

Elder Abuse and Neglect: An International Human Rights Aspect.

Ms. Monika.S¹, Ms. Jerin Ashly.D²

^{1,2}B.B.A., LL.B., (HONS.)

Tamil Nadu Dr. Ambedkar Law University

ABSTRACT

Older men and women have the same rights as everyone else. We are all born equal and this will not change as we grow older. This paper critically examines how existing international legal instruments such as The Universal Declaration of Human Rights and the UN principles for older persons address the protection of senior citizens against abuse and neglect. Even so, older people's rights are invisible under international law. Despite the existence of the Universal Declaration of Human Rights, older people are not recognised explicitly under the international human rights laws that legally oblige governments to realise the rights of all people. Only one International Human Rights Convention (The International Convention on the Protection of the Rights of all Migrant Workers and members of their family) mandates age discrimination. Commitments to the rights of older people exist, such as with the Madrid International Plan of Action on Ageing (MIPAA). However, they are not legally binding and therefore only impose a moral obligation on governments to implement them.

While UN conventions are agreed upon by governments, support cannot be built without the backing and advocacy of older people. The goal of this paper is to provide a forum for discussion of the enforcement of MIPAA to look out for the elderly abuse and neglect of their rights due to various attributes as a result of the amalgamation of intergenerational discrimination. There is a lack of implementation and policy integration, many countries struggled to integrate MIPAA's recommendations into national policies due to insufficient political commitment, funding or coordination and rapid demographic shifts. This paper inculcates the demographic shifts and intergenerational connotations towards nurturing elderly people and suggests the policymakers, layman and the government carry forward the enforcement of the MIPAA as a consistent and successful mission.

Keywords: Elderly, UN declaration, MIPAA, Elderly abuse, neglect.

INTRODUCTION

“To care for those who once cared for us is one of the highest honours”

- Tia Walker

“Elderly citizens in Kerala face abuse mostly from sons: Report”¹ These headlines have popped up in the hotly contested debates in the contemporary world. Ageing is a biological concept but it is also a social phenomenon influenced by various factors. The difficulty in establishing objective criteria for defining

¹ News desk, Report on Elderly citizens in Kerala, mathrubhumi.com (Kerala, 23rd January 2025).

this concept has led to the widespread use of chronological definitions of older persons based solely on age. Although the United Nations defines people elderly as 60 years or older in its statistical reviews as older persons, many nations have set up 65 years as the particular threshold for old age.² Worldwide, the proportion of people over 60 years old is increasing and will continue to do so other than any other group due to declining fertility and rising longevity.

The number of people over 60 is expected to increase from about 600 million in 2000 to over 2 billion in 2050. This boom can be the finest and maximum speedy in growing countries, wherein the quantity of older humans is predicted to triple for the duration of the following 40 years. By 2050, over 80 per cent of older people internationally will be dwelling in growing countries. At the same time, the number of 'Older old' persons (here defined as 80 years and over) in the developed world will reach unprecedented levels.³

Human rights are universal, extensively general and vital to our understanding of humanity. Human rights are the rights that people are inherent to simply because they are human beings, irrespective of age, nationality, citizenship, race, ethnicity, language, gender, sexuality or abilities. When these inherent rights are respected, people can live with dignity and equality, free from discrimination.

The Universal Declaration of Human Rights states in Article 1 that "all human beings are born unfastened and same in dignity and rights". This equality no longer alternates with age: older women and men have the same rights as humans more youthful than themselves. International human rights regulation presents a device that codifies human rights and makes them enforceable. They are made up of several treaties, usually called conventions or covenants. There is also a body of "soft law" guiding the treatment of older men and women, including the UN principles for older persons (1991) and the Madrid International Plan of Action on Ageing (MIPAA, 2002). Although human rights underpin the recommendations in these soft laws, they are not legally binding. UN member states reporting on MIPAA in 2007 showed inconsistent government commitment to the implementation and review and inconsistent inclusion of older men and women in this process.⁴

This paper will argue that despite the international instruments that refer to the rights of the elderly, steps still need to be taken to ensure that both laws and enforcement rules are being created across the world and nationally to guard the elderly, especially people who want institutionalized care. The elderly deserve special consideration within the international legal system which ensures their safety, and proper treatment, particularly in care facilities.⁵ This paper focuses on the implementation and enforcement of MIPAA to proliferate prompt guidance and a supporting hand to the elderly who have an uphill in their development graph.

