

## Mandate of the Independent Expert on the enjoyment of all human rights by older persons

### Older Persons in humanitarian emergencies- the human rights imperative

---

#### 1. Context and perspectives

Emergency situations are increasing worldwide and older persons remain one of the most seriously affected groups.

Yet, the rights and needs as well as the contributions of older persons are too often overlooked in policy and practice. While humanitarian principles require that assistance be delivered impartially to those most in need without discrimination, a “one-size fits-all” emergency response tends to overlook the specific, yet wide-ranging, vulnerabilities of older persons in emergency contexts – such as biopsychosocial-cultural support and assistance necessities. The biopsychosocial-cultural framework for instance is a systemic and multifaceted approach to assessment and intervention that takes into account biological, psychological, and socio-cultural factors that addresses mental health needs of culturally and linguistically diverse persons, particularly relevant in situations of shock of older persons from diverse ethnicities. This model addresses biopsychosocial support in a cultural sensitive and contextual manner, thus increasing efficiency and reducing adverse effects.

Human rights commitments as well as the “leaving no one behind” tenet of the Sustainable Development Goals and commitments to the Inclusion Charter - all advocate for inclusive responses.

However, older persons are disproportionately affected in emergency situations and rights-based responses require that older persons at risk be identified before, during and following an emergency. Therefore, impairments that in normal circumstances do not interfere with the daily functioning of an older person, can overwhelm that person's capacity to cope in an emergency situation.

As a consequence, an older person with physical impairment, diminished vision or poor hearing can rapidly become incapable of getting food or receiving messages to flee from danger. At the same time, older persons' knowledge of their community, experience with past emergencies as well as their position of respect within families and communities, makes them a valuable resource that should be drawn upon during emergency situations.

It is essential to further analyses the needs and contributions of older persons to ensure that their rights be taken into account by those developing policies and guidelines, and providing relief and assistance, to ensure effective and rights-based interventions, including equitable access to essential services by older persons during all phases of an emergency.

In this context, the question of data and digitalization of humanitarian aid and its impact on older persons is essential. In conflict and natural disaster contexts, governments and aid actors face serious challenges in collecting data in a systematic and comprehensive way, often resulting in significant gaps in the information required for designing, planning and evaluating aid. Therefore, data on older persons is essential in order to inform response formulation processes and evidence-based humanitarian action, thereby increasing the likelihood of inclusive humanitarian responses.

## **2. Notions and conceptualities**

The mandate of the UN Independent Expert is based on a resolution entitled “The human rights of older persons” and her task is to look into the “enjoyment of all human rights by older persons”. This is not just semantics rather an inherent defined understanding of an individualized, differentiated and rights-focused approach to older persons. By its very nature, terminology and language referred to require coherence with conceptualities as they determine also values, thinking and action. Therefore, terms like the elderly are not used, as it is associated with frailty and dependency. As to age and who is considered to be aged, the mandate conceives age a social construct and that far more determinants and factors have to be taken into consideration than just the chronological/numerical age. The notions of age vary due to differences in circumstances, conditions, cultures and other considerations and factors, which again are subject to change. This intrinsic issue of relativity of age, place and path of life is illustrated by the subject matter at hand, as human beings who went through conditions of war, conflict and calamities of nature – cannot be met with healthy ageing metrics of affluent societies.

Besides, it is important to note that the United Nations has *not* demarcated a standard numerical criterion defining old age. However, members of the UN structure such as the World Health Organization or the International Labour Organization agreed to use 60 years and above to refer to the older population for merely practical reasons. This is due to the set-up of the current world of work, such as existing social and public health organizational structures, retirement ages and other reasons linked to working environments.

Obviously, in post-disaster and –conflict settings far more conditions typically associated with older age alike disability and chronic or non-communicable diseases (NCAs) occur more frequently at earlier stage of chronological ages. Therefore, different actors suggest cut-off ages, based on situational evaluations and framework settings, ranging from around 45-50 years appearing more appropriate in contexts of humanitarian crises. This would also serve as functional basis for assessments and response formulation.

## **3. Mandate of the Independent Expert on the enjoyment of all human rights by older persons**

The main objective of the Independent Expert’s initiative to dedicate this year’s thematic report to the *human rights protection of older persons in situations of risk and humanitarian emergencies* draws from a profound and true sense of urgency. This sense of urgency is yet to grow. Addressing this key issue from a rights perspective and trying to contribute to sparking a global conversation on how to provide for compelling minimum inclusive standards in areas such as protection and assistance delivery would be conducive. Further, it is expected that the presentation of the theme and analysis to different UN bodies will contribute to raise much needed awareness and leverage for concrete action and solution-based change.

Moreover, expediently identifying the main causes and understand the implications of inadequate humanitarian assistance for older persons in situations of risk and emergencies and trying to define a state of knowledge is aimed, so as to provide a global basis for discussion and subsequent elaboration of solutions. This report seeks to identify effective ways, good practices and positive experiences of inclusive humanitarian assistance. The report will be presented to the UN parent body in Geneva, the Human Rights Council, in September 2019.

#### **4. Prerequisites for Protection**

Naturally, the parameters of current protection would require systemic recognition and reflection of older persons as a relevant and distinct group of its own. This would certainly lead to more data and information collection on older persons in a disaggregated way in order to do justice to the requirements of this diverse and heterogeneous group of persons. If older persons figure as a constant variable in mapping analysis, needs assessments and –ultimately- in the design, strategy and proposal of humanitarian responses, only then they will not vanish in vulnerable groups’ categories. To visualize older persons as “people of concern” is key. Consideration of older persons can take into account the roles, responsibilities and functions conferred upon them on one hand and on the other hand putting in place safeguards designed to protect the exploitation of specific vulnerabilities of older persons in humanitarian crises.

Awareness and visualization will allow for a discussion of obstacles and opportunities for inclusive humanitarian assistance, which will incur again stocktaking of existing tools and policies and concrete measures to ensure better inclusion of older persons. At the same time, sharing experiences and good practices on inclusive and effective humanitarian assistance, policy and guidance is essential. The human rights based approach is the only sustainable way in addressing the challenges of protection for older persons, in accordance with the promise of the UN Sustainable Development Goals to *leave no one behind*.

This was also a central topic discussed at the latest country visit of the UN Independent Expert to Mozambique – a real-life case scenario on how awareness prompted action (report will be presented to the UNHC in September 2019).

In light of the foregoing, it is noteworthy to stress that the mandate is working on shedding light on the status of rights exercise and any protection deficiencies rather than on analyzing ageing as a societal and global phenomenon. Consequently, the human rights imperative suggests itself and the following conducive questions as Mary Robinson framed it long time ago can assist in realizing the rights of older persons also in humanitarian emergency situations: “*What is the content of the right? Who are the human rights claim-holders? Who are the corresponding duty-bearers? Are claim-holders and duty-bearers able to claim their rights and fulfil their responsibilities? If not, how can we help them to do so?*”.

\*\*\*

KH/14/05/19