

THE UNITED NATIONS AND THE THIRD AGE

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Abstract:

Articolul este consacrat examinării contribuției Organizației Națiunilor Unite (ONU) la promovarea și ocrotirea drepturilor persoanelor vârstnice. După câteva considerații preliminare sunt înfățișate cronologic eforturile organizației mondiale de a promova drepturile persoanelor aparținând vârstei a treia, precum și locul pe care problematica specifică vârstnicilor ar trebui să-l dețină în contextul dezvoltării durabile. Sunt evocate, în continuare, aspecte relevante ale posibilităților existente de a transpune în practică obiectivele unei traversări cu succes a vârstei a treia. Sunt analizate, de asemenea, căile limitate de acțiune disponibile în prezent pentru promovarea și ocrotirea drepturilor persoanelor vârstnice, precum și așteptările legitime ale acestora în lumina obiectivelor înscrise în documentul „*Transformarea lumii noastre. Agenda 2030 pentru dezvoltare durabilă*”. Este studiată inițiativa unor state privind elaborarea unui instrument juridic universal destinat persoanelor vârstnice și se reliefează necesitatea unor eforturi urgente și sporite pentru realizarea de progrese într-un domeniu în care pentru viitor se impune o nouă definiție a fenomenului îmbătrânirii.

Cuvinte cheie: ONU, Uniunea Europeană, populație, vârsta a treia, persoane vârstnice, îmbătrânire, longevitate, drepturi, promovare, ocrotire, agenda, dezvoltare durabilă, strategie, globalizare, universalitate.

Résumé:

L'article est consacré à l'examen de la contribution des Nations Unies pour promouvoir et protéger les droits des personnes âgées. Après quelques considérations préliminaires sont présentés chronologiquement les efforts de l'organisation mondiale pour promouvoir les droits des personnes appartenant au troisième âge et la place des problèmes spécifiques des personnes âgées dans le contexte du développement durable. L'on évoque des aspects pertinentes des possibilités existantes pour mettre en œuvre les objectifs de traverser avec succès le troisième âge. Sont analysés également les moyens d'action limités disponibles pour la promotion et la protection des droits des personnes âgées et de leurs attentes légitimes à la lumière des objectifs inclus dans le document « *Programme de développement durable à l'horizon 2030* ». On étudie aussi l'initiative des Etats sur l'élaboration d'un instrument juridique universel pour les personnes âgées et on souligne la nécessité d'efforts urgents et soutenus pour réaliser des progrès dans un domaine qui dans l'avenir exige une nouvelle définition du vieillissement.

Mots-clés: Nations Unies, Union Européenne, population, troisième âge, personnes âgées, vieillissement, longévité, promotion, protection, droits, ordre du jour, développement durable, stratégie, globalisation, universellement.

1. Preliminary considerations

The 193 members of the United Nations (UN), as well as the scientists understand the “third age” as the “golden years” of human beings covering the period of time between retirement and the beginning of age-imposed physical, emotional, and cognitive limitations. More precisely, the third age encompasses people of 65 and 80+ years¹.

Scientists believe the third age is characterized by a paradox. It is a period during which adults experience life and self more positively, while some of their fundamental functions undergo a gradual deterioration.

The UN terminology on the matter gives preference in current documents to other expressions like “older persons”, “elderly”, “senior citizens” etc, all of them under the larger umbrella of aging.

In accordance with the most recent definitions “Ageing” (or aging) is a gradual process that develops over the course of life and entails biological, physiological, psycho-social, and functional changes with varying consequences, which are associated with permanent and dynamic interactions between the individuals and their environment².

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¹ See Stephen F. Barnes, *Third Age – The Golden Years of Adulthood* at <http://calbooming.sdsu.edu/documents/TheThirdAge.pdf>. For useful terminological guidelines see also <http://www.whitehouseconferenceonaging.gov/2015-WHCOA-Final-Report.pdf>.

² See *Strengthening Older People's Rights: Towards a UN Convention A resource for promoting dialogue on creating a new UN Convention on the Rights of Older Persons*. This publication is available at http://webcache.googleusercontent.com/search?q=cache:http://www.inpea.net/images/Strengthening_Rights_2010.pdf&gws_rd=cr&ei=ffpsV47oGcnsvq762QCw

In conformity with a legal definition accepted by the Organization of American States and incorporated in a comprehensive convention “Older person” is an individual aged 60 or older, except where national legislation has determined a minimum age that is lesser or greater. This concept/definition includes also elderly persons³.

At present, “aging” and “older persons” are generally accepted expressions in the majority of the UN documents in the field.

The most recent and reliable UN data from World Population Prospects (2015) indicate that the number of people in the world aged 60 years or over is projected to grow by 56 per cent, from 901 million to 1.4 billion, and by 2050, the global population of older persons is projected to more than double its size in 2015, reaching nearly 2.1 billion.

On the other hand , the number of people aged 80 years or over is growing even faster than the number of older persons overall. Consequently, in 2050 the oldest-old people will number 434 million, having more than tripled in number since 2015, when there were only 125 million people over the age of 80.

The number of older persons is growing faster than the numbers of people in any other age group. By 2030, older persons are projected to account for one in six people globally. By the same year, older persons are expected to account for more than 25 per cent of the populations in Europe⁴.

In spite of its undeniable importance, the question of the elderly and the aged was actually considered by the UN only in 1971, after some unsuccessful attempts going back to 1969.

However, both the discussion about the aging process, as well as the resolution adopted by the UN General Assembly in 1971 were relatively modest by their substance if compared with the real magnitude of the problem. On 18 December 1971, by a resolution having the symbol

2842(XXVI) the Assembly asked the Secretary-General to continue the study of the changing socio-economic and cultural role and status of the aged in countries of different levels of development and to prepare, in cooperation with interested specialized Agencies, a Report suggesting guidelines for national policies and international action related to the needs of the elderly and the aged in society.