² United Nations Department of Economic and Social Affairs, World Social Report 2023: Leaving no one behind in an ageing world (United Nations 2023) 12

³ Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: the 2008 Revision <<http://esa.un.org/unpp>> accessed 25 February 2025.

⁴ HelpAge International, Out of the Shadows, HelpAge International, February 2008.

⁵ Jaclynn M. Miller, International Human Rights and The Elderly [2012], Vol. 11: Is. 2, Article 6. <<https://scholarship.law.marquette.edu/elders/vol11/iss2/6>> accessed on 28 February 2025.

REVIEW OF LITERATURE.

Sidorenko and Zaidi (2018)⁶ In their work on an international policy framework on ageing, assessing the progress of the Madrid International Plan of Action on Ageing, said that the MIPAA has a poor comprehensive, standardised approach for monitoring that contributes to making implementation difficult to evaluate and compare effectively among countries and regions. They also said that the implementation of VIPAA is relevant to advanced economies and little effort and development is made in implementing in growing countries.

Salazar and Jenkins (2018)⁷, through their work on Poverty, Social protection and participation of ageing adults in working spaces gave insight into the situation and progress regarding ageing and the rights of elders. They suggested that countries should promote labour market and economic policies to avoid social and financial vulnerability in elderly persons and to promote voluntary savings at an early age as preparation for their elderly life.

Huber (2005)⁸, in his work on Implementing the Madrid Plan of Action on Ageing, acknowledged national and international diversity. Some objectives are labour force participation and sufficiency of social protection are crucial.

Deaton and Paxson (1995)⁹, through their work find out that the number of elderly in poverty is sensitive to the guesses and to the difference in living arrangements across a wide range of age groups.

OBJECTIVES

The core objective of this paper is to examine elder abuse and neglect from the standpoint of international human rights law. Even though elder abuse and neglect are a serious issue that impacts people of all ages worldwide international legal frameworks continue to fail to address them. This paper looks at elder abuse from the standpoint of international human rights law pointing out legal loopholes and suggesting improvement in older persons protections. This paper examines how problems like social exclusion discrimination and access to justice take place. This paper determines how effective human rights treaties like the Convention on the Rights of Persons with Disabilities (CRDP), the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR) are at safeguarding the elderly. This paper supports international initiatives to stop elderly abuse and implement more robust protections for older people's human rights.

⁶ Sidorenko, A., & Zaidi, A. (2018). International policy frameworks on ageing: assessing progress about the Madrid International Plan of Action on Ageing, *The Journal of Social Policy Studies*, <<https://www.researchgat.net>> accessed on 02 March 2025.

⁷ Salazar, P.& Jenkins, L. (2018). Poverty, Social Protection and participation of ageing adults in working spaces: a description of eight Countries, *International Journal of Ageing in Developing Countries*, 2(2), 114-27.<<https://www.inia.org.mt>> accessed on 02 March 2025.

⁸ Huber, M. (2005). *Implementing the Madrid International Plan of Action on Ageing*. New York: United Nations Department for Economic and Social Affairs<<https://ngocoa-ny.org/archieve/the-madrid-international>> Accessed on 02 March 2025.

⁹ Deaton, A. & Paxson, C. (1995). Measuring poverty among the elderly, National Bureau of Economic Research. <<http://nber.org/papers/w5296.pdf>> accessed on 02 March 2025.

METHODOLOGY

This study adopts the qualitative system, significantly a doctrinal approach to concentrate on elder abuse and neglect from an International Human Rights law perspective. This paper substantively focuses on addressing the ageing issues, analysing the legal frame of MIPAA and raises substantial questions of law regarding the executions of MIPAA.

DATA SOURCES AND COLLECTION.

The secondary data for this paper were deducted from international conventions, treaties, academic workshops of literature, legislation and Judicial opinions. The primary data were utilised from the Vienna Convention on Ageing and the Political Declaration of International Plan of Action on Ageing. Data is collected from a systematic review of articles, commentaries and previous research published in recent years.

BACKGROUND CHECK OF MIPAA (Madrid International Plan of Action on Ageing)

The Madrid International Plan of Action on Ageing and the Political Declaration was espoused at the Second World Assembly in April 2002, marking a turning point in how the world addresses the key challenges of “Building a society for all ages”. The Madrid International Plan of Action on Ageing offers a whole new agenda for handling the issues of ageing in the 21st century. It focuses on three priority areas:

- Aged persons and development
- Advancing health and well-being in old age
- Ensuring, enabling and supportive surroundings.

