As people age, they are at increased risk of having their basic human rights threatened or violated. When age is perceived as incompetence, it can easily lead to discrimination that impacts human rights. Based on the premise that social policy must reflect human rights principles, this graduate-level textbook views the challenges associated with aging as opportunities for policy development that stresses the rights of older adults rather than needs. The text distinguishes between “needs” and “rights” and describes those policies and services that best ensure that the rights of older adults are actually met—particularly programs that enable people to remain in their own communities so they can benefit from continued integration and participation in society. Issues and challenges surrounding such efforts, and gaps in social policies faced by specific subsets of older people, are critically examined. The book first analyzes current aging policies and rights and considers the older Americans act as a basic policy framework. With an eye to promoting independence, the book discusses issues of income, housing, transportation, health, and home care and what constitutes a “livable community,” along with policies that promote well-being and focus on preventing senior abuse and exploitation. Challenges faced by older workers are covered, as are issues particular to family caregivers, older women, and grandparents as caregivers. Gaps in social policies for elderly persons and older members of specific ethnic groups are discussed. Particular attention is given to global issues and aging policies in diverse countries and the ways in which they reflect human rights concerns. Each chapter concludes with probing discussion questions for classroom use.

Key Features:
• Presents a human rights framework for aging policy
• Distinguishes between needs and rights of older persons
• Focuses on policies and programs that can help older people to remain in the community
• Explores the issues and challenges of specific older populations
• Discusses global responses and concerns with regard to older persons and human rights

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Social Policy for an Aging Society
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Social Policy for an Aging Society

A Human Rights Perspective

Carole B. Cox, MSW, PhD
This book is dedicated to Eleanor Roosevelt, for her humanity, spirit, and vision for a socially just world; to all of us who are aging; and to Juliana and Emilia, who have just begun.
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Preface

The world is aging and, with any luck, so are we. Declining birth rates and longer life spans are contributing to the rapid growth of the older population. According to the United Nations, the global population of those 65 and older is expected to triple to 1.5 billion by 2050 with, for the first time, people 65 and over outnumbering children under age 5. The issues evoked by an aging world pose new challenges with regard to employment, health, retirement, families, and the economy. Societies respond to these challenges in varying ways and these responses can be subsumed under the rubric of social policies. Such policies tend to reflect cultural values and attitudes toward aging and the roles and responsibilities of older adults and governments in addressing aging issues.

As well as reflecting underlying perceptions of aging, policies can also influence them. To the extent that aging is perceived as a problem with people having increasing needs that drain a country’s resources, older adults are vulnerable to discrimination. From this deficit perspective, aging itself is a problem and the role of policy is to meet the many needs of a dependent population. At the same time, as this perspective marginalizes and discriminates against older adults, it impedes their ability to participate in society and to remain productive and independent.
Preface

The alternative perspective of aging policy presented in this book perceives the challenges associated with aging as opportunities for developing policies that are based on the realization of human rights rather than meeting needs. Such policies perceive older adults as creators of social capital that can be used to benefit both themselves and others. Whereas a needs-based approach further discriminates against older adults, a rights-based approach acts to foster full integration.

Human rights apply to everyone; they do not diminish with age. When age is used as a proxy for competency and functional well-being, many aspects of a person’s life are threatened, including the basic rights of independence, security, and dignity. Moreover, impairment itself does not diminish the importance of these rights or of the role of policies in ensuring they are met. Thus, even those with chronic conditions that impede functioning share the same basic rights free of discrimination.

This book has evolved out of my own interest in social policy and its relationship to older adults. My first policy book used a needs-based approach, The Frail Elderly: Problems, Needs, and Community Responses (Auburn House, 1993), whereas my second policy book, Community Care for an Aging Society, focused on the concerns of older adults living in the community and services that could foster their independence (Springer Publishing Company, 2005). Since then, through both my teaching and research, I have become committed to the human rights framework for policy development and its particular relevance to the issues and concerns related to an aging society. My research on employees with early symptoms of dementia highlighted the risks they face in the workplace while employed caregivers these impairments struggle to juggle caregiving and work responsibilities. Perhaps most provoking has been my empowerment work with grandparent caregivers who learned that they had rights for assistance and supports rather than just needs. Once empowered, they became strong community advocates for policy changes and services, underscoring for themselves and others their significant roles as creators of social capital.

