**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE HUMAN RIGHTS COMMITTEE IN REGARDS TO THE REVIEW OF MOZAMBIQUE: CONTRIBUTION OF THE NATIONAL FORUM OF OLDER PEOPLE (FTI)**

**The Rights of Older People: One of the Most Neglected Areas in Advancing Human Rights in Mozambique and Africa**

**Introduction**

In Mozambique today, in Africa and globally the rights of older persons are not effectively protected. International human rights law has little to say on issues particular to older people such as elder abuse or support in long-term care. Age Action is part of growing international support for a new international convention on the rights of older people that would address this. A new convention would articulate what human rights law has to say about the issues that are specific to older people and create a legal obligation on States to protect the rights of older persons. If ratified by Mozambique, it would be directly applicable here.

Older men and women have the same rights as everyone else: we are all born equal
and this does not change as we grow older. Even so, older people’s rights are mostly
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 realize 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 Families) mandates against
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.

A UN Convention on the Rights of Older Persons is necessary to ensure that
older women and men can realize their rights. With a new UN convention, and
the assistance of a Special Rapporteur, governments can have an explicit legal
framework, guidance and support that would enable them to ensure that older
people’s rights are realized in our increasingly ageing societies.

Demographic change is resulting in unprecedented numbers of older people
worldwide. Greater numbers of people will be affected directly by age discrimination
and ageism, thereby increasing pressures on governments and society as a whole to
respond. Strengthening older people’s human rights is the best single response.

While UN conventions are agreed by governments, support cannot be built without
the backing and advocacy of older people. Civil society organizations play a key role
in making this happen and in holding governments to account for the decisions they
make. This is why we need everybody to be involved.

**Background**

As Africa continues making progress in human rights, the rights of older people continue to be invisible within sustainable development, gender equality, protection of human rights and non-discrimination debates.

The specific national mechanisms necessary for the protection of older people are lacking, and those that exist are poorly implemented, and suffer from weak coordination and accountability mechanisms. This is despite human rights being universal across the life course and remaining unchanged as the population grows older.

Even with African Head of States in January 2016 adopting the African Charter on Human and People’s Rights on the Rights of Older Persons in Africa a few of the countries have ratified the Protocol and it needs 15 countries to ratify for it to enter in force. Further, the current priorities and call for global and regional development community, has a focus on addressing the needs and rights of people of all ages to ensure dignity and prosperity for all through commitments on equality and non-discrimination, human rights and ‘Leave no one behind” by reaching the farthest left behind first. But, minimal policy and programmatic interventions including financing by both government and development partners exist to realize these commitments.

**Without specific measures to guarantee inclusion and autonomy, dignity and equality, older people cease to enjoy their human rights.**

This is happening in Mozambique experiencing the highest increase of the older people in the population as the youth bulge transits to an old age bulge and characterized by high numbers of youth. Africa has the highest proportion of economically active people over the age of 65 in the world, contributing to society in many ways as farmers, enterprises and mentors, professional personnel in different field, care givers among others. But ageing is also characterized by an increased risk of ill-health and disability. Africa has approximately 64 million people aged 60 years and above representing 5% of the population. By 2030, there will be 103 million older people in Africa representing 6% of the population (UNDESA, 2013).

Despite the existence of international standards, policies, and guidance across many sectors, older people continue to be marginalized in humanitarian responses. They often experience assistance and protection challenges and are frequently the last to achieve durable solutions to their displacement, as wider efforts focus on younger generations. A holistic response requires multisectoral collaboration at all levels to ensure sustainable improvements in the quality of the response, and the ability to address the specific and changing needs of older persons. Collaboration with others can build evidence, public messages, and strengthen the impact of both. Influencing work led by older persons can be empowering and highly effective.

