



HUMAN RIGHTS & HEALTH

OLDER PERSONS

THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF HEALTH IS ONE OF THE FUNDAMENTAL RIGHTS OF EVERY HUMAN BEING WITHOUT DISTINCTION OF RACE, RELIGION, POLITICAL BELIEF, ECONOMIC OR SOCIAL CONDITION.

—Preamble to the Constitution of the World Health Organization

JULIA'S ABANDONMENT*

Confused and humiliated, Julia, a 76 year old woman with no known relatives, is evicted from her flat and dumped into one of the country's most inadequate public health institutions—a nursing home. Although Julia did not suffer from any medical conditions, her landlord dismissed Julia because her old age was viewed as a financial burden.

For a year, Julia hopelessly tried to return to her flat. The stigma of the elderly as incompetent made her powerless. Forced to live in a dirty, cockroach infested, and unsanitary institution, Julia was offered expired medication, inadequate meals, and insufficient sanitary facilities. Soon she weakened and became ill.

Psychologically, Julia felt alone and betrayed. The scarce medical personnel ignored her, and tied her and the other older residents to chairs as a way to “manage” them. After a year battling to survive in these conditions, a social worker from the country's program on elder abuse called an NGO to take on Julia's case.

* This account is based on an actual incident that occurred in Latin America, as reported by the World Health Organization (WHO) and the International Network for the Prevention of Elder Abuse (INPEA), an NGO with special consultative status to the United Nations' Department of Economic and Social Affairs and the Department of Public Information.

**MEN AND WOMEN 60 YEARS OLD OR OLDER IN LATIN AMERICA
AND THE CARIBBEAN ARE THE FASTEST GROWING POPULATION GROUP
IN THE WORLD.**

WHO ARE THEY? WHAT IS THEIR PLIGHT?

Aging is both a universal and a personal experience. Men and women 60 years old or older living in Latin America and the Caribbean are the fastest growing population group in the world. According to the United Nations, older persons in the Region will more than double between 2000 and 2025, rising from 8% to 14%. Their specific health needs are increasing and so is the demand for health care providers to understand them.

Policy makers, physicians, fellow citizens, and even families misunderstand or neglect older persons' health. As a result, "elder abuse," the mistreatment of older people, is a serious and growing problem in the Region. Because physicians and society are not trained to distinguish physical and psychological abuse from normal signs of aging, this vulnerable group is subject to age and gender discrimination, financial exploitation, powerlessness, and physical, psychological, and social abuse.

Throughout the Region, stigmas and mistreatment of older persons may violate basic human rights such as the right to life, to personal integrity, to dignity, to privacy, and to the enjoyment of the highest attainable standard of health. Even though legal, social, and economic conditions vary from country to country in the Americas, often governments do not provide pensions or adequate health and social services to respond to an older person's real necessities. In addition, many nursing homes in the Region do not provide adequate health care. Because of a lack of medical personnel in these institutions, older persons are often abandoned, ignored, and abused. This inhumane treatment, which can lead to malnourishment or worse, death, prevents older persons from receiving the care they need.

The right to health care is a growing concern for older women, because an estimated 60% of the older population in Latin America and the Caribbean is female, a figure that is expected to climb to 75% by 2025. Women are discriminated against on the basis of age at younger ages than men, and are routinely perceived as vulnerable, weak, and dependent. Such negative images help make older women more susceptible to abuse. Older women also tend to suffer more from chronic diseases. Physicians and policy makers should understand that aging affects women and men differently. This recognition is critical to ensuring equality between older men and women and for providing adequately for their different physical, mental, and social needs.

Lack of power and status makes it difficult for older persons to react to abuse and neglect, and to demand accessible support and information related to age discrimination. If older persons' needs in the Region are to be fully met, institutions, policy makers, physicians, and individuals should be encouraged to recognize older persons' abuse and to prevent it by instituting the necessary policies and undertaking the necessary investments that will ensure their lifelong development. The protection and promotion of older persons' health and socioeconomic security is an issue not only of public policy but of basic human rights. To prevent further abuse, action must follow recognition.



PROTECTION THROUGH INTERNATIONAL AND REGIONAL HUMAN RIGHTS INSTRUMENTS

Both the United Nations (UN) and the inter-American systems for the protection of human rights have a significant body of legal instruments that can be used to

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protect the rights and liberties of older persons. Some have emerged from conventions or treaties, and they are considered legally binding for States that have ratified them. Others—international human rights declarations and “standards”—although not legally binding, are considered to be an authoritative interpretation of international convention requirements and represent a consensus of international opinion.