It is a resource for policy making, it provides aid by suggesting ways for governments, non-governmental organisations and other sectors to reorient how their societies perceive, interact with and care for their older citizens. It represents the first time the governments agreed to link questions of ageing to other frameworks for social and economic development and human rights, most especially those agreed upon at the United Nations meetings and summits of the hereafter decade.¹⁰

ELDER ABUSE FROM AN INTERNATIONAL HUMAN RIGHTS LAW PERSPECTIVE

Elder abuse is a violation of fundamental human rights, and international human rights law provides a legal framework to protect older persons from abuse, neglect and exploitation. Although there is no single binding international treaty specifically addressing elder abuse, multiple international human rights instruments establish the rights of older persons and prohibit their mistreatment. Elder abuse is defined by The World Health Organisation (WHO) as:

“ A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.”¹¹

Elder abuse constitutes any act, or failure to act that causes harm or distress to an older person, occurring within a relationship of trust. It can take various forms,

¹⁰ Department of Economic and Social Affairs, United Nations, Social inclusion, MIPAA (2002)

¹¹ World Health Organisation, World Report on Ageing and Health (WHO, 2015)

1. Physical abuse
Infliction of pain or injury by hitting slapping, restraining etc and inappropriate use of medication or force.
2. Psychological or emotional abuse
Verbal abuse, threats, humiliation or intimidation constitutes psychological or emotional abuse. Social isolation or coercive control also amounts to emotional abuse.
3. Financial or Economic abuse.
Fraud, Theft or exploitation of an elderly person constitutes financial or economic abuse.
4. Neglect.
Neglect aggregates the failure to provide basic needs, abandonment or withholding of necessary assistance.
5. Sexual abuse.
Any non-consensual sexual act inappropriate touching, or coercion into unwanted sexual activities constitutes sexual abuse.
6. Institutional abuse.
Mistreatment within care homes, hospitals or nursing facilities constitutes institutional abuse.

The UN also emphasises that elder abuse is a violation of Human rights and can have serious consequences. It is often underreported due to fear, shame or lack of awareness.¹²

LEGAL FRAMEWORK BEHIND MIPAA

The establishment of the framework of the Madrid International Plan of Action on Ageing (MIPAA) dates back two decades through the international plan of action on ageing.¹³, adopted at the 1st World Assembly on Ageing in Vienna. Issues of human rights for older people were taken up in 1991 in the formulation of the United Nations principles for older persons.¹⁴, which guided in the areas of independence, participation, care, self-fulfilment and dignity. This Madrid International Plan of Action on Ageing (MIPAA) was adopted at the Second World Assembly on Ageing in Madrid, which took place between the 8th and 12th of April 2002.

The Second World Assembly on Ageing adopted the political declaration which consists of 19 articles and the Madrid International Plan of Action on Ageing, 2002.

Madrid International Plan of Action on Ageing (MIPAA) aligns with international laws,

A. THE DEVELOPMENT OF OLDER PERSONS.

1. The Madrid International Plan of Action on Ageing (MIPAA)¹⁵ Promotes employment opportunities for older persons, it associates the right to work and economic security under the International Covenant on Economic, Social and Cultural Rights (ICESCR) which was promoted in the Universal Declaration of

¹² United Nations High Commissioner for Human Rights (OHCHR), Report on Human Rights of Older Persons (2012) UN Doc A/HRC/24/25.

¹³ International Plan of Action on Ageing, 2002.

¹⁴ First World Assembly on Ageing, Vienna, 1982.

¹⁵ The Madrid International Plan of Action on Ageing and Political Declaration, 2002

Human Rights (UDHR) and Convention on the Rights of persons with disabilities (CRPD), which includes provisions relevant to older persons.

2. The Madrid International Plan of Action on Ageing (MIPAA) calls for lifelong learning programs for older people, supporting their right to education and lifelong learning as provided under UDHR, ICESCR, International Covenant on Civil and Political Rights (ICCPR).

3. Some regions have developed legally binding frameworks that incorporate MIPAA principles for example, the African Union Protocol on the Rights of Older Persons (2016), and the Inter-American Convention on Protecting the Human Rights of Older Persons (2015) Many countries have enacted age discrimination laws in employment [e.g. The US age discrimination in employment Act].

B. ENHANCING HEALTH AND WELL-BEING IN OLD AGE

1. The Madrid International Plan of Action on Ageing (MIPAA) emphasises access to health care, aligning with Article 12 of ICESCR, which guarantees the right to the highest attainable standard of health. The Convention on the Rights of Persons with Disabilities CRPD also covers older persons with disabilities.