The text of the resolution containing this request was adopted by acclamation on a proposal by Canada, Chile, Costa Rica, Cyprus, Denmark, Ecuador, France, Greece, Guyana, Hungary, Iceland, India, Italy, Jamaica, Kenya, Lebanon, the Libyan Arab Republic, Malta, Mongolia, the Philippines, Romania, the Syrian Arab Republic and the United States.

The above mentioned resolution clearly reminded that a high priority should be given to the question of the elderly and the aged. It also anticipated that the position of the elderly and the aged in society was expected to deteriorate in many industrialized as well as in many developing countries unless appropriate policies are initiated to deal with their needs and to ensure opportunities for their participation in national life and their contribution to the development of their communities⁵.

After this pioneer initiative of 1971 in the UN General Assembly, the most quoted “legislative history” on aging includes the following global and regional documents on ageing: The United Nations Principles for Older Persons (1991), the Proclamation on Ageing (1992), and the Political Declaration and Madrid International Plan of Action on Ageing (2002), as well as some regional instruments such as: the Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action on Ageing (2003), the Brasilia Declaration (2007), the Plan of Action on the Health of Older Persons, including Active and Healthy Aging (2009) of the Pan American Health Organization, the Declaration of Commitment of Port of Spain (2009), and the San José Charter on the Rights of Older Persons in Latin America and the Caribbean (2012).

⁵ The text of the resolution can be found at <http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html>

³ The full text of the convention is available at http://www.oas.org/en/sla/dil/inter_american_treaties_A-70_human_rights_older_persons.asp

⁴ All data and the full texts of international human rights instruments on the matter can be found on the website of the Office of the High Commissioner for Human Rights at: www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx See also <http://www.helppage.org/resources/ageing-in-the-21st-century-a-celebration-and-a-challenge/>

In its 1992 Proclamation on Aging⁶, the UN General Assembly decided to celebrate 1999 as the International Year of Older Persons. The official proclamation was launched on 1 October 1998, a date which entered the UN calendar as the International Day of Older Persons (IYOP).

The UN decided that the motto "Towards a Society for All Ages" had to be the central theme for IYOP during which all states were expected to foster awareness of senior citizens roles in society and the need for intergenerational "solidarity", "respect" and "exchanges", emphasizing the fact that older persons are the repository of their societies' histories. The IYOP was supposed to give an impetus for the implementation of the International Plan of Action on Aging, the first major international instrument on aging which was endorsed by the UN General Assembly in 1982, following the First World Assembly on Aging of that year⁷.

While being in general a positive event, the IYOP, could not lead to radical changes in the situation and status of older persons and in May 2000, the UN General Assembly decided to convene the Second World Assembly on Ageing in 2002, on the occasion of the twentieth anniversary of the First World Assembly on Ageing, held in Vienna (resolution 54/262).

The Second World Assembly on Ageing took place in Madrid from 8 to 12 April 2002, and adopted the Political Declaration and the Madrid International Plan of Action on Ageing (resolution 57/167). The UN General Assembly continued considering this item every year and in 2010 decided to establish a working group, open to all UN Members, for the purpose of strengthening the protection of the human rights of older persons (resolution 65/182).

In 2014, the UN General Assembly took note of the appointment by the Human Rights Council of the Independent Expert on the enjoyment of all human rights by older persons, invited Member States to cooperate with him in carrying out the mandate set out in Human Rights Council resolution 24/20, and instructed the Independent

Expert to address and engage in an interactive dialogue with the Assembly at its seventieth session in 2015.

An important aspect of substance was emphasized on that occasion. Indeed, the Assembly recognized the continuing need to give due consideration to the situation of older persons in the context of discussions on the post-2015 development agenda. In this respect, it requested the above mentioned open-ended working group on ageing to submit in 2015, at its seventieth session a compilation of concrete proposals, practical measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons, and requested the Secretary-General to submit a report on the implementation of the resolution (resolution 69/146).

The requested Report focused on two significant issues: discrimination and neglect, abuse and violence. It also provided an update on recent regional policy developments, publications and civil society initiatives related to the third age.

2. Is successful aging possible?

A famous Chinese proverb says: "An elderly person at home is like a living golden treasure." This proverb deserves to be interpreted in connection with the fact that our world is in a process of ageing rapidly, as clearly illustrated in the above –mentioned UN report. People aged 60 and older make up 12.3 per cent of the current 7.5 billion global population. In accordance with the UN assessment, by 2050 more than 20 per cent of the world's population will be 60 years of age or older, and the increase in the number of older people will be the greatest and the most rapid in the developing world. Asia will be the continent with the largest number of older persons⁸.

Beyond these predictions, scholars believe that something unprecedented is going to happen: more and more centenarians are coming. Indeed, even if we limit the examples to the current situation in two countries -the USA and Japan-, it appears that the number of Americans aged 100

⁶ See Nicole Delpérée, *Protectia depturilor si libertatilor persoanelor varstnice*, IRDO, 1995, p. 16

⁷ The resolution is available at <http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html>.

⁸ See *Ageing in the Twenty-First Century: A Celebration and A Challenge*. Published by the United Nations Population Fund (UNFPA), New York, and HelpAge International, London, 2012. The e –version of this significant book is available at <http://iran.unfpa.org/Documents/IDOP2012/UNFPA-Report-Chapter1.pdf>.

and older has gone up by 44 percent since 2000. There were 72,197 centenarians in 2014, compared with 50,281 in 2000, while in 1980, they numbered no more than 15,000.