##### **Older People and Human Rights**

##### **Ageism is widely tolerated resulting in negative perception and attitudes towards old age and older people and is rarely challenged. Ageism results in discrimination, neglect, abuse and violence against older people as well their exclusion from policies and programmes.**

The majority of older people lives in poverty or extreme poverty and denied the right to make decisions about their personal finances, property and medical care. Many older people have no access to, or choice and control over, the care and support services they may need to live independent lives.  Older people particularly women continue to shoulder the burden of family care while they face specific threats to their rights in relation to age discrimination in property and inheritance especially land; access to information and education; access humanitarian services, and financial services. Older people are denied their rights to access to justice, equality before the law and the rights to housing, privacy and a private life are denied. Age is a barrier to employment with many countries forcing older people to retire at the age of 60 despite them being capable to holding full employment or providing them with reskilling programmes.

According to Ageing in Twenty –first Century report, reported difficulties to accessing formal labour market a situation reinforced by the national, age discriminatory legislation. Further, older people experience discrimination in accessing their health and social protection rights against their age preventing them from access to specific and adequate health care and legal protection.

**Information on the Status of the Older People Human Rights Situation in Mozambique**

Since 1992 Mozambique has experienced a significant political, economic and social transformation. The country has come a long way and made notable improvements in strengthening democracy and advancing civil and political rights of its citizens. Government has shown serious commitments and achieved some remarkable results in this respect. A number of important international human rights instruments have been signed and ratified and national laws promulgated. While on paper it seems that all citizens are enjoying a number of benefits and opportunities, in reality situation is much more unfavorable, and there are number of challenges to the full realization of people’s civil and political rights. The existing laws, regulations, strategies and action plans are often not being fully implemented and there are still ways to improve and enhance the existing legislative framework so it better reflects international standards.

Despite the undeniable progress, there are several problems and challenges that remain and have to be addressed to ensure that all citizens’ rights fully respected and their participation in governance and decision making at different levels is enabled. Citizens are often unaware of the rights and opportunities that existing legal framework provides. This is particularly the case for the most excluded and vulnerable groups especially in poor and rural communities. Vulnerable groups, particularly women, children, LGBT people, people with disabilities and albinism are often discriminated against and are facing many challenges in their everyday lives. Disabled people are facing a broad stigmatization and discrimination including from their most immediate environment such as family. There is a lack of information and knowledge about disabled people’s needs, challenges they are having and rights they are entitled to.

One of the main challenges in the field of Human Rights is the still insufficient level of awareness of the importance and the need to promote and protect citizens about Human Rights, particularly among vulnerable populations. It should be noted that the process of civil society participation in the UPR exercise does not end with the country's assessment at the sessions of the UPR Mechanism Working Group and the consequent adoption of recommendations, but it is part of the entire cycle of the process, which also presupposes the subsequent monitoring of the implementation process of the recommendations arising from the review and adopted by the Government, in a plenary session of the United Nations HRC.

Despite the efforts of the media to relate Human Rights as being exclusively linked to public security and the protection of people who commit crimes, we will see that, in some aspects, the perception that Human Rights are mainly concerned with rights has increased and citizenship. It is important to underline that, for several years, civil society organizations have developed numerous advocacy actions that cover themes linked to the tradition of defending Human Rights, such as: Civil and Political Rights (such as the right to life, property, freedom of thought , of expression, belief, formal equality, right to nationality, to participate in the government of the State, being able to vote and be voted, among other rights based on the value of freedom); Economic, social and cultural rights.

**Civil society and the elderly**

Mozambique has an emerging civil society, but organizations are relatively new and inexperienced and the context in which they operate offers challenges: distance, inadequate infrastructure, language barriers (internationally and within the country), constituting some of the factors that impede development. It is in this difficult context that the elderly organize and work together for mutual benefit, particularly at the community level, but the NGOs formally registered are few and recent, facing many difficulties when trying to assume their mandate and in connecting with the broader development activities in their localities.

Elderly organizations are isolated within the NGO community, as the elderly are not recognized, either for their contribution to the development process, or as a potentially vulnerable group with specific needs. The most effective organizations are well positioned, but they have few opportunities to exchange experiences and share with counterparts in other areas, and there is no national structure that allows organizations to express their concerns in forums that can be heard.