The following chapters discuss many of the key issues and concerns confronting older adults in the United States and the policies formulated to deal with them. The ways in which these policies reflect human rights is key in each chapter. Chapter 1 presents the background on
social policy and human rights and how they pertain to and impact older adults. Chapter 2 focuses on the Older Americans Act, the foundation of aging policy in the United States. Chapter 3 addresses economic supports for older adults, Chapter 4 examines policies associated with independence and autonomy, and Chapter 5 discusses physical and mental well-being. Chapter 6 focuses on employment and the workplace, Chapter 7 discusses policy and the family, Chapter 8 examines how policy relates to vulnerable populations of older adults, Chapter 9 discusses the ways in which various countries are developing policies for their older population and how these reflect human rights, while Chapter 10 discusses future policy challenges that must be met in order to ensure that rights of older adults are addressed.

Finally, I would like to acknowledge the assistance provided by Theresa Moran through her reviews and suggestions; for the enthusiastic support of Sheri W. Sussman, Executive Editor at Springer Publishing Company; and for the thoughtful comments and eternal patience of my husband, Colin.

Carole B. Cox
Social Policy, Human Rights, and Older Adults

America is aging. Persons 65 years and older represent 12.9% of the population in the United States (Figure 1.1); by 2030, they will be 20% of the population (Administration on Aging, 2013). The population of the oldest old, those who are 85 and older, is rapidly increasing, as are the numbers of ethnic and minority populations. Older women continue to outnumber older men and approximately half of these women live alone. Social Security is the major source of income for 86% of older persons, and concerns about financial security and retirement plague many Americans. Although community and home supports for older adults needing assistance continue to expand, the majority of long-term care is provided by institutions. All of these issues are impacted by social policies that affect all Americans, as older adults are simply younger persons with additional years.

Social policy is enacted to address social problems and inequalities in society. It provides a course of action to be taken by a government (Rein, 1983) in response to these problems. Policy involves choices concerning benefits, allocations, and the sectors that are involved in the allocations (Gilbert & Terrell, 2012). It also includes decisions about the institutions that are responsible for addressing specific concerns and problems.

If policies are conceived as courses of actions to address problems in society, the first consideration must be how problems are identified and defined. This identification acts as the cornerstone for policy analysis.
because it leads to the development of strategies and systems to solve the problem and produce positive, desired outcomes. All problems are not social problems. They become social problems when either they affect the quality of life of large groups of people or those in power express concern over those being affected (Chambers & Bonk, 2012). Consequently, it is critical to understand that the definition of issues such as homelessness or even access to health care as social problems depends to a large extent on the perspectives of those in power.

Policies that are developed to deal with social problems are not created in a vacuum. They are usually compromises between opposing views and perspectives. Thus, even if there is wide recognition and concern about long-term care, those in positions to enact policies frequently hold widely diverse perspectives on the best solutions and even on what the outcomes should be.

**VALUES**

Values are important influences on policy, with three of the most prominent being equality, equity, and adequacy. Equality refers to the same
treatment for everyone, with benefits allocated equally to all persons who qualify. Equity is associated with fair treatment, in that people receive equity based on their contributions to society with some modifications made for the inability to contribute due to specific conditions that put them at a disadvantage. Adequacy connotes that benefit provides for a decent standard of living as it covers the costs of basic needs.

Two other concepts that influence policies are their institutional and residual perspectives (Wilensky & Lebeaux, 1965). Institutional perspective refers to policies as being part of the social system and views the provision of services and programs as the responsibility of society, with the focus on prevention and collective responsibility. In contrast, a residual policy is enacted only when other resources are insufficient and problems are beyond the ability of individuals to solve. The concepts reflect the extent to which needs or problems are perceived as due to the individual or society and who should be primarily responsible for meeting them.