There were nearly 59,000 centenarians in Japan in 2015, according to government figures — which means 46 out of every 100,000 people are aged 100 or older⁹.

As reported by the press on June 5, 2016, a 96-year-old Japanese man said he is excited at the prospect of breaking more records after being recognized as the world's oldest university graduate with his degree in ceramic arts.

Senior Shigemi Hirata received his Guinness World Records certificate after earning a Bachelor of Arts degree from Kyoto University of Art and Design earlier at the beginning of 2016.

Born on a farm in Hiroshima in 1919 — the year the Allies and Germany signed the Treaty of Versailles — Hirata is something of a celebrity. “Students whose name I do not even know call out to greet me,” he told Japan’s *Yomiuri Shimbun*. “That gives me a lot of energy.”

“My goal is to live until I am 100,” he said. “If I am fit enough, it might be rather fun to go to graduate school.”

Hirata, who served in the Imperial Japanese Navy during World War II and has four great-grandchildren, added: “I am so happy. At my age, it is fun to be able to learn new things”¹⁰.

Specialists in demography seem highly impressed by these remarkable facts. However, in a more moderate manner, at the UN level it is realistically recognized that in many parts of the world awareness of the aging phenomenon remains limited or non-existent. Experts are permanently warning that even developed countries are unprepared to successfully cope with this phenomenon, especially as the life expectancy of senior people continues to rise.

At the level of principles, aging is not a problem, but an achievement. In practical terms, the revolutionary demographic challenge of the current century, in both developed and developing countries, demands that concerted and strong efforts be made for putting ageing policies at the top of the

social agenda during the irreversible process of globalization. To give tangibility to this generous objective all people in all countries from every sector of society, individually and collectively, are invited to join in a universal dedication to a shared vision of equality for persons of all ages.

The World Health Organization (WHO) adopted relevant recommendations for enabling the rapidly growing number of older persons in both developed and developing countries to remain in good health and maintain their many vital contributions to the well-being of their families, communities and societies. But the WHO cannot deny that many health systems are not sufficiently prepared to respond to the needs of aging population, including the need for preventative, curative, palliative and specialized care. In addition, the situation of older persons in many parts of the world has been negatively affected by the world financial and economic crisis¹¹.

3. What is to be done?

Year by year the UN resolutions invite 193 Member States to continue to share their positive national experiences in developing and implementing policies and programs aimed at strengthening the promotion and protection of the human rights of older persons.

To that effect, governments are encouraged to actively address issues affecting older persons and to ensure that the social integration of senior citizens and the promotion and protection of their rights form an integral part of sustainable development policies at all levels.

From this perspective, the key challenge confronting our globalizing world is “building a society for all ages.” All countries are requested to overcome obstacles to the implementation of the UN Madrid Plan of Action on Ageing (the most important document in this field, adopted by consensus in 2002) by devising strategies that take into account the entirety of the human life course and foster inter-generational solidarity in order to increase the likelihood of greater success in the years ahead¹².

¹¹ See <http://www.who.int/topics/ageing/en/>

¹² See the Madrid International Plan of Action on Ageing and the Political Declaration adopted at the Second World Assembly on Ageing in April 2002 available at http://www.un.org/en/events/pastevents/pdfs/Madrid_plan.pdf.

⁹ Statistics on centenarians are to be found at . See also <http://www.taipeitimes.com/News/world/archives/2016/06/05/2003647939>.

¹⁰ See *The Nation*, Bangkok, June 5, 2016.

Both in public documents and in individual statements it is also frequently recommended to advance a positive public image of older persons and their multiple contributions to their families, communities and societies. This approach is quite useful, as appropriate measures are necessary for changing negative stereotypes about senior citizens.

More specifically, relevant reference is being made in UN documents to the crucial importance of inter-generational family interdependence, solidarity and reciprocity for social development and the realization of all human rights for older persons in order to prevent age discrimination and provide full social integration of senior citizens. In this context, it is emphasized that more opportunities have to be created for voluntary, constructive and regular interaction between young people and older generations in the family, the workplace and society at large. More attention has to be paid to the psychological and physical aspects of aging and the special needs of older women.

A significant task highlighted in many international documents is to adequately address the issue of the well-being and health care of older persons, as well as any cases of neglect, abuse and violence against senior citizens, by implementing more effective prevention strategies and stronger laws and by developing coherent and comprehensive policy frameworks to solve these problems.

There is no surprise that in complementing national development efforts, promoting an enhanced international cooperation is described as being essential to support developing countries in implementing the Madrid Plan of Action.

In this regard, the UN resolutions remind on a regular basis that the world community of nations is expected to support national efforts to forge stronger partnerships with civil society, including organizations of older persons, academia, research foundations, community-based organizations, including caregivers, as well as the private sector, in an effort to help build a stronger capacity on aging issues.

In more specific terms, governments are invited to support the UN Trust Fund for Aging meant to provide expanded assistance to developing countries upon their request.

4. Legitimate expectations

Due consideration has to be given to the situation of older persons in the post-2015 development Agenda and to the expectations related to it¹³.

In this respect, while not dealing concretely with the problems of aging, the document entitled *Transforming Our World: the 2030 Agenda for Sustainable Development*, adopted by the UN Summit on September 25, 2015, advocates for creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity and requests Member States to take all necessary measures for promoting social protection and equal access to quality essential public services for all¹⁴.

This transformational Agenda offers a historic opportunity to advance the rights and role of older persons in society as an integral part of the ambitious commitment to “leave no one behind”.