**Access and refusal of rights by elderly Mozambicans**

The issue of abuse, rejection and violation of the rights of women and elderly men has slowly emerged in Africa. There is a belief in Mozambique that the extended family, with its structures and standards of solidarity and inbreeding, means that the elderly are properly cared for and that the violations of their rights are unfounded. While it is true that the majority of older people remain in the family context receiving attention and support from family members, these traditional patterns of support are under enormous strain from the increasing economic and social pressures.

The International Charters and Human Rights Conventions, or the International Action Plan on Old Age and the UN Principles for the Elderly, provide the basis for the rights of the elderly in Mozambique and internationally. Feedback from the elderly and their organizations suggests that fundamental human rights have been denied to the elderly by a variety of perpetrators from all sectors of society, including family members.

**Civic and legal rights of the elderly:** Mozambican legal systems do not address the needs and rights of the elderly. The rural elderly population in Mozambique is highly dependent on common traditional laws, which often do not conform to modern human rights standards. High levels of illiteracy contribute to poor knowledge among the elderly about their civic and legal rights. Lack of access to land and property rights affects women disproportionately when they become widows.

**Discrimination:** Barriers to credit and employment and exclusion from formal education and training or communities is certainly a sensitive issue. Anecdotal evidence complemented by personal examples of elderly women tells us about abuse, insults, threats, thefts and other violations that happen to them or to their neighbors, which indicates that such violations are common.

**Witchcraft:** A particular form of abuse comes from accusations of witchcraft. There are a variety of forms of belief in witchcraft across the country and in neighboring countries. Elderly women who live alone are the most common victims of traditional healers who often urge family members to make such accusations. In general, there is an economic reason related to the ownership or use of land and other resources. The charges may also be related to unexplained events in communities, such as the failure of a harvest or deaths from AIDS. The consequences include isolation, abandonment by the family, and exposure from the community, which leads the elderly person to lose their home and to have to move to the city helplessly.

**Older people and emergencies/crisis**

The recent attacks in northern Mozambique are causing a new wave of internally displaced people in the country. UNHCR speaks of an increase in human rights violations that mainly affect women, the elderly and children. The city of Pemba, in Cabo Delgado, recently received a new wave of displaced persons that forced non-governmental organizations to redouble their efforts to prevent a new humanitarian catastrophe. Local organizations estimate that there are more than 700,000 people displaced by violence in the Mozambican province of Cabo Delgado.

These are essentially women and children, in addition to a considerable number of elderly people, who are on the list of Mozambican population vulnerable to contamination by the new coronavirus, which has already officially infected 64,629 people, including those from Cabo Delgado. In this context, the biggest challenges are mostly related to problems of protection and violation of Human Rights in Cabo Delgado and in the nearby provinces that are also hosting internally displaced persons. Older people who fled the attacks in Cabo Delgado say that food is still scarce, despite the support of authorities and organizations. NGO suggests that tools be given to displaced persons for their self-assistance. Hundreds of elderly-headed families seek refuge in other districts or in the nearest province of Nampula that are considered safe.

Older persons in this region often suffer social and economic hardship as a result of displacement, in particular where they become separated from their families and other support structures. In some cases, they may have been unable to flee along with other members of their family. They also may also be at increased risk of violence, exploitation or abuse and often lose their traditional role or standing within the community. In addition, while facing these specific protection risks, they may at the same time be called upon to act as primary caregivers for at-risk children and adolescents.

OPs have lost their homes and, as a result, are in need of shelter. In this case, they may be compelled to seek shelter in crowded camps or settlements, which can give rise to various protection risks. They have already lost access to their land and other property and are cut off from their normal livelihoods and sources of income. As a result they are suffering poverty, marginalization, exploitation and abuse. Access to adequate food, safe water and public services, such as education and health care becomes difficult, often leading to high levels of hunger, malnutrition and disease. Family and community-structures collapse and family members became separated.