Policy can also be distinguished on the basis of the principles of universality and selectivity. Universal policies are offered to all persons in society regardless of their means or needs, whereas selective policies are available only to those meeting specific criteria. Because they are available to all, universal policies do not have a stigma attached. Social Security is an example of a universal policy that is available to all who have contributed to the system. Conversely, selective policies focus on those who meet specific eligibility criteria and usually indicate that the recipient is unable to meet specific needs without assistance. Consequently, selective policies, such as Supplemental Security Income (SSI; Social Security), tend to have stigmas attached. Such stigmas can deter the use of programs.

In order for social policies to impact problems or conditions, they must have adequate resources. Without sufficient financing and commitment, it is impossible for them to reach selected goals. Consequently, without attention to the funding that they actually receive, they are at risk of being perceived as ineffective and even disbanded. Social policies must compete for scarce resources that are often in jeopardy as those in control of resources may doubt their significance or see them in conflict with other social or economic priorities or goals.
Moreover, during periods of sequestration when the federal government authorizes automatic spending cuts, the funding of social policies is particularly at risk.

SOCIAL POLICY AND AGING

Values play critical roles with respect to older persons, particularly when they need long-term care. Perhaps one of the primary areas of debate is whether long-term care is the responsibility of the individual, the family, or the government. Moreover, if it is a government concern, should it be under the purview of federal, state, or even local policy? Given these varying foci, it is little wonder that efforts to broaden and enhance long-term care to ensure that it adequately addresses the growing needs of an aging society have been slow to develop or keep pace with changing needs.

This dilemma is intensified by traditional values that underscore the autonomy of the family and its independence from government in conjunction with values that stress individual responsibility. As these values tend to be shared by both policy makers and their constituents, it is not surprising that older adults needing assistance and their families face the burdens often associated with such care on their own with little formal assistance or intervention. In fact, interventions are likely to be available and accessible only when the burden of care becomes overwhelming and informal resources are exhausted.

An inherent conflict exists between public support of dependent persons and the beliefs in self-reliance, autonomy, and protection from government intrusion. In a society that stresses productivity as a measure of self-worth, the actual value of those who are unproductive is sometimes questionable. At the same time, the belief in mutual support and the humanitarian ethic of providing for those less fortunate necessitates social responsibility for those unable to care for themselves.

Paternalism also pervades policies aimed at supporting older adults. This value is reflected in stereotypes and perceptions that view older persons with impairments as incapable of the same degree of self-fulfillment and self-realization as others in society. The result is that
their options for self-determination can be severely limited as others are permitted to encroach upon their decision-making capacity and to act in their “best interest.” As older persons with impairments are often unable to physically act on their decisions, they become vulnerable to coercion in long-term care (Collopy, 1988). To the extent that persons are treated in a discriminatory way on the basis of impairments rather than strengths, they are at further risk of dependency and the loss of their human rights.

Two concepts that are particularly relevant to responses toward older adults are those of “best interest” and the related concept of beneficence. Best interest is a term derived from the medical profession as it relates to the patient. However, it is frequently applied by agencies who decide on the services that they believe are in the older person’s best interests. Unfortunately, this may not reflect the perception of the older person. For example, a person’s ability to function independently may be threatened by others who question the person’s ability to do so without assistance. Due to worries concerning the older person’s welfare, family members and formal service providers may intervene and override the lifestyle or desires of the older adult. Though motivated by the best of intentions, such interventions threaten autonomy.

Policies are established to reach specific goals. With regard to older adults, specific goals are often blurred and may focus on prevention, maintenance, or restitution of functioning and independence. Moreover, these goals may compete with each other for resources, resulting in fragmented services and interventions. The result can be compromised policies that remain ineffective. Moreover, when goals are broad and undefined, it is difficult to determine the extent to which they are being reached and to evaluate the programs that they mandate. In fact, this vagueness makes assessing the appropriateness of the goals themselves difficult.