At the same time, it should be reminded that the validity and topicality of the United Nations Principles for Older Persons (1991) for future action must not be ignored or underestimated. The last two principles proclaimed in this document stipulate that older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse. They should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution¹⁵.

It is often said that old age combines happiness and sadness, with less time wasted on anger and worry. Is it a real success?

¹³ From relevant Romanian literature on this topic see Irina Moroianu Zlătescu, PhD, *New objectives for sustainable development*, Human Rights, Bucharest, No 2/2015, pp.7-14. For a more general presentation of human rights, including the codification process, see Irina Moroianu Zlatescu, *Human Rights, A Dynamic and Evolving Process*, Bucharest, Pro Universitaria, 2015, pp. 46-64.

¹⁴ For the full text of the resolution A/RES/70/1 entitled *Transforming our world the 2030 Agenda for Sustainable Development* see http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1.

¹⁵ The full text of the document A/RES/46/91 dated 16 December 1991 and, entitled *United Nations Principles for Older Persons*. To add life to the years that have been added to life is available at <http://www.un.org/documents/ga/res/46/a46r091.htm>.

While there is no generally accepted definition of successful ageing, it can be assumed that a person is deemed to have successfully aged if he or she lived free of disability or disease, had high cognitive and physical abilities, and was interacting with other people in meaningful ways.

In more practical terms “successful ageing” can be interpreted as a prolongation of middle age. Chinese wisdom advises: “Do not be afraid of being old; only be afraid when your spirit becomes old”.

In an optimistic way, Martin Buxbaum (1912-1991), an American poet and editor, asserted: “Some people, no matter how old they get, never lose their beauty — they merely move it from their faces into their hearts”. In an even more optimistic manner Emily Dickinson (1830-1886), a great American poet, wrote: “We turn not older with years, but newer every day.” Ana Aslan, a famous Romanian gerontologist (1897-1988) once said: “To grow old in a beautiful and dignified way is at the same time a science and an art.”

Finally, in the opinion of French writer André Maurois (1885-1967), “The art of growing old is the art of being regarded by the oncoming generations as a support and not as a stumbling-block.”¹⁶

All these relevant quotations from the past deserve to be interpreted today in the light of the most recent international documents and statements on ageing. In this respect, mention should be made of the written statement submitted in 2016 by the International Federation of Associations of the Elderly, a non-governmental organization having consultative status with the UN Economic and Social Council, at the 54th session of the UN Commission for Social Development. This document says *inter alia*: “Older persons must be able to secure and take on their share of responsibility for contributing to a properly run society, advancing the well-being of a country’s inhabitants of all generations, and increasing its wealth. It is therefore necessary to promote active ageing, facilitate benevolent

activity, remove barriers associated with age, combat discriminatory practices against the elderly (ageism), guarantee a decent income, safeguard resources saved for retirement, and ensure a full range of retirement options”¹⁷.

It can be concluded that giving tangibility to legitimate demands and expectations like those mentioned above may, indeed, contribute to successful ageing for 12.3 per cent of the current 7.5 billion world’s population. Therefore, 2016, as the first year covered by the UN 2030 Agenda for Sustainable Development, can be considered as a promising and testing turning point in the calendar of global efforts for the implementation of this Agenda. Successful materialization of the goals proclaimed in this programmatic document is an important prerequisite for reaching genuine progress in making successful ageing a persuasive reality. Otherwise, this humanistic objective will remain just a noble aspiration.

5. Towards a universal legal instrument on aging?

On 20 December 2012 the UN General Assembly adopted without a vote resolution 67/139 optimistically entitled *Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons*¹⁸.

By this resolution it was recognized that different efforts made to increase cooperation and integration and increasing awareness of and sensitivity to ageing issues since the adoption of the Madrid International Plan of Action on Ageing, in 2002, by Governments, relevant bodies of the United Nations system and civil society, including non-governmental organizations and the private sector, have not been sufficient to promote full and effective participation by and opportunities for older persons’ participation in economic, social, cultural and political life.

¹⁷ All documents from the UN Commission for Social Development quoted in the present article are available at <https://www.un.org/development/desa/dspd/united-nations-commission-for-social-development-csod-social-policy-and-development-division/54th-session-of-the-commission-for-social-development-csod54/csod54-ngos-written-statements.html>.

¹⁸ The full text of the resolution can be found at <http://www.un.org/en/sections/documents/general-assembly-resolutions/index.html>.

Resolution 65/182 of 21 December 2010 was recalled in this context for obvious reasons. Indeed, by that resolution the UN General Assembly decided to establish an open-ended working group, open to all UN Members, for the purpose of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

Some factual elements have been repeated in the resolution. For instance, by 2050, more than 20 per cent of the world's population will be 60 years of age or older, and the increase in the number of older persons will be greatest and most rapid in the developing world. In the same context it is not possible to ignore the essential contribution that the majority of older men and women can continue to make to the functioning of society if adequate guarantees, means and resources, as well as the highest possible level of health care, are in place. The conclusion is categorical: older persons must be full participants in the development process and also share its benefits.

In the same resolution 67/139 the UN General Assembly could not ignore the increasing interest of the international community in the promotion and protection of the rights and dignity of older persons in the world under a comprehensive and integral approach.

This interest was evoked in order to introduce a significant motivational idea. While there are numerous obligations vis-à-vis older persons and implicitly in most core human rights treaties, nevertheless explicit references to age in core international human rights treaties are scarce, there is no such instrument for older persons and only a few instruments contain explicit references to age.