The United Nations System

Binding Instruments

International Covenant on Civil and Political Rights (1966). **Article 1** states that all people have the right of self-determination. This right guarantees individuals freedom to pursue their economic, social, and cultural development. **Article 6** ensures that every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. **Article 7** stipulates that no human being “shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” especially without his or her free consent to medical or scientific experimentation. **Article 9** guarantees that everyone has the right to liberty and security and should not be deprived from it. Additionally, **article 10** states that all persons deprived from liberty, “shall be treated with humanity and with respect for the inherent dignity of the human person.” Lastly, **article 26** protects individuals from discrimination because all persons are equal before the law and should not be discriminated against on any ground.

International Covenant on Economic, Social and Cultural Rights (1966). **Article 6** stipulates the right of everyone to the opportunity to gain a living by work which is a freely chosen or accepted. Older workers who have not reached retirement age often encounter prob-

lems finding or securing jobs. **Article 9** recognizes the “right of everyone to social security,” which the term “social security” implicitly covers all risks involved in the loss of mean of subsistence for reasons beyond a person’s control. Additionally, **article 10** recommends that States should make all necessary efforts to support, strengthen, the family and help it, in accordance with each society’s system of cultural values, to respond to the needs of its dependent aging members. **Article 12** recognizes the right of everyone to the “enjoyment of the highest attainable standard of physical and mental health.” Also, **article 13** provides every individual with the right to education for the “full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.” Education enables all persons to participate in a free society and it promotes understanding, tolerance and friendship.

These two covenants, along with the **Universal Declaration of Human Rights**, constitute what is known as the **International Bill of Rights**. All three provide protection against discrimination of older persons.

Convention on the Elimination of All Forms of Discrimination against Women (1979). **Article 2** of this important document, often described as the international bill of rights for women, condemns discrimination against women in all its forms. States agree to pursue a policy of eliminating discrimination by refraining from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions. **Article 12** stipulates that States shall take all appropriate measures to eliminated discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

LACK OF POWER AND STATUS MAKES IT DIFFICULT FOR OLDER PERSONS TO REACT TO ABUSE AND NEGLECT, AND TO DEMAND ACCESS TO PROGRAMS THAT PROVIDE INFORMATION OR SUPPORT ON AGE DISCRIMINATION.

The provisions contained in this Convention protect older persons who are supposed to be under the protection of governmental officials. Under **article 2**, States Parties agree to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction. **Article 4** requires States Parties to ensure that all acts of torture are offences under its criminal law. Moreover, this article binds State Parties to make these offenses punishable by appropriate penalties which reflect their grave nature. This instrument establishes that each State Party shall take steps to prevent in any territory under its jurisdiction acts of cruel, inhuman or degrading treatment or punishment when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. These provisions are extremely important for the protection of the mental and physical health of older persons in public institutions. The Convention establishes the United Nations Committee against Torture as the treaty body for promoting and protecting the human rights enshrined in this instrument.

Declarations, Principles, Standards and Technical Guidelines

Universal Declaration of Human Rights (1948). The Declaration states that all people are free and equal in rights and dignity. This all-encompassing provision implies that older persons also are entitled to enjoy their basic human rights and entitles everyone to all rights and freedoms set forth in the Declaration, without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth. It also states that no distinction shall be made based on a person's political, jurisdictional, or international status or the country or territory to which the person belongs, regardless of whether it is independent, trust, non-self-governing, or under any other sov-

ereignty limitation. **Article 7** states that all persons are equal before the law and are entitled to equal protection of the law without any discrimination. **Article 19** safeguards the right to freedom of opinion and expression, including the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The Declaration recognized the right to work, to a free choice of employment, to just and favorable work conditions, to protection against unemployment and to medical care. **Article 5** protects every person from being subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Vienna International Plan of Action on Aging (1982). This key tool is the first international instrument on aging. It provides guidelines on health policies to preserve the health of and provide rehabilitation and preventive care for older persons. This document was endorsed by the General Assembly and should be used by the Members States to safeguard the rights of older persons within the context of the International Covenants on Human Rights. The Plan's 62 recommendations advise each country to respond to demographic trends in the context of its own traditions, structures, and cultural values in order for persons of all ages to engage in creating a balance between traditional and innovative efforts in pursuit of harmonious development.

