

Submission 151

Advocacy for Senior Citizens and Age Concern Coleraine

Preamble

There are a number of grounds on which special provisions on the rights of senior citizens should be included in the Bill of Rights and why Rights of Older People should be treated as a separate issue or in a special chapter, as are the issues of women and children.

As McCallion (2001) states, “laws, policies and practices in Northern Ireland still discriminate directly and indirectly against older people” (p.3). Issues of old age have been neglected for too long (“absence of research”, McCallion, p.3), although statistics about our ageing society have been available for a long time. Older people are very vulnerable to abuse, not only to physical but also to mental, emotional and financial abuse. And because they lack protection they are very open to exploitation. Older people are by no means a homogeneous group, every older person needs to be treated as an individual, with special recognition of individual differences. Furthermore, the ‘third age’ and ‘fourth age’ extend over a period of three decades, which is to a large extent a very unstructured period - there is, for example, no age specific provision of education. Older people are also under-represented in the political process, they are not being consulted in matters which concern them. Furthermore, older people by their very nature lack mobility; the lack of public transport, especially in rural areas, denies them access to cultural life in the community and to work. This may easily drive them into isolation, and social exclusion represents a fundamental denial of human dignity.

And finally, there is a need for structures where older people feel encouraged to show responsibility. In many respects, the wealth of knowledge, skills and experience of older people remains relatively unexploited for the benefit of all of society.

Human Rights for older people: Issues for consideration

Health and social care

Healthy ageing is vitally important, and this means that health promotion and preventative approaches to age-related illnesses are a key priority. They also make good economic sense. Mental health issues need to be included in the care for the elderly because of their vital importance to the overall health of a person.

Government has to show its commitment to older people by matching funding to the needs of an increasing population of older people in key areas, such as places in residential and nursing homes for the physically or mentally infirm elderly people, as well as for domiciliary care services and support services for elderly people living at home.

Every older person is deserving of the following rights:

- ***The right to be treated with dignity.*** This includes developing assessment procedures which ensure that older people are fully involved in decision making and their views

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sought and acted upon in all aspects of their care.

- ***The right to equality in health care treatment.*** The present practice seems to be that care is rationed by age.
- ***The right to prompt access to appropriate medical assistance.*** The waiting lists are often too long, as for example in the case of hip replacements in hospitals or long waiting times for Occupational Therapy.
- ***The right to equity in access to appropriate health and social care services, including dedicated psychiatric services,*** regardless of disability, gender, culture and geographical location.
- ***The right to receive good quality home care and support services.***
- ***The right to enjoy free nursing and essential personal care*** Means testing of personal care should be ended and the service should be provided on the basis of need.
- ***The right of carers not to take on a caring role, or to choose a certain level of caring.*** This applies to many family members, often elderly themselves, whose role as carer is taken for granted by society. Carers should also have the right to choose appropriate respite on a regular basis.
- ***The right to a dignified death.***
- ***The right to appoint an independent advocate*** to help and support the older person to understand often incomprehensible administrative jargon and to support him/her in dealings with local authorities and other institutions.
Comment: The family has an ever decreasing role as provider of care for older people; more and more older people live alone, many have no family or friends to act as representatives on their behalf In hospitals and residential and nursing homes there is a clear need for non-family, independent advocacy.
- ***The right to be protected*** from all forms of physical, emotional, or mental violence, from inhuman or degrading treatment, abuse, neglect or negligent treatment.
- The Government should formulate ways to ensure the ***nutritional value of food*** delivered by various services, e.g. nursing home and hospital food.
- The Government should take all appropriate measures to ensure that every older person has ***access to information*** regarding his/her entitlements to social benefits and social care, as well as to other relevant services.
- The Government should promote and encourage all those working with older people to support them in dealings with local authorities and with

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often incomprehensible and jargon-ridden administrative issues.

Citizens' Rights

The need for a mobile, independent, socially active and integrated older population is now widely acknowledged. There is, however, an absence of consultation with older people by policy makers and service providers, a fact which has often been referred to as "the 'democratic deficit' in Northern Ireland." (*Agenda for the Age*, p.6)

- ***Every senior citizen has the right to participate and play a constructive role in society*** and in the future of Northern Ireland. The Government should develop structures designed to involve senior citizens in the political process. Structures should ensure that consultations take place, that older people are heard and their demands are respected.

Comment: Some countries have 'Senior Councils'. An example is Denmark. Danish legislation introduced the formal establishment of local Seniors' Councils, which must be consulted by local authorities in all matters relating to older people at the local level. These councils must, according to legislation, be directly elected among and by citizens aged 60 and over in the municipality concerned. There are also Regional Pensioners' Councils in Sweden and France.

- ***The right to prompt access to appropriate legal assistance.*** This includes the right for everybody to claim his or her human rights if these are violated, irrespective of the person's financial situation.

- ***The right to access to the law, and to legal representation through an independent advocate,*** in all proceedings affecting the older person, whether administrative or judicial, in the public and the private sphere.

Comment: Ontario/Canada, for example, has an 'Advocacy Act' (1993) which entitles every vulnerable person to appoint an independent advocate to represent him/her.

- ***The right to access to all documents concerning one's case,*** i.e. the right have a free copy of all papers pertaining to one's case (with a few exceptions)

Transport

- ***The right to access free or affordable public transport services***

This is particularly important for older people living in rural areas. The lack of access to rural bus services leads to social exclusion, isolation and deprivation, the consequence of which is often ill-health as well as mental ill-health. Older people in Northern Ireland suffer discrimination through the inadequate provision of public transport.

- The Government should ensure that public transport is free for all people of pensionable age, and this includes women aged 60+.

- The Government should actively encourage local initiatives, such as arrangements between *Translink* or *Ulsterbus* and older people's groups.

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Housing

- ***The right of access to safe and affordable housing and heating***

Older people are encouraged to live at home for as long as possible, but they often live in unfit homes. The Government should ensure that improvements are made to old housing stock and to energy-efficient housing in order to reduce winter mortality.

- ***The right to secure establishment in one's home*** Removal from one's home has an adverse effect on mental health.

Environment

- ***The right to a safe, healthy and sustainable environment.*** The Government should encourage and support practical initiatives which assist older people to feel more safe and secure.

Education

- ***The right to appropriate and inclusive education at all levels***, which is directed towards the full development of the person, including mental and physical abilities and which enables all persons to participate effectively in the life of the community. Following the principle of *lifelong learning*, there must be no barriers irrespective of age, disability and geographical location. Financial assistance should not only be available to the 'economically active' who subsequently enter employment.

Employment / work

- The Government should bring in legislation to ***prohibit ageism*** in the employment sphere, and it should be prohibited to target older employees when companies reduce their work force.
- The Government should encourage ***flexible retirement patterns*** and not insist on the present fixed retirement age. Gradual retirement schemes should be encouraged. Pension schemes also need to be made more flexible and sustainable.
- The Government should provide recognition and encouragement for people who do ***voluntary work***. The value of volunteering needs to be recognised and adequately supported. This could be done by e.g. indemnifying volunteers, providing out-of-pocket expenses to volunteers and providing training. Voluntary work should complement and support statutory services / paid work, not replace it.

Income

- ***The right to an adequate standard of living*** to ensure that dignity is maintained.

Literature consulted:

-Age Concern Northern Ireland, *Agenda for the Age*, Belfast 1999

-Maura McCallion, *Enhancing the Rights of Older People in Northern Ireland*, Belfast 2001

-N.Ireland Human Rights Commission, *Making a Bill of Rights for Northern Ireland*, Belfast 2001