

Human Rights Violation and Legal Protections of Elderly Person's Rights: A Global Prospective

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ABSTRACT

All people are equally entitled to human rights, regardless of their ethnicity, country, or affiliation with any specific social Organisation. Everyone must work together to stay up with one another in order to establish a nation. Due to biological, psychological, and societal factors that make them more susceptible to weakness, infirmity, and frequently reliance, older people are viewed as more vulnerable and should be given extra protection and privileges. However, older persons face several human rights challenges, including poverty, marginalization, violence, and discrimination. Several "soft law" measures, such as declarations, principles, and action plans, exist to safeguard the rights of senior citizens and other existing human rights instruments apply to them just as they do to every other human being. The global aging population has brought increased attention to the human rights violations and the States and international community face many challenges, so ensuring the respect and promotion of human rights and basic freedoms of older persons is essential. To analysis underscores the need for a global, legally binding framework to address elderly rights comprehensively, alongside stronger policies and societal shifts to combat ageism and ensure equitable access to resources and protections for elderly persons worldwide. This research paper reflects the different conventions, treaties, and other legislative provision which are generally talking about the rights of the elders from an international perspective.

Keywords: Human rights, Human Rights Violation, Discrimination, Elderly Persons, UNO & Abuse.

INTRODUCTION:

“मातृदेवो भवः पितृदेवो भवः” are Sanskrit phrases that express feelings towards parents. In our Indian culture, parents are considered equal to God. However, the elderly are growing increasingly vulnerable in the modern world as nuclear families increase and bigger families disband. Elderly people are revered and treated with great respect in Indian culture, not just as a moral obligation but also as a means of obtaining blessings and good karma. Elders are revered in Hindu society as sources of knowledge, insight, and direction and their viewpoints are highly respected.

Ageing is one of the inevitable aspects of human life. Human Rights are the basic norms which fundamentally and inherently belong to each individual and it established by custom or international agreement that impose standards of conduct on all nations. At present, older persons are not explicitly encompassed by the existing international human rights legal frameworks. However, the landscape has altered family moral norms as a result of increased urbanization, economic mobility, and the nuclear family model. As younger relatives move away for employment or school, elderly members are often left alone and dependent, leading to feelings of

loneliness and instability. There is a scarcity of universally applicable binding international standards that can act as benchmarks for national legislation addressing the rights of older persons.

Despite the pervasiveness of ageism, the current international legal framework does not explicitly recognize age as a basis for discrimination. No explicit safeguards exist to prevent age-based discriminatory treatment. Yet ageism is real – globally, one in two people hold ageist attitudes against older individuals (WHO). Ageism involves stereotypes, biases, and discriminatory practices that marginalize people based on age. For older adults, it restricts access to jobs, healthcare, and civic participation, reinforcing inequality. The Covenants, on Economic, Social and Cultural Rights¹ and on Civil and Political Rights² include highly relevant provisions for the protection of human rights of older persons, such as the rights to health, to an adequate standard of living, to freedom from torture, legal capacity and equality before the law. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the

Rights of Persons with Disabilities (CRPD) also contain provisions which are applicable to older persons within their relevant scope.

INTERNATIONAL FRAMEWORK

LEGISLATIVES

2.1 Human Rights Declaration, 1948

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on December 10, 1948, is a foundational document outlining fundamental human rights to be universally protected. It consists of 30 articles detailing rights such as life, liberty, security, freedom of expression, and protection from discrimination, torture, and slavery. Thirty items make up the Declaration, and some of them are about the elderly.³

2.1.1 Article 22 - Senior Citizens and Right to Social Security

The Declaration applied the concept of sustainable development as a guiding concept: "We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people." To emphasize the importance of the social aspects of development the term "social and people-centred sustainable development" was introduced, which meant that economies should be directed to meeting human needs more effectively.

Social Security is the assistance that is secured by the citizens on their own: for example, tax money is utilized for public welfare which covers social security measures. This effort required national and international cooperation to provide benefits to the elderly segment of society.