Madrid International Plan of Action on Aging (2002). This plan lists the objectives and recommendations determined at the Second World Assembly on Aging in 2002. The plan guarantees "to promote and protect human rights and fundamental freedoms, including the right to development." Additionally, this document combats discrimination based on age and promotes the dignity of older people. Furthermore, the document recognizes the ability of older people to contribute to society. The plan calls for changes in attitudes, policies, and

PEOPLE WITH MENTAL DISABILITIES, THEIR FAMILIES, AND COMMUNITY ADVOCATES SHOULD BE INCLUDED IN THE PLANNING, DESIGN, IMPLEMENTATION, AND EVALUATION OF SERVICES, SUPPORT, AND OVERSIGHT PROGRAMS.

practices so that the older persons can achieve their full potential.

United Nations, General Comment 6 on the Rights of Older Persons, Adopted by the Committee on Economic, Social and Cultural Rights (1995). General Comment 6 was adopted by the Committee on Economic, Social, and Cultural Rights, and is considered one of the only and the most important standards referring to the human rights and freedoms of older persons. This document is a stepping stone to protect the rights of older persons at an international level, in that it examines the role of older people and the weakening role of the traditional family in developing countries. For developing countries with growing older populations, the document pinpoints specific rights, such as the right to work, to social security, to protection of the family, to an adequate standard of living, to physical and mental health, and to education and culture.

Principles for Older Persons (1991). These principles issued by the United Nations give priority attention to the situation and health of older persons. They address their independence, participation, care, self-fulfillment, and dignity. **Principle 7** states, “Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.” **Principle 14** promotes healthy aging, recommending that “older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.” **Principle 16** states, “Older persons should have access to the educational, cultural, spiritual, and recreational resources of society.”

General Comment 14 on the Right to the Enjoyment of Physical and Mental Health (2000). This gen-

eral comment ensures that “health is a fundamental human right indispensable for the exercise of other human rights.” In this Comment, the United Nations Committee on Economic, Social, and Cultural Rights analyzes the content, scope, and obligations of the States Parties deriving from Article 12 of the International Covenant on Economic, Social, and Cultural Rights (The right to enjoyment of the highest attainable standard of health). The Committee establishes that this right is closely related to and dependent on the exercise of other human rights such as life, non-discrimination, equality, freedom from inhumane or degrading treatment, the right to association, assembly, and movement, food, housing, employment, and education. It refers to older persons as a group whose vulnerability calls for special relatively low-cost programs that offer access to health facilities, goods, and services without discrimination.

The Inter-American System

Binding Instruments

American Convention on Human Rights (Pact of San José) (1969) **and the Rules of Procedure of the Inter-American Commission on Human Rights** (2000). This instrument states in **article 1** that every person has the right to have his/her life respected. Additionally, **article 5** guarantees that every person has the right “to have his physical, mental, and moral integrity respected.” **Article 7** is extremely relevant for older persons, in that it protects the right to personal liberty. Policies, plans, programs, laws, or practices that deprive older persons of their liberty in public institutions (such as hospitals, psychiatric facilities, health centers, prisons, long-term care facilities, or other institutions) can harm their physical and mental health. The Convention’s **Article 24** states that all persons, including older persons, are entitled, without discrimination, to equal protection of the law.

INTERNATIONAL INSTRUMENTS FOR THE PROTECTION OF BASIC HUMAN RIGHTS AND FREEDOMS OF OLDER PERSONS

UNITED NATIONS HUMAN RIGHTS SYSTEM					
Protected Rights & Fundamental Freedoms	Universal Declaration of Human Rights	International Covenant on Civil and Political Rights	International Covenant on Economic, Social and Cultural Rights	Convention on the Elimination of All Forms of Discrimination against Women	Convention against Torture and Other Inhuman or Degrading Treatment or Punishment
Life	Art. 3	Art. 6.1			
Humane Treatment	Art. 5	Art. 7			Arts. 1 & 16
Personal Liberty	Art. 3	Art. 9			
Fair Trial	Art. 8	Art. 14			Art.13
Privacy	Art. 12	Art. 17			
Freedom of Expression	Art. 19	Art. 19.2			
Name		Art. 24.2			
Movement	Art. 13	Art. 12		Art. 15.4	
Equal Protection	Art. 7	Art. 26		Arts. 3 & 15.1	
Judicial Protection	Art. 10	Art. 14		Art. 15.2	Art. 13
Work	Art. 23		Arts. 6 & 7	Art. 11	
Enjoyment of the Highest Attainable Standard of Physical and Mental Health	Art. 25.1		Art. 12	Art. 12	
Education	Art. 26		Art. 13	Art. 10	
Benefits of Culture and Scientific Progress	Art. 27		Art. 15	Art. 13.c	
Protection of Persons with Disabilities	Art. 25.1				
Protection of Women	Art. 25.2		Art. 12.2.a	All	
Protection of Older Persons	Art. 25.1				

