ELDER ABUSE, HUMAN RIGHTS AND THE ROLE OF COMMUNITY

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Article 25
1. 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.

The Universal Declaration of Human Rights
Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, United Nations
THE PREVENTION OF ELDER ABUSE IN THE CONTEXT OF REGIONAL HUMAN RIGHTS LAW

- Constitution of the WHO (1946): The right to health;


- OAS Resolutions 2455 (2009) and 2562 (2010): “Human Rights and Older Persons”; and

ELDER ABUSE IN U.N. HUMAN RIGHTS REPORTS

- General Assembly Report A/66/173 (2011) on human rights of older persons (Secretary General);
- Report A/HRC/18/37 (2011) on “realization of the right to health for older persons” (UN Special Rapporteur on the Right to Health);
- Threats to right to life, health, liberty and security in care facilities and/or community;
- Physical, sexual, psychological violence and financial exploitation; and
- Perpetrated or condoned by the Government
LINKS AMONG ELDER ABUSE, HUMAN RIGHTS AND HEALTHY AGEING

• Violations of human rights can contribute to elder abuse and negatively affect the health of older persons;

• Policies, plans and legislation on ageing can contribute to protecting human rights and preventing elder abuse;

• Exercise of human rights and the enjoyment of wellbeing by older persons are synergistic;

(RYPT Directing Council Technical Document CD49/8, 2009 Plan of Action)
RELEVANT HUMAN RIGHTS RELATED TO ELDER ABUSE (OAS WORKING GROUP)

- The right to equal protection of the law (legal capacity);
- The right to personal liberty and security of person;
- No discrimination on the grounds of age;
- The right to life and freedom from violence;
- The right to personal integrity and freedom from torture;
- The right to freedom of thought and expression;
RELEVANT HUMAN RIGHTS RELATED TO ELDER ABUSE (OAS WORKING GROUP)

• The right to privacy;

• The right to dignity and security in long term care services;

• The right to judicial protection;

• The right to vote;

• The right to a fair trial;

• The right to the highest attainable standard of physical and mental health (including palliative care);
RELEVANT HUMAN RIGHTS RELATED TO ELDER ABUSE (OAS WORKING GROUP)

- The right to provide free and informed consent;
- The right to work;
- The right to social security;
- The right to the constitution and protection of the family;
- The right to education, culture and community integration; and
- The right to own property
RELEVANT HUMAN RIGHTS RELATED TO ELDER ABUSE IN LONG TERM CARE SERVICES (OAS WORKING GROUP)

- Private and governmental institutions;
- Private and governmental community based programs;
- Private and governmental residential programs;
- Older persons deprived of personal liberty in prisons;
- Specific human rights to be protected in those institutions;
- Obligations of Governments and concrete measures to be taken; and
- Specific procedures for registering long term care facilities under national law
CRITICAL AREAS TO BE REGULATED IN LONG TERM CARE SERVICES TO AVOID ELDER ABUSE (OAS WORKING GROUP)

- Prohibitions with regard to limitation of human rights (ICCPR, American Convention and Siracusa Principles);
- The right to a dignified life and personal integrity;
- The right to mental integrity;
- The right to security of person;
- The right to equal protection of the law;
- Freedom of expression; and
- The right to judicial protection and judicial guarantees
OBJECTIVES AND ACTIVITIES TO MAKE HUMAN RIGHTS OF OLDER PERSONS A REALITY (PAHO PLAN OF ACTION)

- Formulate policies, laws, regulations, programs and budgets consistent with UN and OAS human rights instruments;

- Disseminate OAS and UN human rights instruments in the community and among governmental workers;

- Develop legal frameworks and implementation of mechanisms to protect the health and human rights of older persons in long term care services;

- Develop and implement programs to train relevant actors in the formulation of legal frameworks and policies;
OBJECTIVES AND ACTIVITIES TO MAKE HUMAN RIGHTS OF OLDER PERSONS A REALITY (PAHO PLAN OF ACTION)

- Upgrade the competencies of personnel in delivering health service to older persons providing training that include the explanation of the UN and OAS human rights treaties and standards; and

- Regulate the delivery of care in long term care facilities for older persons with special attention to measures to guarantee: autonomy, care to the terminally ill and chronic patients, pain control and palliative care that allow the terminally ill to die with dignity
THE ROLE OF THE COMMUNITY TO PROTECT HUMAN RIGHTS
Human Rights & Health

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