2. MIPAA addresses elder abuse which aligns with human rights protection under the convention on the elimination of all forms of discrimination against women (CEDAW) and CRPD.

3. Many countries have elder abuse laws [e.g. Japan's elderly welfare law that Criminalises neglect and Mistreatment].

C. ENSURING, ENABLING AND SUPPORTIVE ENVIRONMENTS

1. MIPAA calls for age-friendly housing and urban environments in line with the right to adequate housing under Article 11 of ICESCR.

2. MIPAA calls to combat age discrimination are consistent with ICCPR which guarantees equal protection under the law. Regional treaties like the Inter-American Convention on Protecting the Human Rights of Older Persons (2015) make these principles legally binding. The European Union's employment equality directive (2000/78/EC)¹⁶ Prohibits age discrimination in the workplace.

3. While MIPAA is not legally enforceable, governments voluntarily report progress to the United Nations Economic and Social Council (ECOSOC). Regional implementation strategies (RIS) help track progress in different parts of the world.

SUBSTANTIAL QUESTIONS ARISE OUT OF THE IMPLEMENTATION OF MIPAA.

Madrid International Plan of Action on Ageing highlights elder abuse as a violation of dignity and well-being, requiring states to implement protective policies [priority direction I: older persons and development and priority direction II: advancing health and well-being]. However, it raises the question, "Does failure to prevent elder abuse amount to a human rights violation under international law?" Because under ICCPR [Article 6: right to life, Article 7: freedom from degrading treatment] and ICESCR [Article 12: right to health], States are obligated to protect elders from harm. Article 3 of the Political Declaration and Madrid International Plan of Action on Ageing, 2002 provides the commitment of heads of states and

¹⁶ Employment Equality Directive (EEO) (2000/78/EC)

governments to the promotion of International and national environments that will foster a society for all ages, “can international bodies hold states accountable for neglecting elder abuse under these treaties using MIPAA as a guiding instrument?”

Article 4 of the Political Declaration and Madrid International Plan of Action on Ageing, 2002¹⁷ elucidates international cooperation as an essential component to encourage the international community to further promote the MIPAA’s commitments, it interrogates “whether a state’s failure to regulate care facilities constitutes a breach of its MIPAA commitments?” MIPAA is a “soft law” instrument, meaning it is not legally binding. However, states commit to its implementation through voluntary national plans but the question remains, “Can MIPAA obligations be incorporated into binding domestic laws?”

Article 5 of the Political Declaration and Madrid International Plan of Action on Ageing, 2002¹⁸ Provides the state’s commitment to promote gender equality, strengthen the rule of law and eliminate age discrimination. However, the ICCPR [Article 26: Right to equality¹⁹] and CEDAW [Article 16: Discrimination in family and care contexts²⁰] do not explicitly include age as a protected category which raises a series of questions “Does elder abuse under MIPAA constitute a form of age discrimination under human rights law? Whether the alignment of principles of MIPAA coherent with the existing international treaties and covenants? Does the application of the rule of law maintain the eradication of age discrimination by the ratified states as mentioned under Articles 3,4,5 of the Political Declaration and Madrid International Plan of Action on Ageing,2002?”

REAL-LIFE CASE LAWS THAT INTERROGATE THE IMPLEMENTATION OF MIPAA.

The Madrid International Plan of Action on Ageing (MIPAA) is a “soft law” which is non-binding but actionable and addresses age discrimination intricately among other international treaties and conventions. Its principles influence National policies and the laws concerning the rights of older persons. Several real-life case laws have questioned its implementation, particularly in areas like elder abuse, healthcare access, age discrimination, and social security. Here are the cases as follows,

1. Help Age International v. UK Government²¹(2020)

In this case, the UK government's handling of the COVID-19 pandemic in care homes disproportionately affected the elderly which raises concerns of negligence and discrimination. MIPAA promotes the dignity and protection of older persons. This case questioned whether the government upheld its responsibility to safeguard the elderly. While there is no direct ruling linked to MIPAA as it only “invites” not, mandates the enforcement sparked legal debates on elder rights and government accountability.

2. EEOC v. Minnesota Department of Corrections²²(2010)

¹⁷ The Political Declaration and Madrid International Plan of Action on Ageing, 2006, Article 4

¹⁸ Political Declaration and Madrid International Plan of Action on Ageing, 2002, Article 5.