**Inter-generational links between older people and children:** Older people have been providing a significant level of care for children and orphans during the insurgents attacks. A survey of older people in five IDP camps reveals that 29% of older people are taking care of orphans, with the majority caring for two or more. Older people provide supervision and guidance, and teach skills and appropriate behavior; in turn, orphans can be a source of moral and economic support, easing older people’s isolation.

**COVID-19:** The impact of Coronavirus on the elderly has always been overlooked, but it has increasingly become an important cause of rights violations in Mozambique: Elderly men and women are at risk of infection: contrary to the myth; the stereotype and false assumptions about the elderly do not help much, as they mean that health messages do not concern this group.

- Older men and women when infected with COVID-19 are even more isolated.

- Elderly women are generally those who provide care for sick children and orphaned grandchildren. This places an additional economic and social burden on the elderly - who are not recognized by service providers in resource allocation.

- The elderly always hope that their children will be assisted in their old age, but the increasing incidence of AIDS has taken away their assistants.

In short, the elderly population is not always treated with the kindness and care that those who have worked for a lifetime and now need rest and respect deserve.

There are many cases where the children themselves abandon their parents, either in precarious homes or in their own homes. As if that were not enough, cases of violence against the elderly have been growing in number and in brutality.

Brief Assessment of the Implementation of 1st Cycle UPR Recommendations during Mozambique’s 1st UPR Cycle in 2011, there was no recommendation concerning the rights of the elderly. However, Mozambique has enacted related laws to which the rights of the elderly are stipulated in, namely the Declaration on Mozambique’s Older Persons and the Law of Promotion of Elderly (2014), to comply with the International Covenant on Economics, Social and Cultural Rights (ICESCR) and the Madrid International Plan of Action on Ageing (MIPAA) of the United Nations which was adopted at the 2nd World Assembly on Ageing held in Madrid, Spain, in April 2002. Although the Ministry of Gender, Child and Social Welfare of Mozambique has agreed to adopt the rights of vulnerable groups in this plan, the rights of the elderly were not mentioned in the State Report of Mozambique’s 1st UPR. Instead, they appeared in the 2014 Annual Human Rights Report presented by the Liga dos Direitos Humanos (The National Human Rights League of Mozambique. The said report showed that Mozambique is rapidly entering the ageing society: by 2050 it will reach 20 percent, resulting in challenges for the enjoyment of rights of the elderly

**Major problems related to the rights of the elderly also include:**

• The elderly are unknowledgeable about their legal rights as prescribed by laws and state policies, and therefore cannot access justice.

• Lack of integration of laws, policies, mechanisms, resources and state procedures which will affect the plan of action for promoting participation in the country and life quality development.

• There is no sufficient and proper awareness and understanding of elderly rights among different sectors which affects the formulation of state policies and participation of the elderly.

• The rights of the elderly stipulated in the old-person-related Declarations and Agreements of the United Nations and are still obscure.

**In many parts of Mozambique, older people are accused of witchcraft because of age and gender stereotypes and then forced out of their homes or even murdered.**

In the provinces of Zambezia and Inhambane for instance, the Legal and judicial institutions including the media have been reporting many cases of killings of older persons due to witchcraft allegations, of whom 70% are older women. Older people have very little knowledge about their rights and entitlements of older people.

At the same time the policy makers have minimal understanding of the rights of older people and supporting frameworks to create age friendly policy environment and mainstreaming of older people development and human rights processes. Further, there is inadequate voice of older people due to the weak or non existence of movements of older people and their supporting organizations. An effective and accountable systems necessary for protection and promotion of the rights of older people requires active a vibrant and effective voice of older people.

**Challenges**

1. The promotion of the elderly rights according to the provisions of the recent Older Persons of Promotion for Defense of Older People Rights, covering many issues including the economy, health, society and environment has not yet been implemented properly. As a result, the majority of the elderly lose their opportunities to access their entitled rights. The number of old people in Mozambique stands at more than 1,8 million in 2017.

2. The reform of the economic preparation system for entering the ageing society in Mozambique, such as the income, health, social and environmental security in accordance with recommendations proposed by the Reform Syndicates is obscure in terms of national reform mechanism.

