

EXECUTIVE SUMMARY

The 20th Informal ASEM Seminar on Human Rights discussed the rights of older persons and concluded there is an urgent need to address ageist attitudes and policies. The Seminar was attended by more than 130 government officials, academics, and representatives of international and national human rights bodies and civil society groups. It was held over three days virtually, and physically in Seoul, Republic of Korea.

BACKGROUND

The state of the human rights of older persons has been a growing topic of discussion because of the ageing of populations around the world. The COVID-19 pandemic has brought into sharper focus the issues of ageism and discriminatory social structures and practices. It has raised questions about whether existing rights regimes and institutions can ensure that older persons will not face discrimination and are therefore able to enjoy their human rights.

KEY MESSAGES

1) New approaches are needed in the shaping of policies related to ageing

Global population ageing is often presented primarily as a problem, with concerns raised about the cost of caring for older people. This approach does not take into account the economic and social value of the work and other contributions of older persons. It also does not allow for the possibility that the behaviour patterns of people and of societies may change.

Chronological age is not a good measure of ageing. There is a great diversity of older persons. Factors such as race, sex, gender, disability, socio-economic status, and rural or urban location will influence how people experience ageing and discrimination. A life course approach should be taken when looking at ageing issues.

2) Ageing is a Serious and widespread problem

Ageism is discriminatory because it is based on stereotypes that all persons of a particular age share similar qualities. It leads to the treatment of individuals without regard to their actual abilities and characteristics, and to a devaluation of their lives.

Older persons are stereotyped as suffering from physical and mental decline, incapable of adapting to changing circumstances or learning new skills, and not contributing to society in economic or social terms. Many older persons internalise these stereotypes, and this has a significant impact on their physical and mental health.

3) Older persons need to know their human rights, and these rights need better protection

Ageism and age discrimination are mostly not explicitly recognised in international and regional human rights systems, and violations of older persons' human rights are thus not very visible. Where their rights are recognised and violations of these rights can be reported, older persons often may not be aware they have these rights or face obstacles in reporting violations of them.

Some experts feel a new United Nations treaty on the human rights of older persons is needed, but others think there is scope for the better use of existing systems and standards.

4) Autonomy and independence are important to older persons

Older persons value autonomy and independence and want to be able to make their own decisions about financial and other matters. But they are often denied these because of ageism and discrimination, and the stereotypes and negative attitudes of society and their families.

Older persons and their representative organisations should participate in policymaking of all kinds. Often policies are adopted without specific regard to the potential impact on older persons.

5) Older persons need stronger social security systems

Many societies have undergone fundamental changes in family structures. Increasingly, families will not be the principal source of care and support for older persons. State support in the form of social pensions, or other support to supplement private resources, is critical.

In Asia, compared with Europe, a much smaller percentage of the population has access to employment-related or contributory pension systems. Also, a much higher percentage of people (especially women) work in the informal economy. Social pensions are needed to ensure they have a decent standard of living.

6) Age discrimination in labour markets

Older persons often experience ageism in the labour market. This keeps them from entering, remaining, or re-entering the workforce, and this can affect their ability to enjoy an adequate standard of living. This discrimination often starts at mid-life.

Older women face particular forms of discrimination, and discrimination at earlier stages in their life has a significant impact on any benefits that they receive under contributory pension arrangements.

Mandatory retirement ages, given the changing nature of work, are discriminatory as they are based on chronological age and ageist assumptions that, for example, older persons are unproductive, or unwilling or unable to learn new skills.

7) Education and training for older persons should be improved

Older people are interested in life-long learning, education, and capacity building. But laws and policies relating to adult education do not generally cater to the full range of older persons' education and training needs. Where there are programmes for older people, these may not take into account the diverse needs of different groups of older persons; gender differences in experiences, needs and accessibility; and other factors such as the rural/urban divide.

RECOMMENDATIONS

ASEM Member States should:

1. Adopt appropriate legal, administrative, educational, and other measures to address the existence and effects of ageism in their societies. They should take into account the intersection of age with other characteristics such as sex, race, gender, and disability.
2. Continue to consider the possibility of drafting a new United Nations convention on human rights in older age. They should do this in close consultation with national human rights institutions, and organisations of older persons, experts, and other interested parties at the national level.

3. Explore ways of making better use of existing international, regional, and national norms and frameworks to improve the enjoyment by older persons of their human rights.
4. Consider ways to strengthen existing regional or subregional human rights frameworks, institutions, and procedures.
5. Ensure that older persons and their representative organisations are consulted about and participate in policymaking of all kinds, and especially in matters related to ageing or the rights of older persons. This should include the economic and social recovery strategies for exiting from or living with COVID-19.
6. Ensure that the rights to autonomy and independence are understood as necessary requirements for the implementation of other rights and guaranteed by law.
7. Review their existing legislation to ensure there is explicit constitutional and/or legislative protection against discrimination on the basis of age (including in conjunction with discrimination on the grounds of sex, race, gender identity, sexual orientation, disability, parental and marital status, immigration and employment status or other individual characteristics).
8. Review their policies on mandatory retirement ages to consider whether these policies are discriminatory and whether the rationales put forward to justify them are consistent with the right to equality and non-discrimination on the basis of older age.
9. Encourage research into and promotion of the benefits of intergenerational workforces.
10. Ensure that legislation in all areas is consistent with fundamental standards of human rights and their treaty obligations as those apply to older persons. This includes labour and employment legislation, criminal and other laws relating to elder abuse, social security, social insurance and pension laws, laws relating to the exercise of legal capacity (e.g., guardianship laws), health legislation, housing laws legislation regulating long-term care and other laws.
11. Review the mandates of their national human rights institutions or other similar bodies to ensure that those mandates cover the rights of older persons and provide protections against discrimination on the ground of age and ensure that the work of those institutions in those areas is adequately funded.

12. Review their national systems for the provision of care and support to older persons, both those living in their own homes and those living in care homes, including assessing whether these arrangements are consistent with existing human rights treaty obligations.
13. Ensure that their systems of social protection (including unemployment benefits, sickness benefits, social security benefits and pension benefits) are extended to all older persons, including those working in the informal economy sector and those performing unpaid care work.
14. Ensure that women's patterns of participation in the paid labour force, their representation in the informal economy and their performance of unpaid care work in the community and the family do not lead to their continued exclusion from or disadvantage in access to forms of social security including pensions.
15. Ensure that programmes for lifelong learning, education and capacity building by older persons are designed in consultation with older persons.
16. Review existing adult education policy and programmes, including technical and vocational training and other lifelong learning initiatives, to ensure that these meet the full range of needs of older persons. The programmes should include opportunities for older persons to improve their digital literacy and to learn other skills relating to their life transition and the continuing enrichment of their lives.
17. Work collaboratively with international and national bodies to improve the quality and coverage of statistics and data relating to older persons to ensure that high-quality disaggregated data is available for all aspects of policymaking in relation to older persons.