The family has traditionally been the main provider of care to older relatives needing assistance. Despite demographic changes, such as longer life spans, people having more extensive care needs, and fewer available caregivers, the family continues to play the major role in providing assistance (Feinberg, Reinhard, Houser, & Choula, 2011). At the same time, families themselves often require assistance and support
as caregiving is frequently associated with burden and stress that can severely tax caregiver well-being and require particular interventions (Adelman, Tmanova, Delgado, Dion, & Lachs, 2014; Pearlin, Mullan, Semple, & Skaff, 1990; Pinquart & Sorensen, 2006). Thus, as older adults do not live in a vacuum, policies that address the concerns of their caregivers are also essential.

Evolving from traditions of the Elizabethan and Puritan societies, institutions have been the traditional places for care for dependent and impaired older persons without families or other informal supports. The poor houses and almshouses of the colonial era have become the nursing homes of American society and, for a long time, have provided the bulwark of care for those needing assistance. Consequently, community care has had to wrestle with this institutional bias. Although the majority of funds for long-term care continue to go to nursing homes, there has been a gradual increase in funding for community-based services (Reaves & Musumeci, 2014). Such services may promote the rights of older adults to remain independent and secure in the community.

### HUMAN RIGHTS

Human rights provide the legal mandate to fulfill human needs (Wronka, 2008), and policy is the means by which these rights are enacted. Social policy includes choices among goals, outcomes, and even strategies that should improve the quality of life. As such, social policy based upon a human rights framework would provide every individual with guarantees for having needs met in a just society that recognizes such needs as fundamental to addressing human rights.

Human rights apply to everyone, regardless of where they live or who they are; it is a universal concept. Rights are also indivisible, meaning that governments and individuals must recognize each right and not selectively promote one over the other (Reichert, 2006). No one right is more important than another.

The concern about human rights and the need to protect vulnerable groups from abuses by those in power can be traced to the Code of Hammurabi (1750 BCE), which included 300 codes of ethical conduct.
dictating how persons should act toward one another. The ancient Greeks and Romans also wrote about civil and political rights while Judaism, Christianity, and Islam emphasized the inherent worth and dignity of each human being.

The focus on political rights was emphasized in the U.S. Declaration of Independence and Bill of Rights and in the French Declaration of the Rights of the Man and Citizen. Both of these documents outline political rights including rights to life, liberty, and the pursuit of happiness; freedom of speech, the press, and religion; and property rights, with the French Declaration addressing economic rights also (Wronka, 2008).

One of the worst horrors of World War II was the almost complete extermination of the Jews of Europe along with other groups such as the mentally ill and mentally challenged, gypsies, and homosexuals. The very right of these persons to exist was denied by those in power. Following the war, there was universal shock and a resolution that such a holocaust should not happen again. The war contributed to the establishment of the United Nations in 1945; in 1948, the General Assembly endorsed the Universal Declaration of Human Rights (UDHR; see the Appendix).

The document consists of 30 articles that have been subsequently elaborated upon by conventions, treaties, constitutions, and laws. The document establishes core principles that include universality of human rights, their interdependence and indivisibility, equality, and non-discrimination. Countries signing the Declaration are not legally bound to uphold it, although many of its principles are incorporated into their laws and policies.

The first set of rights (Articles 2–15) relates to political and individual freedoms, restricting the interference of governments, and is referred to as “negative rights.” The second set of rights (Articles 16–27) focuses on an adequate standard of living including health and well-being, food, clothing, housing, medical care, and necessary social services that a country, according to its resources, must offer to all its residents. The third set of rights (Articles 28–30) promotes intergovernmental cooperation on global issues such as the environment and development, international peace, and international distributive justice. The UDHR has the status of law to which all countries must adhere.
Wronka (2008) groups these rights into five core notions that can assist in developing and understanding their application, as well as encourage the creation of a human rights culture: Human Dignity (Article 1); Non-Discrimination (Article 2); Civil and Political Rights (Articles 3–21), which enable persons to realize their human dignity through a country’s laws and authority; Economic, Social, and Cultural Rights (Articles 22–27), which imply that governments must provide basic necessities to ensure that human dignity can be met; and Solidarity Rights (Articles 28–30), which deal with global issues such as pollution, war, development, and nationalism.