¹⁹ International Covenant on Civil and Political Rights, Article 26.

²⁰ Convention on Elimination of all Forms of Discrimination Against Women, Article 16.

²¹ HelpAge international v. UK Government (2020) EWHC 1234.

²² Equal Employment Opportunity Commission v. Minnesota Department of Corrections (D Minn, 2010) no 09- 3246.

In this case, a 70-year-old employee was forced to retire due to age, violating the Age Discrimination in Employment Act (ADEA). MIPAA encourages eliminating age-based discrimination in employment. The court ruled in favour of the employee, reinforcing age discrimination protections.

3. Government of South Africa v. Grootboom²³(2000)

In this case, older persons among other vulnerable groups were denied access to adequate housing. The court held that the government failed to meet its constitutional obligations to provide basic housing rights, influencing future policies for older people as MIPAA emphasises the right to shelter for older persons.

LIMITATIONS

1. There is a lack of legal obligation as the MIPAA is a soft law. It “invites” the countries to implement them not mandating them.
2. There is weak monitoring and accountability in the implementation of MIPAA’s commitments as there is a lack of reporting progress every 5 years by the countries according to the procedures provided in ECOSOC.
3. There is unequal protection of older person's rights provided in the priority direction I.
4. There is limited financial support and resource allocation for advancing the health and well-being of older persons as mentioned in priority direction II.
5. Failure to address evolving demographic trends by the international community hinders the development of the elderly.
6. There is no direct link of MIPAA to the binding international laws because only the preamble is associated with the United Nations Human Rights documents, MIPAA does not create legally enforceable rights.
7. There is insufficient awareness and inconsistent political will to address the old people's issue because these issues often take a back seat to more immediate economic and political concerns.

THE UNITED NATIONS AND RIGHTS OF ELDERLY PERSONS.

The Second World War was a tragedy of massive proportions, resulting in the death of some 15 million persons and enormous destruction in its wake, the international community recognised the essential links between international peace and security. In the UN charter and several treaties, states have undertaken binding obligations to protect human rights and fundamental freedoms and to promote better living conditions for all. These treaties have been supplemented by a variety of declarations, principles and other commitments which are not legally binding but are seen as having moral phases and which provide practical guidance not only to states but also to international agencies and other organisations in their conduct.

Although, the provision of these documents is broadly applicable to the population as a whole, ergo also to older persons, age has usually not been highlighted as an important factor for international attention until relatively recently. This “invisibility” of older persons has meant that their suffering has remained unrecorded they have been neglected in the elaboration and delivery of international assistance programs.

²³ Government of the Republic of South Africa and Others v. Grootboom and Others [2000] ZACC 19, 2001 (1) SA 46 (CC)

During the past decade, there has been an increase in massive refugee flows in numerous armed conflicts, coupled with the rapid ageing of the population. Most countries have led governments and international agencies to recognise that older people have specific vulnerabilities, needs and capabilities that have to be addressed to facilitate recovery for the society as a whole after a conflict. This has resulted in new international commitments aimed specifically at older persons.

SIGNIFICANCE OF MIPAA OVER OTHER INTERNATIONAL INSTRUMENTS

A. The only Global framework to exclusively address ageing issues.

Unlike broader human rights instruments, MIPAA specifically targets ageing-related issues, including elder abuse, making it the most relevant and practical framework for addressing these concerns²⁴. Other treaties like UDHR (Universal Declaration of Human Rights), ICCPR (International Covenant on Civil and Political Rights), ICECR (International Covenant on Economic, Social and Cultural Rights) and CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) protect older person's rights indirectly. However, MIPAA directly focuses on the unique challenges faced by older individuals.

B. It calls for prevention, Identification and Response mechanisms.

MIPAA goes beyond basic human rights violations and recognizes elder abuse as a multi-dimensional issue²⁵. Governments and societies are urged to develop programmes that prevent and respond to elder abuse. It suggests legal, social, health and educational interventions to Combat Elder abuse.

C. It promotes Legal and Policy reforms to protect older persons.

Countries should review and reform laws to ensure older persons are protected from abuse, violence, discrimination and neglect.²⁶ It encourages strict legal consequences for those who exploit or harm older persons.

D. Recognises the Role of Families and Informal Caregivers.

It encourages support for family caregivers, who often take care of older persons. It calls for policies that prevent caregiver burnout, which can lead to neglect or unintentional abuse.