COUNTRIES OF THE AMERICAS THAT ARE PARTY TO UNITED NATIONS HUMAN RIGHTS TREATIES:

Universal Declaration of Human Rights: Not subject to ratification.

International Covenant on Civil and Political Rights: Argentina, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America, Uruguay, Venezuela.

Convention on the Elimination of All Forms of Discrimination against Women: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Antigua and Barbuda, Argentina, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, United States of America, Uruguay, Venezuela.

International Covenant on Economic, Social and Cultural Rights: Argentina, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Granada, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

INTERNATIONAL INSTRUMENTS FOR THE PROTECTION OF BASIC HUMAN RIGHTS AND FREEDOMS OF OLDER PERSONS

INTER-AMERICAN HUMAN RIGHTS SYSTEM						
Protected Rights & Fundamental Freedoms	American Declaration of the Rights and Duties of Man	American Convention on Human Rights	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)	Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities	Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women	Inter-American Convention to Prevent and Punish Torture
Life	Art. I	Art. 4			Art. 4.a	
Humane Treatment	Art. XXV	Art 5			Art. 4	Art. 6
Personal Liberty	Art. I	Art. 7			Art. 4.c	
Fair Trial	Art. XVIII	Art. 8			Art. 7.f	Art. 8
Privacy	Art. V	Art. 11				
Freedom of Expression	Art. IV	Art. 13				
Name		Art. 18				
Movement	Art. VIII	Art. 22				
Equal Protection	Art. II	Art. 24		Arts. II & III	Art. 4.f	Art. 8
Judicial Protection	Art. XXVI	Art. 25			Arts. 4.g & 7	
Work	Art. XIV		Arts. 6 & 7	Art. III.1.a		
Enjoyment of the Highest Attainable Standard of Physical and Mental Health	Art. XI		Art. 10	Arts. III.2.a & III.2.b	Art. 4.b	
Education	Art. XII		Art. 13	Arts. III.1.a & 2.b		
Benefits of Culture and Scientific Progress	Art. XIII		Art. 14	Arts. III.2 & IV.2		
Protection of Persons with Disabilities	Art. XVI		Art. 18	All	Art. 9	
Protection of Children	Art. VII	Art. 19	Art. 16			
Protection of Women	Art. VII				All	
Protection of Older Persons	Art. XVI		Art. 17		Art. 9	

PARTIES TO INTER-AMERICAN HUMAN RIGHTS TREATIES:

American Declaration of the Rights and Duties of Man: Not subject to ratification.

American Convention on Human Rights (Pact of San José): Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador): Argentina, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Suriname, Uruguay.

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para): Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Inter-American Convention to Prevent and Punish Torture: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Uruguay, Venezuela.

Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.

BECAUSE PHYSICIANS AND SOCIETY ARE NOT TRAINED TO DISTINGUISH PHYSICAL AND PSYCHOLOGICAL ABUSE FROM NORMAL SIGNS OF AGING, OLDER PERSONS ARE SUBJECT TO DISCRIMINATION, EXPLOITATION, AND ABUSE.

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988). To date, this treaty is the only international human rights binding instrument that enshrines specifically the protection in old age as a human right. Indeed, **article 17** (“protection of the elderly”) is very important because it ensures that an older person’s physical, mental and moral integrity will be respected and not subjugated to cruel, inhuman and degrading treatment. This protection stipulates that older people’s specific health needs need special medical attention, work programs and the establishment of social organizations. **Article 10** guarantees that every human being should to enjoy the highest level of physical, mental and social well-being. In order to achieve the “right to health”, the States must agree to recognize health as a public good, prevent further abuses, and promote education on health problems. **Article 3** ensures a right of non-discrimination. Additionally, **article 18** recognizes persons with physical and mental disabilities, including older persons, as vulnerable groups that have the right to special medical care and rehabilitation.

Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities (1999). This convention aims to prevent and eliminate all forms of discrimination against persons with mental or physical disabilities and promote their full integration into society. It is first international convention that specifically deals with the rights of persons with disabilities. It is an effective instrument to protect the human rights of older persons with disabilities, specially those who live in long term care facilities.

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para) (1994). This document is established on the foundation that

the elimination of violence against women is essential for their individual and social development. Article 4 states that every woman, including older women, has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include the right to have her life respected and the right to have her physical, mental and moral integrity respected. This instrument is very useful to eradicate physical, sexual, and psychological violence against women, which often occur within the family, the community, medical facilities and long term care facilities and should be condoned by the States Parties to this convention or its agents regardless of where it occurs.

Inter-American Convention to Prevent and Punish Torture (1985). All acts of torture and any cruel, inhuman, degrading treatment or punishment against older persons violate an individual’s dignity and the human rights and fundamental freedoms set forth in the above mentioned international and regional human rights instruments. Each State should prevent and punish torture and other forms of cruel, inhuman and degrading treatment or punishment within in their jurisdiction.

Declarations, Principles, Standards, and Technical Guidelines

American Declaration of the Rights and Duties of Man (1948). The Declaration affords protection of civil, political, economic, social, and cultural rights and fundamental freedoms.

Resolution CSP26. R20 (September 2002). PAHO’s 26th Pan American Sanitary Conference urged Member States to adopt national policies and plans for the implementation of the International Plan of Action on Ageing, and to provide adequate support for implementation for

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priority areas, such as access to health care, essential drugs and vaccinations for older persons. In this resolution, the Conference also urged Member States to promote and protect the human rights and freedoms of older persons and develop community based long term care options, including supportive housing and assisted living.

Report of the Regional Intergovernmental Conference on Aging: Towards a Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action on Aging (Economic Commission for Latin America and the Caribbean [ECLAC], 2003). This guideline, incorporates the international legal framework on human rights as a tool to protect older persons. This inclusion of international human rights norms into legislation and policies on aging should be an effective strategy to protect older persons, especially those who are retained under deplorable conditions or exposed to inhuman and degrading treatment in long term care facilities.



WHAT YOU CAN DO

The human rights norms embodied in the United Nations and the Inter-American human rights systems establish a good foundation for any effort for promoting and preserving the rights of older persons in the Region of the Americas. This endeavor must involve all segments of society—the government, the health sector, and civil society. All actors and stakeholders should understand the protections afforded by these instruments and use them to improve and refine national legislation, policies, plans, programs and practices. In addition, every sector of society should respect the dignity and personal integrity of older persons. This, in turn, would help reverse infringements on many human rights and fundamental freedoms.

The Government

Ministers of health, of education, and of labor, the criminal justice systems and other relevant agencies should fully understand their obligations to uphold the international legal instruments derived from international human rights conventions that the government has voluntarily ratified. These legal tools create a range of financial, social, and educational obligations in regard to older persons. Among other responsibilities, human rights laws require protection against infringements on individual freedom and autonomy. The curriculum content in medical, psychiatric, psychology schools and other relevant professional training institutions should be updated. Education is one of the most effective ways to prevent abuse. By promoting awareness about the abuse of older persons, the government will also obtain more information about human right violations in the country. The government also should promote policies, programs, plans, and legislation for older persons that are consistent with human right treaties and standards covered here. This would allow older persons to enjoy a better health and quality of life.

Directors of health care facilities and nursing homes should ensure that admission, treatment, holding, and handling of older persons conform to human rights protection standards and norms. Furthermore, they need to make certain that all staff is aware and clearly understands those norms.

Nurses and other health care workers in hospitals, clinics, nursing homes, and other settings should familiarize themselves with the rights of older persons, practice them, and make sure that those rights are being respected and protected in every instance of contact with older persons. Health care workers must keep in mind that they may be the last line of defense protecting the physi-

POLICY MAKERS, FELLOW CITIZENS, AND EVEN THEIR OWN FAMILIES OFTEN MISUNDERSTAND OR NEGLECT OLDER PERSONS' HEALTH, WHICH CAN LEAD TO THEIR ABUSE.

cal, psychological, and moral integrity of older persons who may not be able to care for themselves. If health care workers witness any violation, they must act to stop it and bring it to the attention of responsible officials.