2.1.2 Article 23 - Right to Desirable Work

Every employee has a right to safe working conditions, where they can enhance their work efficiency from joining the job till retirement. Further, the equal pay for equal work principle should be followed. Under Municipal Law, the same right is given under the head of socio-economic rights, which is non-justiciable. Yet some criteria are to be followed to implement this principle in letter and spirit.

2.1.3 Article 25 - Right to Adequate Living Standards

Everyone has the right to an appropriate standard of living, which includes access to food, clothing, shelter, and medical care, for the health and well-being of themselves and their families the right to security and sufficient social aid in the event of unemployment, disease, disability, widowhood, old age, or other lack of livelihood brought on by events beyond his control.⁴

Every individual has the right to maintain their living standard, it includes basic rights i.e. housing, clothing, food, and medical attention.

2.2 Covenant on Economic, Social, and Cultural Rights, 1966

The United Nations charter seeks to promote respect for the human rights of all people, including women, men, and children, as stated in the covenant's preamble. States Parties commit to guaranteeing that no discriminatory practices will be employed in the exercise of their rights. State Parties recognize that, with the exception of seniority and competence being the main considerations, everyone has the right to work and an equal chance at development. Everybody has the right to a basic standard of life, which includes fair access to clothes, food, and shelter, according to the State Parties.

The UN Committee on Economic, Social and Cultural Rights has provided specific guidance on elderly rights through General Comment No. 6 (1995), which elaborates on how the Covenant's provisions address the needs of older persons. On December 14, 1973 the UN General Assembly considered and adopted an agenda item entitled "The Question of the Elderly and the Aged" in which it urged member states to "enhance the contribution of the elderly to social and economic development", "discourage, wherever and whenever the overall situation allows, discriminatory attitudes, policies and measures in employment practices based exclusively on age" and "encourage the creation of employment opportunities for the elderly in accordance with their needs".⁵

2.2.1 Article 9- Right to Social Security:

The right to social security, which includes risks like income loss from old age, must be recognized by states parties. General Comment No. 6 highlights that in accordance with International Labour Organisation (ILO) conventions such as No. 102 (Social Security Minimum Standards, 1952) and No. 128 (Invalidity, Old-Age and Survivors' Benefits, 1967), states should implement mandatory old-age insurance programmes, beginning at an age specified by national law. This guarantees that older people are financially protected from poverty and loss of sustenance.

2.2.2 Article 12- Right to Health:

The Covenant requires the best possible level of mental and physical well-being, which is essential for senior citizens dealing with degenerative or chronic illnesses. Referencing the Vienna International Plan of Action on Ageing (1982), General Comment No. 6 suggests measures for terminal illness treatment, prevention, and rehabilitation. It highlights that healthy lifestyle choices (such as eating right, exercising, and abstaining from

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alcohol and tobacco) must be made throughout one's life in order to preserve good health in old age.

2.2.3 Articles 2.2 and 3- Non-Discrimination and Equality:

The Covenant guarantees older people equal access to all rights by outlawing discrimination on the basis of age, among other grounds. In order to safeguard older women from increased vulnerabilities, Article 3 places a strong emphasis on gender equality in the exercise of these rights.

2.2.4 Fulfillment of Basic Needs

Member countries will ensure to provide basic needs to their citizens and fulfillment of the obligation of healthy living conditions for its inhabitants.

2.3 Elderly Rights under the 1966 World Convention for Civil and Political Rights

This agreement was respected⁶ to achieve all human rights for all individuals, including women, men, and children. Each state party pledges to protect and honour everyone's rights equally and without any limitations. Torture and other cruel, inhuman, or humiliating methods are prohibited. In particular, no one should be the focus of medical research without giving their informed consent. Everyone whose freedom has been infringed must be treated with humanity and with respect for their inherent value. No one's home or loved ones' privacy may be unlawfully or arbitrarily violated.

