towards older people,
- o Create an enforceable monitoring mechanism to hold those in authority to account for their actions towards older people,
- o Put age discrimination and older people's rights higher up on governments', donors' and NGOs' agendas,
- o Encourage a shift in attitude from older people being considered recipients of welfare to rights holders with responsibilities.

Annex:

Thematic Forum “Old-age Human rights: Opportunities and ways to protect and to promote the rights of the elderly”

Participants:

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