Admissions staff should make certain that they have the informed consent of persons being admitted to the facility in order to remain synonymous with international human rights norms and standards. All other **staff and administrators** should ensure that they have informed consent for all treatment and assistance provided.

Legislators and policy makers should familiarize themselves with international human rights law to make certain that national legislation, policies and plans conform with obligations drawn from conventions and with international human rights standards. If they do not, the legal instruments and policies should be reviewed and revised to bring them into line. New legislation and policies should conform with these provisions in order to prevent abuse of older persons.

Members of the police should understand fully the importance of international human rights law for protecting the rights and freedoms of individuals and groups within society. They should ensure the respect for, and secure protection of, those rights and freedoms. Because they exercise power on behalf of the people, they need to be aware of the human rights standards they are required to meet, and the best practices in their field of activity.

Ombudspersons' offices can follow up citizen complaints and visit the older persons in the community and health facilities to ensure that their human rights are in accordance with national and international laws. They also should embrace the human rights of caregivers and health care workers for older persons as part of their agendas.

The Judiciary should exemplify the international and regional human rights legal framework in their decisions to establish conditions under which justice and equality can be maintained. By promoting and encouraging respect for human rights and fundamental freedoms without discrimination, their aim should be to achieve the physical, mental and social well being of older persons.

Civil Society

Older persons themselves should know and understand their human rights and fundamental freedoms and the domestic, regional, and international mechanisms available to promote and protect them. They also must actively seek and participate in any opportunity to work toward the development or review of health policies, plans, legislation or review of services for older persons aiming to protect their human rights.

Activists can use international human rights mechanisms effectively to spread awareness about abuse. By understanding and adequately explaining the international human rights norms to individuals and groups, they can provide legitimacy to human right violation cases and add urgency to eradicating them.

Families living with older persons should promote intergenerational relationships in order to decrease disrespect of this vulnerable group.

Organizations of older persons and those who live with them should ensure that the human rights of older persons are protected and promoted. They also should seek to provide recreational facilities and employment opportunities for older persons that can buffer their loneliness and offset discrimination against the elderly.

Nongovernmental organization that work with older persons or on their issues should promote the protection of human rights through international standards by creating or developing new agencies to deal with the abuse of older persons. NGOs should seek and partnerships with other civil society groups to prevent duplication of efforts and wasting of resources. Moreover, they should provide outlets and community centers for older persons where they can come together to protect their basic human rights and fundamental freedoms.

The media should dispel myths of older persons by promoting images and reports of older persons who are productive, who take care of themselves, and who contribute in a variety of ways to the development of society and their families. The media also should provide responsible coverage of issues surrounding abuse, neglect, and human rights of older persons.

THE PAN AMERICAN HEALTH ORGANIZATION'S WORK

The Pan American Health Organization (PAHO), as the UN and Organization of American States specialized agency for health in the Americas, has a central role to play in promoting and protecting the right to the enjoyment of the highest attainable standard of health and linking this right to other human rights. PAHO will:

- Disseminate and promote the international human rights instruments that protect the life, personal integrity, health, and other rights of older persons. As of this writing, 780 persons have been trained on the application of human rights instruments in the public health context—300 of them work in psychiatric hospitals.
- Advise Member States on policies, programs, and legislation related that are necessary to fulfill human rights obligations and, especially, make recommendations to States and international human rights bodies on the admission and retention of older persons in mental health facilities in accordance with international human rights treaties and standards.
- Collaborate with international and domestic human rights bodies, such as the Inter-American Commission on Human Rights,¹ special rapporteurs, and national ombudspersons' offices by providing technical opinions, participating in hearings, conducting site visits to assess the protection of human rights of older persons.
- Provide training and technical expertise to governments and civil society to raise awareness of human rights of older persons and of the mechanisms to exercise those rights.
- Publish and disseminate technical documents outlining the human rights framework applicable to older persons.
- Work closely with the Center for Law and the Public's Health (Georgetown University Law Center and Johns Hopkins School of Public Health), which is the PAHO/WHO Collaborating Center on Human Rights Law.

¹ For example, some of the functions of the Inter-American Commission on Human Rights are to review and grant decisions regarding petitions concerning alleged violations of human rights recognized in the American Convention on Human Rights and other Inter-American instruments, visit OAS Member States and review their compliance with Regional human rights treaties, request that States adopt precautionary measures to prevent irreparable harm to persons and conduct general and specific hearings on human rights issues or individual cases. For further information see <http://www.iachr.org>.



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