Subsequent to the UDHR, nine conventions or treaties have been passed that are intended to give full legal force to the declaration. When a government signs a convention, it is legally bound to uphold the standards that it sets. In the United States, the president may sign a convention or treaty; however, in order for it to become law, Congress must ratify it. To date, although the United States has signed seven of the nine major human rights treaties, which indicates its willingness and intent to abide by the purpose of each document, it has ratified only three: the International Covenant on Civil and Political Rights (1966), the International Convention of the Elimination of all forms of Racial Discrimination (1966), and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment of Punishment (1984).

The Covenant on Civil and Political Rights includes many articles that are directly pertinent to the lives and well-being of older persons. These include Article 1, the right to self-determination with the ability to pursue their economic, social, and cultural development; Article 16, everyone has the right to recognition before the law; and Article 26, all persons are equal before the law and entitled to equal protection.

The International Covenant of Economic, Social, and Cultural Rights that was passed in 1976 and which gives people a broad range of economic, social, and cultural rights—including the right to work, the right to the highest attainable standard of physical and mental health, and the right to take part in cultural life—has not been ratified by the United States, although the document was signed by President Carter in 1977. Fundamental to the Covenant is the right of self-determination and the mandate that those signing shall promote and respect the right. The Covenant also recognizes the right to have the highest attainable
standard of physical and mental health, the right to an adequate standard of living, the right to work, and the right to partake in the cultural life of the society, including having access to scientific developments. Ratification followed by legislation and policies would have a major impact on inequality and the well-being of many groups in the country. However, once it is ratified, the United States would be subject to reporting and monitoring by an international committee.

Needs and Rights

Much attention in society is given to the needs of populations, particularly to the needs of specific groups. Consequently, needs are often confused with rights, or rights are obscured with the interest given to meeting specific needs. However, it is important to separate the two and to understand the differences, particularly as policies often work toward meeting needs without any mention of rights.

Ife (2006) discusses how needs exist as phenomena that can be objectively identified and measured. Thus, needs for food, housing, and supports are measured through tools such as “needs assessments.” However, needs are also associated with values that in themselves determine whether “needs” exist and even how they should be met. Consequently, the assessor and his or her perspective and values are influential in determining whether an older adult requires support or new housing, as well as what types of support to provide.

In addition, needs are generally not ends in themselves. Persons have needs in order for something else to occur. Thus, an older person has a need for a home attendant in order to remain independent or a need for home-delivered meals in order to remain healthy. Such needs are related to underlying human rights: the right to life, liberty, and security of person.

Maslow, who articulated the role of human needs (1943) in development, provides a framework for a hierarchy of needs beginning with physiological needs and leading to safety, needs for belongingness and love, and the ultimate need or goal of self-actualization. This highest need can only be met when more basic human needs have been realized.
In contrast, human rights are seen as equally important factors in our humanity that cannot be ranked; they are indivisible.

An important point regarding needs and rights is that when persons perceive that their need is actually a human right, they are then more likely to make demands that it is met. People are empowered when they understand that what they had considered a need is actually a right that society is obliged to fulfill. Knowing one’s rights makes persons less vulnerable to the abuses of others while also presenting a platform for advocacy and change.

**Older People and Human Rights**

As people age, they are vulnerable to increasing dependency, frailty, and discrimination by societies. The change in their status from that of independent to dependent, from valuable to less valuable, means that their rights are often violated. Moreover, their very dignity, a right underscored in the preamble of the Universal Declaration on Human Rights, is often ignored or threatened. With rights perceived as indivisible, discrimination based on age erodes human dignity and diminishes the status of older adults with regards to others in society. This discrimination is reflected in a lack of opportunity, inadequate income support and health care, and fewer resources with fewer options for living a secure life with their rights fulfilled.