3. The right to income security for old people, in particular government officials, employees of the informal sector, and freelance workers with a total number of more than 4 million, cannot access the right to income security.

4. Older people are seen as a social burden, rather than a source of power, by most people in the Mozambican society and the mass media.

5. Human rights mechanism and/or agreements and international declarations on the elderly are obscure and the UN Convention which should act as a mechanism for encouraging the Mozambican government to keep working on enactment of the laws, formulating policies, designing mechanisms, planning, conducting progress reports and implementing assessments for elderly programs.

**Cases, Facts, Comments**

• During the last 10 years, the Ministry of Gender, Child and Social Welfare did not make any clear reform plan to prepare for the ageing society of Mozambique.

• The Laws did not proposed the ideas of enacting laws on the promotion of life quality and occupational opportunities for older persons focusing on the elderly rights coverage expansion and decentralization of the Older Persons Fund.

At present, the government has not launched the Universal Coverage of Old-Age Allowance Scheme (Universal Pension) by which any person at the age of not less than 60 years is eligible, upon the registration-based approach, to receive a monthly paid allowance at the rate of the Public Pension Tested. However, such amount of money is not enough for today’s cost of living and impermanent. The old-age allowance is worth only one third of the country’s poverty line.

• There is no supportive and enabling law enacted for upgrading the existing scheme to become the basic state pension for people as a whole.

• The government promotes people in all sectors to engage in savings, through the Government Pension Fund (GPF) or the social security system with saving contribution plus the contribution paid by employers for formal workers, or for all informal workers and state enterprises, etc. However, disparities in pension systems still remains.

• News reported to the public by the mass media mostly presents the image of old people as a dependent and assistance-needy-group.

• There is evidence showing that 30 percent of the total ageing population is a valuable resource for the country’s development. Meanwhile, 20 percent of them are restricted to homebound activities and the other 50 percent is dependent on their families’ care.

The UN Open-ended Working Group on Ageing is a platform of the UN Member States to exchange information and propel the adoption of the International Covenant on Older Persons. The, National Forum of Older People (FTI) in collaboration with its 30 affiliated organization members, has been asking the Mozambican government to sign and ratify International Covenant on Civil and Political Rights.

**Gaps and loopholes in human rights and older people: Gaps, fragments and loopholes**

While the Africa Region leaders have contributed to both international and regional specific frameworks and commitments devoted to ageing, including but not limited to: The 1982 Vienna International Plan of Action on Ageing; The UN Principles for Older Persons; The 2002 Madrid International Plan of Action on Ageing (MIPAA); AU Framework and Plan of Action on Ageing (2002); and AU Common Africa Position on the Human Rights of Older Persons (2012), they have no legally-binding power. Even where States would implement these commitments, they would not address the full range of specific rights older people required, and there is no independent monitoring or accountability mechanisms to assess progress, nor an investigatory body for violations and noncompliance. Implementation without stringent monitoring also provides no feedback to further improve programs and implementation of the commitments. The target population and other stakeholders have no basis to call upon their government to enforce equal treatment and protection with the offerings of these documents.

Existing international and regional human rights law has never been comprehensively applied to older people or the context of ageing. Only one of the existing human rights instruments explicitly prohibits age discrimination, As a result, there is a lack of legal certainty and clarity which threatens the equal protection of older people’s rights. Further, the UN and regional human rights bodies have largely ignored the rights of older people. Globally, only 177 (0.3%) of the 57, 686 recommendations made within the Human Rights Council’s Universal Periodic Review process to October 2017 address the rights of older people.

Improved implementation of existing policy documents alone will not address this protection gap. There is also need to address the weak legal standards, international standards that are not put into practice, low levels of accountability and coordination, and the inability for dialogue around lessons learned for continuous improvement in levels of progress.

**No human rights standards for older people**

While human rights apply to everyone without age limits, the realization of human rights for older people is, in practice, impeded by negative attitudes and extensive discrimination. Many international human rights instruments are universal by nature, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

However, older people are rarely specifically mentioned in the covenants themselves or in the commentary or recommendations made by the committees established to monitor compliance with the covenants.