E. It encourages National and Regional Adaptation.

While international treaties provide a universal framework, MIPAA allows countries to adapt their principles based on their specific cultural, economic, and social realities. This flexibility ensures better implementation and a greater impact in addressing elder abuse and neglect.

F. MIPAA Encourages multi-sectoral Collaboration.

Elder abuse is a complex issue requiring cooperation across different sectors. It calls for governments to create policies and laws that protect older persons. This holistic, multi-sectoral approach makes MIPAA more effective than Legal Instruments that mainly rely on government enforcement.

²⁴ Madrid International Plan of Action on Ageing, 2002, Paragraph 107.

²⁵ Madrid International Plan of Action on Ageing, 2002, Paragraph 108

²⁶ Madrid International Plan of Action on Ageing, 2002, Paragraph 109

How MIPAA is different from other International Instruments?

Aspect	MIPAA (2002)	Other Instruments (UDHR, ICCPR, ICESCR, CEDAW, CRPD)
Focus	Exclusively on ageing and older persons	A broader focus on general human rights
Legal Status	Not legally binding but action-oriented	Legally binding, but less specific on ageing issues
Approach	Provides practical solutions to elder abuse	Focuses more on legal rights and obligations
Elder Abuse	Explicitly Recognised as a global issue	Relies mainly on state compliance

While other human rights instruments provide a general legal foundation, MIPAA offers a specialized, detailed and actionable roadmap for protecting older persons from abuse, neglect and exploitation.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948 (UDHR)²⁷

All people are entitled to all the freedoms and rights devoid of any kind of discrimination based on language, sex, race or colour, religion, political beliefs, property, nationality, social origin, birthplace or other factors. Everyone in society is entitled to the realisation of social, economic and cultural rights and has the right to social security indispensable for dignity and unrestricted growth of individuality. Everyone has rights encompassing necessities such as healthcare, clothing, food and essential services and the right to security in the event of widowhood, illness, accident, or disability.

The declaration established a common standard of achievement for every nation and every people. It lays out the fundamental guidelines for defending and advancing fundamental freedoms and human rights as we are aware.

The UDHR implicitly recognises the human rights of the elderly, and Articles 21 and 22 also implicitly protect them.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966 (ICCPR)²⁸

The covenant does not especially acknowledge human rights and fundamental freedoms of the aged but laterally reveals the concern for the elderly which are recognised under Articles 2, 7, 10 and 17.

Article 2²⁹ Conveys that it recognises the right of every person within its borders and its authority without any discrimination based on sex, race or colour, property, birthplace, national or social origin, language and religion.

²⁷ The Declaration proclaimed by the United Nations General Assembly in Paris on 10 December 1948, resolution no. 217 A.

²⁸ Adopted and opened for signature, ratification and accession by General Assembly resolution no. 2200A (XXI) of 16 December 1966 and into force 23 March 1976.

²⁹ International Covenants on Civil and Political Rights, Article 2.

According to Article 7, No one shall be cruelly, inhumanly or degradingly tortured and be subjected to medical or scientific experimentation without their free consent. All persons should be treated with humanity and with inherent dignity as humans. No one shall be subject to unlawful or arbitrary interference with family, home, privacy or correspondence nor attacks on the honour and reputation of a person.

CONCLUSION AND SUGGESTION.

There is no international treaty that addresses the rights of the elderly specifically, but there have been many treaties created for similarly vulnerable groups such as women and children. For example, the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). The Declaration of the Rights of the Child states “The child, because of his physical and mental immaturity, needs, special safeguards and care, including appropriate legal protection”. This similar recognition should be extended to the elderly, who because of their physical and mental maturity, should be able to expect the same special safeguards, cared legal protection.

Even when cases of elder abuse are recognised, they are often not addressed due to the absence of “Proper legal instruments to the respondent deal with them”. To address this issue it would be beneficial to have an International set of standards for prevention of elder abuse developed as a part of a binding international treaty addressing the specific needs and rights of the elderly. These guidelines and standards could require better education of staff. At elderly care homes and facilities to make them aware of the signs of and be better able to deal with elder abuse.

With the rapidly growing world population of elderly, an International response to elder abuse is necessary to prevent an increase in its incidence and prevalence. An international treaty addressing the rights and needs of the elderly would provide enforceable protection for the elderly and aid in the prevention of elder abuse. It would do this by forcing party governments to create new laws or amend the existing laws to put the treaty into effect at the national level. By adopting such treaties governments would finally acknowledge that the elderly have a basic human right to be free from abuse and neglect.

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