Therefore, the UN General Assembly decided to adopt a mandate for the Open-ended Working Group on Ageing, which shall be open to all UN Member States and observers, and entitled to consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons, based on the holistic approach in the work carried out in the fields of social development, human rights and non-

discrimination, as well as gender equality and the empowerment of women. More specifically, the Working Group was requested to present to the General Assembly, at the earliest possible date, a proposal containing, *inter alia*, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection. Unfortunately, a year later, resolution 70/164 adopted by the UN General Assembly on 17 December 2015 referred in its title only to Measures to enhance the promotion and protection of the human rights and dignity of older persons¹⁹. It should be nevertheless indicated that the title of the very first draft of this resolution submitted by Argentina contained a clear reference to an international legal instrument which was later deleted for the sake of consensus.

The UN General Assembly recommended in resolution 70/164 that States parties to existing international human rights instruments address the situation of older persons more explicitly in their reports, and encouraged treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay more attention to the situation of older persons in their dialogue with Member States, in their consideration of reports and in their country missions.

It is true that by the same resolution the UN General Assembly encouraged Member States to continue to contribute to the work of the Open-ended Working Group mentioned above, in particular by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and *possible content for a multilateral legal instrument*. (emphasis added). This can be interpreted as a visible procedural regress if we compare this modest reference with

¹⁹ Information is taken from the UN documents for the seventieth session: (a) Report of the Secretary-General (resolution 69/146); (b) Report of the Open-ended Working Group on Ageing (resolution 69/146). References for the sixty-ninth session (agenda item 26 (c)) Report of the Secretary-General A/69/180; Summary records A/C.3/69/SR.1-4, 42 and 53; Report of the Third Committee A/69/480; Plenary meeting A/69/PV.73; Resolution 69/146. See also http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/70/L.50

the more specific description of the proposed international legal instrument contained in resolution 67/139 which was entitled *Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons*.

However, the debates in the UN General Assembly demonstrated that the idea of an international legal instrument has many supporters in particular among the Latin American countries. El Salvador stressed that the Madrid International Plan of Action on Ageing did not address all the needs or legal gaps as far as the protection of older persons' rights and their inclusion in development were concerned. Therefore, El Salvador attached great importance to the formulation of an international convention on the protection and promotion of the rights of older persons.

In Argentina's opinion, progress in the protection and promotion of the rights of older persons must continue. The ageing of the population was transforming societies and called for a new, stereotype- and prejudice-free paradigm that would guarantee equal rights for all. It was now time for the Member States to discuss the details of an international convention on the subject, which would not only fill regulatory gaps, but also guarantee older persons their full participation and help address discrimination, indifference and abuse issues.

Chile stated that national policies with respect to older persons focused on advancing a rights-based and cross-cutting approach on the part of the public administration, promoting social participation, strengthening the social protection system, and decentralizing the work of the National Service for Ageing in order to respond more effectively to the needs of older persons throughout the country. Chile continued to support the adoption of a comprehensive international legal instrument to promote and protect the rights and dignity of older persons.

Speaking on behalf of CELAC, Costa Rica was concerned about the rapid ageing of the population in the developing world and actively promoted the inclusion of older persons in society through expanded social strategies. The international community should pay more attention to the promotion and protection of the rights of older persons, step up implementation of the Madrid International Plan of Action on Ageing at all

levels, and consider the feasibility of an international convention for the protection and promotion of the rights of older persons.

The observer of the European Union (EU) informed the UN General Assembly that European Union member States were actively promoting the rights of older persons to social protection and access to health and social services. They needed to take further steps to address, *inter alia*, age discrimination, decent work availability, social protection and prevention of elder abuse. The EU's commitment to the protection of older persons from a human rights perspective was reflected in a side event it had hosted on that theme in the context of the Open-ended Working Group on Ageing.

Italy, speaking on behalf of the EU, said that the EU placed the situation of older persons very high on its agenda and was fully committed to promoting their human rights. It saw merit in ensuring a coherent discussion within the UN on ageing issues and *making proper use of existing instruments*. (emphasis added). It was noted that diverging views persisted on the most appropriate way forward with regard to the greater enjoyment of human rights of older persons. Some Member States advocated for a solution by means of a process to establish new norms, while others questioned that solution, asserting that existing human rights standards should be properly implemented in order to address the situation of older persons in any region of the world. There was not yet agreement on whether there were normative gaps in addressing the issue.

In a similar way like the EU, Canada urged the Open-ended Working Group and its bureau to be mindful of the diversity of views among participating members when drafting the report proposed in the resolution. It was hoped that the report would move past the polarized debate around the necessity of a convention and consider concrete and readily available options for strengthening the rights of older persons. Such a report could help clarify the manner in which Member States, UN entities, special procedures mandate holders, treaty bodies and civil society could work together to address the human rights abuses in the case of senior citizens.

Canadian proposal about the above report has merits, but it cannot replace genuine efforts for the elaboration of an international legal instrument

dedicated to senior citizens. There is a lack of specific provisions about older persons in the existing human rights law. It can be called as a “normative gap”. Some examples can illustrate this gap. For instance, existing legal instruments do not address important issues such as: international standards on rights within community-based and long-term care settings for both the caregiver and the person receiving care; legal planning for older age; and the abolition of mandatory retirement ages²⁰.

It is true that The Universal Declaration of Human Rights and the international rights conventions are expected to apply to all persons regardless of age. However, in practical terms age is not listed explicitly as a reason why someone should not be discriminated against.

However, in the opinion of Switzerland, speaking also on behalf of Australia and Canada, the existing protection gaps did not result from a normative gap, but rather from a lack of due attention to the situation of older persons, an inadequate commitment to ensuring that those persons were able to live dignified, active and fulfilled lives, the failure to properly inform them about their rights and avenues for redress, and shortcomings in the monitoring of the implementation of obligations.