There have only been 115 specific recommendations on the rights of older people across all the Special Procedures and Treaty Bodies since 1999 and there is no sign of any increase in attention. This neglect is also true of the Universal Periodic Review (UPR), a human rights peer review process carried out by Member States through the UN Human Rights Council.

A review of our organization has followed up of the two UPR cycles to date showed that only 113 out of 38,298 recommendations, that is 0.3 per cent, have referred to older people. And only four of those recommendations were specifically on the elimination of discrimination in older age.

Even the adoption of the Convention on the Elimination of Discrimination Against Women general recommendation on the rights of older women in 2010 has not resulted in an increase in recommendations on older women’s rights. International human rights law does not articulate or explain issues that are particular to older people such as elder abuse or support in long-term care settings. Similar gaps in how human rights law applied to child protection and adoption, for example, highlighted the need for the Convention on the Rights of the Child.

**United Nations and Older People’s Rights**

In 2010 the UN General Assembly set up the UN Open-ended Working Group on Ageing (OEWG) to examine how the human rights of older people could be better protected. The group was also tasked with suggesting how these gaps might be addressed, including through new legal instruments or a new international convention on the rights of older people. It is mandated by the UN General Assembly and meets once a year. It has met six times, most recently from **29 March to 1 April 2021,** and has discussed many different issues relevant to the rights of older people, like: 1. Right to work and access to the labour market; 2. Access to justice; 3. Content of the right to social protection and social security and related state obligations and 4. Content of the right to education, training, life-long learning and capacity-building and related state obligations.

Many states who are not supportive of drafting a new convention contend that the implementation of the Madrid Action Plan on Ageing (MIPAA) is enough to protect the rights of older persons, even though the MIPAA is simply a policy statement and is not legally binding.

It is far weaker than arobust, legally binding, human rights based treaty. There is currently no consensus on whether a new convention should be drafted. This is despite a UN General Assembly resolution in December 2012 which tasked the OEWG to consider and report on what should go into a new international legal instrument on older people’s rights.

In November 2015, another UN resolution highlighted that the wide range of different international policies and standards related to older people’s rights may lead to older people being ignored in much of the monitoring of human rights treaties that relate to them. The resolution, which was adopted by consensus, reaffirmed the mandate of the OEWG to present proposals for a new convention.

What would a new convention do? A new convention would provide Governments with a set of standards on human rights in older age that is currently missing from the international human rights system and against which their policies and actions could be measured. It would articulate how human rights apply to, among other issues:

• Access to pensions and the right to an adequate standard of living;

• Access to appropriate and timely healthcare for older people;

• Protection from age discrimination in employment;

• Support in nursing home and community care settings; and

• Palliative care and dignified dying.

A new convention would also bring clarity to both the nature of older persons’ rights and the State’s responsibility to protect them. In particular it would:

• Codify the rights of older persons in one single document, taking due account of the specific challenges related with ageing;

• Act as an anti-discriminatory tool to challenge prevailing stereotypes about old age;

• Require governments to collect data, create indicators and develop other supporting instruments to underpin the monitoring process;

• Increase the visibility of older persons;

• Encourage structural changes and shifts in the perception of ageing, guide policy change and provide the basis for advocacy;

• Raise public awareness of older persons’ rights;

• Set out a roadmap to create societies and environments for all ages, where older persons are able to contribute, prosper and enjoy their rights.

**States continue to see ageing as a social welfare and older people as recipients of welfare rather than right holders who should enjoy their rights on the same basis as everybody else.**

Age discrimination is still not prohibited in many national constitutions and not covered in anti-discrimination laws. A paradigm shift is needed from a social welfare to a rights-based approach. National Data management systems are not responsive to data disaggregation by age in collection of data on development and violence.

**Do existing international human rights mechanisms adequately protect older people’s rights?**

No. A review of the types of rights violations that older people experience and the extent to which these are presently being addressed shows that the existing international human rights mechanisms fail to adequately protect older people’s rights.