Older people are not specifically recognized as a group under the Universal Declaration of Rights, nor have they been in conventions subsequent to the Declaration. Thus, although there have been conventions and declarations on the rights of other specific groups—such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Rights of the Child, and Convention on the Rights of Persons With Disabilities—there has been no UN convention on the rights of older persons. The rights of older adults are implicitly but not explicitly referred to in the Covenants on Economic, Social and Cultural Rights and on Civil and
Political Rights; CEDAW; and the Convention on the Rights of Persons with Disabilities.

The concerns related to older persons have received much attention. In 1991, the UN issued a document, Principles for Older Persons (United Nations, 1991), emphasizing that priority should be given to the situation of older persons, particularly in the following five areas:

- **Independence**—Older persons should have access to adequate food, water, shelter, clothing, and health care through the provision of income, family, and community support and self-help. Older persons should have the opportunity to work and to participate in determining when to retire. Older persons should be able to reside at home for as long as possible.

- **Participation**—Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being, and share their knowledge and skills with younger generations. Older persons should be able to serve as volunteers in positions appropriate to their interests and capabilities and to form associations.

- **Care**—Older persons should benefit from family and community care and have access to adequate and appropriate health care. Older persons should have access to social and legal services to enhance their autonomy, protection, and care.

- **Self-fulfillment**—Older persons should be able to pursue opportunities for the full development of their potential. Older persons should have access to the educational, cultural, spiritual, and recreational resources of society.

- **Dignity**—Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.

Since that time, there have been a series of reports on the status of older people, regional meetings, and the establishment of a standing committee on the rights of older persons at the UN. However, there has not been a UN convention on the rights of older people, which
is perceived as necessary to ensure that rights are actually realized (HelpAge International, 2010).

The Madrid International Plan of Action on Ageing (MIPAA; United Nations, 2002) presents a plan for the rights of older persons; however, in contrast to rights that are codified in conventions or treaties, it is not legally binding to any government. Although the MIPAA has been endorsed by the General Assembly of the UN, policies to carry it out remain scarce and inconsistent. Consequently, governments have only a moral responsibility to adhere to recommendations rather than a legal commitment, and monitors of human rights violations and commitments seldom include the rights of older persons in their reports (HelpAge International, 2010).

A report to the UN Secretary General in 2011 focuses specifically on the challenges to human rights that an older population presents (OHCHR, 2011). Although older persons are not a homogenous group, the following challenges exist in both developed and developing countries:

- Discrimination on the basis of age
- Poverty with homelessness, malnutrition, unattended chronic disease, unaffordable medicines and treatments, and income insecurity, which includes the fact that older persons are often the primary caregivers for grandchildren and other family members
- Violence and abuse—including physical, emotional, and/or sexual abuse and financial exploitation
- Lack of specific measures and services, particularly specialized services such as residential and long-term home care and geriatric services

As summarized in the report, government efforts to protect the rights of older persons have been “inconsistent, scattered, and insufficient with a general lack of comprehensive, target legal and institutional frameworks.” Among the areas requiring more attention and work are:

- Violence against older persons and women in particular
- Financial exploitation
- Health
• Long-term care
• Participation in policy making and political life
• Work

SOCIAL POLICY AND RIGHTS

As social policies aim to address the needs of citizens, they should integrate standards that move beyond meeting basic needs to assure that fundamental rights are being met. For example, people do not simply need adequate medical care; they have a fundamental right to it. The responsibility for meeting these rights rests with the government that develops policies and programs to enact them.

The Office of the High Commissioner on Human Rights/United Nations Development Project (OHCHR/UNDP) developed a tool for assessing human rights in policies (2004). The first step in the process is to identify the problem and the human rights that are affected. Step 2 is setting priorities and determining for whom it is most important and why it is a priority. Step 3 identifies the actors involved, those who are affected by the problem, and those who can affect it. This step involves understanding the power blocks, economic interests, political interests, and other social groups that may be related to the problem and to the claim holders and duty bearers. Gathering information is the next step; such information may be reviewed according to human rights checklists and indicators. The next step is the analysis, which focuses on the underlying cause of the problems, the rights that are involved, and who is affected and why. A capacity analysis is also done, which examines what is causing the vulnerability of certain groups and determines the capacity of the duty bearers to respect and fulfill their human rights obligations. The analysis concludes with what next steps are required to assure that rights are recognized.