The existence of some regional conventions specifically dealing with the protection of the rights of older people offers persuasive arguments for the elaboration of a universal legal instrument on the rights of senior citizens.

Perhaps the most instructive regional instrument is the Inter-American Convention on Protecting the Human Rights of Older Persons which is not yet in force²¹. It was adopted at

²⁰ A press-release about debates in the UN General Assembly on aging in 2015 can be consulted at <http://www.un.org/press/en/2013/gashc4066.doc.htm> Older persons were described as an invaluable social force that could contribute to social development. More than 40 speakers took part in the discussion on that topic, with one describing longer lives as “a triumph of human development”.

²¹ The official text of the convention is available at , See also Strengthening Older People’s Rights: Towards a UN Convention A resource for promoting dialogue on creating a new UN Convention on the Rights of Older Persons. This publication is available at http://webcache.googleusercontent.com/search?q=cache:http://www.inpea.net/images/Strengthening_Rights_2010.pdf&gws_rd=cr&ei=ffpsV47oGcnsvqS762QCw.

Washington, D.C. on June 15, 2015 and contains 41 articles. It is based on 15 principles, some of them quite specific for the older people such as: Solidarity and the strengthening of family and community protection; Proper treatment and preferential care; Differentiated treatment for the effective enjoyment of rights of older persons; Respect and appreciation of cultural diversity. (Art.3)

Among the first measures states parties have to take are to: Adopt measures to prevent, punish, and eradicate practices that contravene this Convention, such as isolation, abandonment, prolonged physical restraint, overcrowding, expulsion from the community, deprivation of food, infantilism, medical treatments that are, *inter alia*, inadequate or disproportional or that constitute mistreatment or cruel, inhuman, or degrading treatment or punishment that jeopardizes the safety and integrity of older persons.(Art.4)

States parties have to foster and facilitate the active participation of older persons in both formal and non-formal educational activities. They have to promote recognition of the experience, wisdom, productivity, and contribution to development that older persons offer society as a whole.

6. Urgent need for action

In a recent American article about aging the following conclusion is formulated: “Retirement is not an end but a beginning—an opportunity to experiment and explore, to engage in pursuits you value, and perhaps to reinvent your legacy”²².

A British article entitled *Live long and prosper: How to plan for a long, long life* published in *The Economist* dated June 4, 2016 contains a short review of the book *The 100-Year Life: Living and Working in an Age of Longevity* by Lynda Gratton & Andrew Scott. This article says: “It used to be rare to live to 100. But the progress of science has meant that over the past two centuries every year has added three months to average life expectancy, at least in rich

²² See Heather C. Vough ,Christine D. Bataille, Leisa Sargent, Mary Dean Lee, Next-Gen Retirement, Harvard Business Review, June 2016 issue .pp.104–107. The article contains information according to which “Every day in the United States more than 10,000 people turn 65. For decades this was the typical retirement age. Starting in their early fifties, but certainly by age 70, people were expected to end their careers and embrace a life of leisure. But in the past 20 years, that paradigm has shifted dramatically. Half of today’s 60-year-olds will live to at least age 90”.

countries....half the children born in the rich world today are likely to live to 100”²³. It is in this context that in 2016 the theme of the International Day of Older Persons (1 October) is “*Take a Stand Against Ageism*”²⁴. The rationale for such a theme can be summarized in the following way:

Senior citizens frequently face negative perceptions of older workers; age limits, penalties and denials of service imposed by insurance service providers and financial institutions; preconceived notions and negative attitudes on the part of medical staff; and age-based rationing of health care services or procedures.

The very concept of ageism is based on the assumption that discrimination against older persons is the norm and is acceptable. It manifests itself in both individual and institutional behaviors and decisions that have a significant negative impact on the lives of older persons, contributing to their marginalization and social exclusion. It should be added that older women are further disadvantaged by attitudinal factors approving the use of violence, ageism and sexism, particularly cultural values and social systems.

From the perspective of urgent action in favor of older people one of the most recent documents on the matter emerged from the event officially entitled Global Conference of Parliamentarians on Population and Development Toward the 2016 G7 Ise-Shima Summit Asian Forum of Parliamentarians on Population and Development (AFPPD,) Japan Parliamentarians Federation for Population (JFPF), GCPPD Declaration and Recommendations to the G7, dated 27 April 2016.

Over 140 members of parliaments from 64 countries around the world attended the above Conference.

²³ See the full text of the review at <http://www.economist.com/news/books-and-arts/21699886-how-plan-long-long-life-live-long-and-prosper>. This review refers to the book Lynda Gratton & Andrew Scott, *The 100-Year Life: Living and Working in an Age of Longevity*, Bloomsbury, 2016, 264 p. The essence of the book was explained by Andrew Scott in the following terms: “Compared to past generations we have a lot more life to live. The book is about how both individually and as a society we need to change how we structure life in response to longer life expectancy”. See <https://www.swisslife.com/en/hub/interview-andrew-scott.html?back=/content/internetrel/com/en/hub.html>

²⁴ See <http://www.timeanddate.com/holidays/un/international-older-persons-day> The International Day of Older Persons is a global observance and not a public holiday.

A special section of the major document released during the above event is entitled *Building Active and Economically Vibrant Ageing Societies*. In this section ageing is described as a natural part of the human life cycle and should be celebrated. Increased life expectancies remain and will be a challenge for both developed and developing countries, so effective measures should be created as a social foundation for good health, ageing with dignity, maintenance of functional capacity, and longevity.

The document addresses in particular elderly women, who tend to be the poorest and most vulnerable to mental and physical illnesses and require special investment and support.