2.4 International Action Plan on Aging, Vienna, 1982

The UN General Assembly decided to hold a World Assembly on the Elderly in 1982 after consulting with Member States, specialized agencies, and organizations involved. The resolution 33/52, dated December 14, 1978, acknowledged the need to draw attention to the grave issues facing the world's ageing population. The 1982 Vienna World Assembly on Ageing served as a platform for the start of an international action programme that intended to provide older people with social and economic stability as well as chances to contribute to their country's development.

The Vienna International Plan of Action on Ageing was the result of World Assembly on Ageing. It was the first international instrument on ageing, providing a basis for the formulation of policies and programmes on ageing. It was endorsed by the United Nations General Assembly in 1982 (in resolution 37/51), having been adopted earlier that same year at the World Assembly on Ageing. According to the plan's prologue, policies are being established at the national, regional, and international levels to enhance the lives of older people and help them age in peace, health, and security for their bodies and minds. Additionally, research is being done on how ageing affects development. Elderly people should be acknowledged as important members of society and let to have fulfilling lives in their own

families and communities. Its primary goals are to accelerate the ageing of nations' populations, address the unique needs and concerns of their involvement in the development of a new global economic order, and promote a sufficient worldwide response to challenges associated with ageing.

2.5 The United Nations Principles for Older People, Adopted in 1991

The United Nations Principles for Older Persons, adopted by the UN General Assembly on December 16, 1991 (Resolution 46/91), are a set of guidelines for protecting the rights and well-being of the elderly. The principles are organized around five main themes: Independence, Participation, Care, Self-fulfillment, and Dignity. While these principles were adopted in 1991, they are not legally binding on member states but serve as a moral framework and target for governments to incorporate into national policies and programs. Elderly Independence Principle Six rights are covered under the first principle, and they are as follows:

1. Older adults should have access to sufficient amounts of food, shelter, clothing, water, and medical care with the support of their income, families, communities, and self-help.
2. Older people ought to have access to employment possibilities or other sources of income.
3. Older people ought to be permitted to have a say in the timing and location of their departure from the labor force.
4. Access to relevant education and training programs should be available to older people.
5. Elderly people should be able to live in situations that are secure and flexible enough to accommodate their evolving needs and preferences.
6. As long as feasible, elderly people should be permitted to live at home.

2.6 Olders' Rights at the 1995 Copenhagen on World Conference on Social Development

Since the worldwide conference for social development was held there in 1995, the commission has been the principal UN entity responsible for monitoring and carrying out the Copenhagen Declaration and Programme of Action. During the World Summit for Social Development in Copenhagen, which focused on the establishment of "a society for all" through programmes that provide sufficient social and economic protection in old age, older people's rights were strengthened by encouraging social integration and guaranteeing their active involvement in society.

The summit ensures that elderly persons may access social security and social services to satisfy their basic requirements, that those in need receive assistance, that elderly people are protected from violence and abuse, and that they are viewed as a resource rather than a

burden. making more steps to keep retirees from falling into poverty.

1. Poverty Eradication.
2. Policies for Strengthening the Copenhagen Programme.
3. Social security to Elderly.
4. Initiatives to Protect Older Persons.
5. Social cohesion on valuing diversity.
6. Protection of crimes against the elderly

2.7 Rights of Elderly in the Habitat Agenda, 1996

The Habitat Agenda (1996), developed at the UN's Habitat II Conference, specifically mentions older persons as a vulnerable group requiring special attention in the context of adequate shelter and sustainable human settlements. It is important to acknowledge and honor their numerous contributions to human settlements' political, social, and economic systems. To enable people to continue leading fulfilling lives in their communities, special attention should be paid to accommodating their changing housing and transportation needs.

At Habitat II (1996), states, including their various spheres of government, committed to principles and actions over the ensuing 20 years. Concerning Human Rights, the Habitat Agenda recognizes in the preamble that:

“Everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation, and to the continuous improvement of living conditions;”⁷

The Habitat II principles, commitments and action strategies concerning human rights are reproduced in the following sections.

1. National development program.
2. Access to other facilities.
3. Legal Protection against discrimination.
4. Policies to meet housing needs.
5. Temporary shelter and basic services.