**a. Failure to prohibit age as a ground for discrimination**

The failure to explicitly recognize age as a ground for discrimination and the reliance on the catch-all category of “and other status” has obscured the discriminatory experiences of older people because states and other actors have not been sufficiently alerted to their presence.

**b. Dispersal of standards and lack of clarity**

 Standards protecting older people’s rights are scattered throughout various international human rights conventions and are usually only explicitly articulated in interpretive or advisory documents. This has resulted in a lack of clarity and awareness about what older people’s rights are by older people themselves as rights holders, by the communities in which they live and by the duty bearers with responsibility to protect those rights.

**c. Inadequate attention by special procedures and by treaty bodies in reporting processes** Treaty bodies have failed to systematically address the rights of older people and the impact of ageing on the enjoyment of rights in States parties monitoring processes. What attention has been given has been sporadic, inconsistent and infrequent.

Attention to older women and men in general comments has yet to result in systematic and consistent attention to their rights. Special procedures have also not adequately addressed the impact of ageing on their respective mandates.

**d. Limited attention to a narrow range of rights**

What attention there has been by treaty bodies and special procedures has tended to focus on a narrow range of rights, usually economic and social, most commonly an adequate standard of living, limited access to health care and social security.

**e. Failure to consider the impact of ageing on enjoyment of civil and political rights**

Very little consideration has been given to older people’s civil and political rights. These rights include the right to life and freedom from violence and elder abuse; the prohibition of torture, inhuman and degrading treatment in care and other settings; abuses of the right to privacy, a private and family life; rights in the context of diminishing or fluctuating capacity; property and housing rights; the rights of people with dementia and the right to die with dignity.

**f. Failure to fully examine the specific context of violations of older people’s rights**

What attention there has been has often been limited to listing older people as a vulnerable group or limited to noting concern rather than giving recommendations for government action. As such, in depth examination of the specific circumstances of violations of older people’s rights and how to address this are still absent.

**Measures to address these gaps**

There is clearly much work that existing mechanisms can and need to do to better understand and take into account the impact that ageing, both of an individual and of populations as a whole, has on the enjoyment of the rights within their mandates. However, given the particular vulnerability to discrimination and rights violations associated with ageing, the gaps in protection and the constraints outlined above, our organization believes that this alone will not be enough to provide the necessary protection of older people’s rights, in both law and practice. We believe that a single instrument, a new international convention on the rights of older people, is necessary to:

• Provide a definitive, universal position that age discrimination is morally and legally unacceptable.

• Provide legally binding protection with accompanying accountability mechanisms.

• Provide clarity for duty bearers and rights holders on what their rights and responsibilities are.

• Bring together existing rights standards that are currently dispersed throughout various other instruments and interpretive documents.

• Redress the present imbalanced focus on older people’s economic and social rights by bringing all indivisible rights into one instrument.

• Put age discrimination and older people’s rights more centrally into governments’, donors’ and NGOs’ agendas.

• Draw attention to, deepen understanding of and provide redress for the complex, multiple forms of discrimination that older women and men experience.

• Provide a framework to guide policy responses to demographic ageing based on rights, equity and social justice.

• Provide a powerful advocacy and education tool for older people and those that represent them for claiming their rights.

• Encourage a paradigm shift form older people being considered recipients of welfare to rights holders with responsibilities.

**Achievements of Fórum da Terceira Idade – FTI – Mozambique**

FTI has taken a twin track approach to its work on human rights at **the national level**: on the one hand monitoring and encouraging better implementation of international human rights law and on the other hand calling for new international convention on the rights of older persons. For instance, FTI with its network partners, have submitted shadow reports to stakeholder reports for the UPR, Third Cycle.