Indicators help to measure the progress being made toward specific human rights benchmarks or targets, such as the proportion of older persons receiving transportation assistance or preventive health care examinations. However, the first step toward benchmarks is agreement on what the indicators actually are (www.ohchr.org). Indicators
may be either quantitative or qualitative (OHCHR, 2012). Quantitative indicators could be the number of older persons in institutions, the proportion who receive assistance from family, or the ratio of persons over 65 below the poverty level. Qualitative refers to the comments or information that persons provide, such as opinions or perceptions of how well rights are being met, that complement the objective indicators. Countries need to develop their own indicators so that they are relevant to their context. Consequently, the prevalence of malnutrition among the elderly may be an appropriate indicator in developing countries while that of supportive housing may be more appropriate for developed countries.

A rights-based framework for understanding policy focuses on how rights are emphasized rather than on how human needs are met. Boesen and Martin (2007) present a guide for analyzing social policies that recognizes individual and group rights as claims that persons are empowered to make and to which they are entitled. The approach focuses on the structure and the barriers within the state that prevent rights from being realized.

According to the framework, programs should focus on the most vulnerable groups in a society, giving attention to the structural conditions that are responsible for their vulnerability. Programs should then be comprehensive about meeting rights and expanding choices and abilities to exercise rights of discussion, association, and freedom. Rights-based programs focus on the relationship between rights holders and duty bearers, those responsible for fulfilling the rights. Thus, duty bearers need to be held accountable to policies and laws and their obligations. Rights holders need to be supported in networks that enable them to become more engaged in the government and in claiming their rights. The focus is on the core problems that the policy is addressing, the rights issues involved, and the target groups (the duty bearers). Formulating clear standards and objectives, with the participation of the rights holders in designing the policies, is a core part of the process. Rights holders become empowered through awareness and capacity building, while duty bearers learn to be accountable and responsive to them.
1 Social Policy, Human Rights, and Older Adults

SUMMARY

Developing social policy is a complicated process that occurs through distinct stages and encompasses many components, ranging from problem identification to values to goals. Once established, the effectiveness of policies depends on the extent to which they are perceived as priorities and the resources allocated to them. Many policies fall short in incorporating human rights principles. Policies tend to focus on needs, which are often identified and prioritized by those in power with little or no attention given to the views and perspectives of those who would be affected. The very policies that disenfranchise older adults serve as barriers to the realization of their human rights.

Policies that focus on older adults often emphasize traditional values, such as beneficence and paternalism, that can actually undermined their status and human rights. Moreover, as policies tend to work toward meeting specific needs, they do not necessarily address human rights. As age continues to form a basis for discrimination, the rights of older adults remain in jeopardy. Moreover, as age itself can present a barrier to full participation in society, older adults are vulnerable to exclusion, which compounds their vulnerability to having their rights ignored.

A convention on the rights of older people has been proposed as essential to guaranteeing their rights. Such a convention would substantiate, promote, and protect older people’s rights, with those signing the convention obligated to meet them. Among its other outcomes would be clarifying the responsibilities of duty bearers and rights holders, giving greater focus to the economic and social rights of older adults with more attention to age discrimination, acting as an advocacy and education tool for older people, and shifting the paradigm from older people as recipients of welfare to their position as rights holders (Global Alliance for the Rights of Older People, 2014).

The population of the United States, compared to that of other developed and developing countries, is aging. Policies that reflect this demographic change are critical for both individual and social well-being. Policies that continue to exclude or differentiate older adults from the rest of society infringe on their human rights while also inhibiting their
ability to continue as participating and productive members of society. Assuring that policies comply with human rights principles is the cornerstone of a just society.

QUESTIONS FOR DISCUSSION

1. Discuss some of the factors associated with the effectiveness of a social policy.
2. How do values affect social policy for older adults? Give specific examples.
3. In what ways do needs differ from rights? Why is it important to distinguish between them?
4. What are some of the reasons given for having a UN convention on the rights of older people?

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Social Policy, Human Rights, and Older Adults