2.8 International Action Plan on Aging, Madrid, 2002

A historic global commitment to addressing the possibilities and difficulties presented by the world's rapidly ageing population was made when the Second World Assembly on Ageing, convened in Madrid in April 2002, approved the International Plan of Action on Ageing. Given that ageing is a global issue that impacts all nations, the Plan places a strong emphasis on the necessity of supporting older people holistically and according to their rights. Its main objective is to advance older adults' well-being, dignity, and active engagement in society by making sure they are valued as contributors to social and economic advancement rather than as a liability.

The plan is intended to be a helpful tool for policymakers as they focus on the primary concerns surrounding individual and population ageing. Creating helpful and enabling surroundings, improving older people's development, and enhancing health and well-being in old age were among the top priorities. The plan's main themes included the following:

1. The full realization of the basic liberties and human rights of all senior citizens.
2. Ending poverty in old age and achieving secure ageing
3. Making it possible for senior citizens to fully and effectively participate in social, political, and economic life.
4. The provision of opportunities for wellbeing, fulfillment, and personal development throughout one's lifetime.
5. Ensuring proper enjoyment of economic, social, and cultural rights.
6. Among other things, older people' commitment to gender equality.
7. Providing social protection, support, and medical care to senior citizens.
8. The state of elderly indigenous people, their particular circumstances, and the necessity of figuring out how to give them a say in choices that directly impact them are all acknowledged.
9. Fostering collaboration between all governmental branches, civic society, the commercial sector, and senior citizens themselves to put the international plan of action into practice.

CONCLUSION

A complicated interaction between advancements and enduring difficulties may be seen in the global panorama of human rights abuses and legislative safeguards for the elderly. Elder abuse, neglect, discrimination, and lack of access to social services, healthcare, and financial resources are just a few of the fundamental rights abuses that older people experience worldwide. Systemic problems like poverty, social exclusion, and ageism which are still prevalent in both affluent and developing countries frequently make these problems worse. Elder rights protection is based on regional agreements like the Inter-American Convention on Protecting the Human Rights of Older Persons and international frameworks like the Madrid International Plan of Action on Ageing (MIPAA) and the Universal Declaration of Human Rights (UDHR). The lack of a uniform, legally enforceable agreement that explicitly addresses the rights of senior citizens, however, continues to be a major weakness in international human rights legislation. Inconsistent safeguards are made possible by the absence of legally binding norms, which also exposes many senior citizens to marginalization and abuse.

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To combat ageing stereotypes and promote intergenerational unity, governments must also fund awareness programmes. To defend the rights of the elderly, it is essential to fortify social safety nets, provide access to reasonably priced healthcare, and guarantee equitable internet access. Monitoring infractions and promoting policy changes are crucial tasks for civil society, which includes NGOs and community organizations. In the end, defending senior citizens' rights necessitates an international commitment to acknowledging their innate worth and social contributions. The global community can guarantee that older people, irrespective of their location or socioeconomic background, live in safety, dignity, and prospering conditions by tackling structural injustices, bridging legal gaps, and creating inclusive surroundings.

REFERENCES

1. The International Covenant on Economic, Social and Cultural Rights has been ratified by 160 States.
2. The International Covenant on Civil and Political Rights has been ratified by 165 States.
3. Dr. Sudarshan Verma, Dr. Priti Dixit. 'Right of Health of Poor Elderly: International and National Perspective' *India Bar Reivew*, 2009;36(1-4):2009, 177-178.
4. Dr. Shashi Nath Mandal. Protection of Rights of Old Age Person in India: A Challenging Fact of Human Rights, *Global Journal of Human Social Sciences*, 2011;11(5):25-26.
5. Question of the Elderly and the Aged, G.A. Res. 3137 (XXVIII), Paragraph 3(c)-(e), UN GAOR, 28th Sess., December 14, 1973.
6. International covenant on Economic, Social and Cultural Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XX) of 16 December, 1966.
7. <https://hln.org/img/documents/Habitat%20II%20Commitments%20on%20Human%20Rights.pdf> accessed on 06-09.2025.