The measures requested by the parliamentarians are meant to: Support the development and maintenance of a sustainable universal health coverage (UHC) system that offers equitable and affordable health and social insurance, along with comprehensive health and social services, to extend healthy life expectancy and mitigate the impact of non-communicable diseases. Take necessary measures to provide essential nutrition and address mental health needs. Every elderly person, in particular women, should be able to lead a meaningful and dignified life while enjoying family, community, and social participation.

The parliamentarians also demand actions meant to recognize and take into account the elderly varied and changing abilities and physical capacities when promoting their social participation. They ask to prioritize support for their economic independence, to promote social and technological innovation that serves their needs, and develop various alternatives for long-term care.

Finally, in the view of parliamentarians it is necessary to support the review and updating of relevant social, economic, and health policies and legislation, including the introduction and implementation of preventive care policies in order to maximize the functional capacities and autonomy of older people, before the cost of implementing these policies becomes prohibitive²⁵.

²⁵ See all information at <http://www.afppd.org/events/event-docs/1-d&r-global-conference-of-parliamentarians-on-population-and-development-2016-dec.pdf>.

For cooperation between the UN and parliaments see Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union, Report of the Secretary-General, available at http://www.un.org/ga/search/view_doc.asp?symbol=A/70/917 The document is dated June 6, 2016.

Interesting action –oriented ideas have been formulated by diplomats and scholars concerning the place of education in the life of senior citizens. George Sioris, former ambassador of Greece to Japan, president emeritus of the Asiatic Society of Japan wrote: „I would urge that we try to figure out specific new programs that are compatible with the wishes and abilities of the senior segment of our populations. In doing so, we should perhaps establish different types of degrees to be awarded to them – degrees that are still academically attractive and valid yet different from the ones awarded to younger, conventional students. In this way, even the slightest hint of competition between the two groups could be eliminated”²⁶.

A Thai author wrote recently an article reporting about experts’ views from various fields who gathered to brainstorm ideas on how to make life easier for Thailand’s rapidly graying population. The conclusions of the meeting illustrated the fact that “In terms of infrastructure, universal design standards could ensure that even as we grow old and less mobile we can maintain our normal public lives. It would still be possible to run daily errands, to visit relatives, to see doctors, and to hang out with friends.” In this connection experts pointed out that senior citizens who are physically and mentally fit to work should have job opportunities that offer regular income and social interaction. At the same time, persons who are in frail health should have support networks to ensure they are never abandoned to a lonely life or worse.

The final appeal of the Thai author is in full harmony with the UN position on the matter: ”Think about the elderly today, about their needs. Reach out to them. Saying goodbye to youth should not mean waving farewell to the simple joys of life. More importantly, no one on this Earth deserves a lonely death”²⁷.

Nobody can ignore the obvious fact that the acceleration of population ageing and a remarkable increase in human longevity at the global level represent one of the most important social, economic and political transformations of our era. This phenomenon will have a strong

impact on all communities, families and individual persons.

Therefore, a new paradigm is needed in order to be able to harmonize demographic ageing with economic and social growth and with the protection of all human rights of senior citizens. Building a society for all ages must not remain a distant dream.

7. Towards a new definition of aging

In 2006, during his tenth and final year of his tenure as UN Secretary-General, Kofi Annan , stated: “As people across the globe come to live increasingly longer lives, our entire human family has a stake in encouraging and easing a productive, active, and healthy aging process. The whole world stands to gain from an empowered older generation, with the potential to make tremendous contributions to the development process and to the work of building more productive, peaceful, and sustainable societies”²⁸.

In the same area of concerns, as pointed out by the UN Secretary General Ban Ki-moon, “Longevity is a public health achievement, not a social or economic liability”. Indeed, senior citizens are continuously proving that they are vibrant and essential contributors to the sustainable development and stability of national societies, and much more must be done to better use their valuable, enormous potential as leaders, multi-generational caregivers and volunteers. To make it a reality, adequate policies have to be adopted to enable senior citizens to live in a friendly environment that enhances their intellectual and physical capabilities, fosters their independence and provides them with appropriate assistance, affection and care²⁹.

Humankind is ageing. This is an unavoidable fact of life. The crucial role played by senior citizens in society should not be acknowledged just in words. More specific measures have to be taken at the national level to support older persons, promote their income security and social protection, and ensure quality health services.

In this regard, it is imperative to continue to address ageing as a priority in all development

²⁶ See George Sioris, Seniors, universities can help each other, *The Japan Times*, November 20, 2005.

²⁷ See Chularat Saengpassa, Picture a society where no one dies unloved and alone ,*The Nation*, Bangkok, June 14, 2016.

²⁸ See <http://www.un.org/events/olderpersons/2006/sgmessage.html>.

²⁹ See <http://www.un.org/en/events/olderpersonsday/2012/sgmessage2012.shtml>

plans and to determine policy-makers to keep it high on their agenda. Appropriate action is needed to gradually eliminate some stereotypical images about senior citizens being too vulnerable, resource dependent and non-productive in their societies and to promote greater inter-generational solidarity.

Ana Aslan (1897–1988), a Romanian biologist and physician, discovered the anti-aging effects of procaine, based on the drugs Gerovital H3 and Aslavital, which she developed. She is considered to be a pioneer of gerontology and geriatrics in Romania. In fact, she is known for coining the term “gerontology”, and in 1959 organized the Romanian Society of Gerontology and Geriatrics, the first scientific organization in the world to channel its research into clinic, experimental, and social researches, to devise a therapeutic strategy to prevent the process of aging. She was awarded the “Leon Bernard” international honors by the World Health Organization for her contribution to the field. She used to say frequently: “Being young doesn't mean being 20. Being young means being optimistic, feeling good and having an ideal to fight for in order to achieve it...Let's bring life and years back to life...To grow old in a beautiful and dignified way is at the same time a science and an art”³⁰.

The conception of Ana Aslan whose activities were closely related to the UN concerns about aging is being re-validated in our days. In this regard, we have to mention the World Elder Abuse Awareness Day (WEAAD) which was launched on June 15, 2006 by the International Network for the Prevention of Elder Abuse and the World Health Organization at the United Nations. The purpose of WEAAD is to provide an opportunity for communities around the world to promote a better understanding of abuse and neglect of older persons by raising awareness of the cultural, social, economic and demographic processes affecting elder abuse and neglect. In addition, WEAAD is in support of the United Nations International Plan of Action acknowledging the significance of elder abuse as a public health and human rights issue. WEAAD serves as a call-to-action for individuals, organizations, and

communities to raise awareness about elder abuse, neglect, and exploitation³¹.

In a special Proclamation launched on June 15, 2016 on the occasion of the World Elder Abuse Awareness Day, US President Barack Obama stated: “...let us resolve to give all people the tools and support they need to live out their golden years in peace and security. Let us fight cruelty against seniors wherever it exists, and together, let us stamp out all forms of elder abuse – here at home and across the globe”³².

This Proclamation is formulated in the spirit of the conclusions of The White House Conference on Aging (WHCOA), an event which took place on July 13, 2015 and provided an opportunity to recognize the importance of changing perceptions about aging and, at the same time, to look ahead to the next decade. These conclusions can be inspiring also in the context of the UN future action in this sensitive field.

Indeed, in accordance of the report of WHCOA, it is time to shift the conversation from one that assumes that the coming age wave will overwhelm us to one that recognizes it can help lift everyone's boat by tapping the power of experience to improve our families, our communities and our society. This vision recognizes the possibilities, rather than the problems of aging, and appreciates that older adults have enormous reservoirs of experience and expertise that can make a tangible difference and contribution. Changing the perception of aging is an ultimate challenge and charge for the next decade.

In more specific terms, the report says that it is necessary to change attitudes about aging in order to help people enjoy a longer, better, more active, and more independent life, and effectively engage the challenges and embrace the possibilities that are inherent in the aging population on the whole planet.

In a not too distant past growing older was often synonymous in many countries, not only in the USA, with illness, isolation, and inactivity. The American report on the matter is categorical

³¹ For details see http://www.ncea.aoa.gov/Get_Involved/Awareness/WEAAD/index.aspx.

³² For the full text of the Proclamation see <https://www.whitehouse.gov/the-press-office/2016/06/15/presidential-proclamation-world-elder-abuse-awareness-day-2016>.

³⁰ See https://en.wikipedia.org/wiki/Ana_Aslan.

See also <http://www.nytimes.com/1988/05/29/obituaries/ana-aslan-rumanian-specialist-on-the-aging-process-dies-in-90-s.html>.

on this aspect: The “second half of life” was not necessarily a time to enjoy, but to endure.

In accordance with the conclusions formulated in the same report, it is necessary to foster a cultural change in attitudes about aging. The main purpose is to help every individual enjoy a longer, better, more active, and more independent life. In order to make progress in that direction more efforts are needed to effectively engage the challenges and embrace the possibilities that are inherent in a rapidly aging population and ensure that all individuals can better age well and live well. “Contributing to our society and communities in a meaningful way — that will be the new definition of aging in America as we go forward”, says the relevant report³³.

These conclusions are of direct relevance for the UN and its policy on the third age, as clearly illustrated by the publication *Ageing in the Twenty-First Century: A Celebration and A Challenge*. One of the major recommendations of this book is: “Develop a new rights-based culture of ageing and a change of mindset and societal attitudes towards ageing and older persons, from welfare recipients to active, contributing members of society. This requires, among others, working towards the development of international human rights instruments and their translation into national laws and regulations and affirmative measures that challenge age discrimination and recognize older people as autonomous subjects”³⁴.

Putting into effect these recommendations would be a significant step forward towards a new definition of aging in harmony with the demands of the irreversible process of globalization in our era of planetary vulnerabilities and perplexities³⁵. That definition should be based *inter alia* on the principles of intergenerational solidarity, employability, social participation and health, and should contribute to changing obsolete opinions and presumptions about the meaning of ageing.

The first persuasive step in that direction would be the elaboration without delay of a comprehensive universal legal instrument on the rights of older people. The example mentioned above offered in this regard by the Organization of American States deserves full attention of all governments and non-governmental organizations at the national, regional and global levels.

The initiative for the adoption under UN auspices of a universal legal instrument on the rights of older people should not be considered as an utopian one, but as a legitimate aspiration in full harmony with the objectives and targets of the programmatic document “*Transforming Our World: the 2030 Agenda for Sustainable Development*”³⁶.

From this perspective, 2016 has to be a most significant year for assessing the UN capacity to start giving tangibility to its own recommendations adopted by consensus by all its 193 members in the social field which have a direct relevance for the third age.

³³ For the full text of the report see <http://www.whitehouseconferenceonaging.gov/2015-WHCOA-Final-Report.pdf>

³⁴ See *Ageing in the Twenty-First Century: A Celebration and A Challenge*. This is a significant report published by UNFPA and HelpAge. It is available at <http://www.helpage.org/resources/ageing-in-the-21st-century-a-celebration-and-a-challenge/>.

³⁵ In accordance with the report mentioned supra in note 33, “Training centers should be established in each region within easy reach of major cities to provide policymakers, government officials, researchers, academics, health-care professionals and social work personnel who work with older persons with a venue for the exchange of experiences, good practices and lessons learned.” (p.163).

³⁶ See note 13 supra.