During the on-going National Movement on Ageing, FTI has been supporting older people and its organizations to participate in the discussion of their rights and inputted significantly in the ordinary sessions. FTI and its network members have been submitting shadow reports on the rights of older people to National bodies since 1988, engaging with UN special procedures since 2020, contributing to UPR stakeholder group reports since 2020 and active at the Human Rights Issues since 2000. Since 2010, FTI has participated in the Commission on the Status of Women through Fórum Mulher (The National Women Forum) as well as Post discussions and domestication and implementation of Sustainable Development Goals. Since 2015, FTI initiated the national AgeWatch Index, which ranked all provinces by how well their older people are faring on **domains of income security, health status, capability, and enabling environment. FTI is trying to support** in seeking ways of dealing with the gaps and challenges in relation to the collection, analysis and use of data on ageing and older people.

At **National level,**national level campaigns have been undertaken to draw special attention of law enforcement bodies, legislators and human rights actors to profile the exclusion and magnitude of the neglect, abuse and violence by older people.

During events around key celebrations such as Human Rights Day, World Health Day, the International Day for Older Persons among others, FTI supports older people and their organizations to carry out campaigns on the human rights of older people and their equity and inclusion.  At country level, also partners engage with local and national leaders for improved access to health and income, promotion of their human rights and protection from violence, discrimination and abuse. FTI is currently intensifying efforts to establish and strengthen older people’s movements and ageing organization platforms to amply the voices of older people, advocacy and policy influencing and provision of technical support.

We provide special attention for older persons in humanitarian aid programs and packages offered in situations of natural disasters and other humanitarian emergencies and provide legal advice and information to older persons in situations of displacement and dispossession of
land and other productive and personal assets. For instance the armed conflict (in Cabo Delgado province) caused by insurgents.

**Call for action**

It is clear there has been debate over the past number of years on the rights of older people. With the recent report by the UN Independent Expert and developments at the Human Rights Council we are calling on the Mozambican Government to take a number of important actions.

**We call on the Government to:**

• Instruct the Mozambique Permanent Mission to the UN in New York to become a member of the New York Group of Friends, a group of like-minded Member States working to promote the rights of older persons in the work of the UN in New York;

• Continue to attend the OEWG sessions at the UN and make constructive comments about what should be in a new convention;

• Include an older person and civil society organizations in the Government’s delegation at OEWG sessions to ensure that older people’s views are represented;

 • Consult older people in Mozambique to inform the Government’s positions at the OEWG;

• Continue to support the local organizations on the enjoyment of all human rights by older persons in the fulfillment of her mandate:

• Actively to lobby in order to press so that it is taken into account about our constant appeals in relation to draft a new international convention on the rights of older people.

**Conclusion and Recommendations**

Better protection of the rights of older people will ensure that older Mozambicans can enjoy lives of dignity and equality and participate in society in their older age.  The African Union Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa and on-going discussion on a UN convention on the rights of older persons provides an opportune moment to ensure older people enjoy the full rights and freedoms on equal basis with other population groups.

To promote and protect the rights of older people, we are calling on:

1. All stakeholders to widen data, policies, legal and programmatic frameworks addressing discrimination, neglect, abuse and violence against older people.

2. All stakeholders to disaggregate data by sex, age (in five-year cohorts), disability and other grounds for discrimination prohibited under international human rights law that monitor the achievement of age inclusion and gender equality across the SDGs and Agenda 2063.

3. Mozambique, as a Member State to urgently establish cross-sector coordination mechanisms at national and regional level to coordinate action on ageing and the rights of older people to ensure progress is in the civil, political, economic, social and cultural rights of older people.

4. Human rights reporting mechanisms at all levels to report on the progress and challenges in achieving the human rights of older people.

5. Government and development partners to adequately allocate resources on ageing and the rights of older people.

6. All stakeholders to intensify efforts to fast track the development, adoption, ratification and implementation of a UN convention on the rights of older people.

7. Government to urgently ratify, domesticate and implement the AU Protocol to the African Charter on Human and Peoples’ Rights of Older Persons in Africa.

8. We also recommend the establishment of a new special rapporteur to give visibility to the rights of older people by examining and reporting on the nature and extent of violations and making recommendations on how to better protect them. She or he would also be able to encourage existing special procedures to better address older people’s rights within their own specific mandates.

9. Ensure the Ministry of Gender, Child and Social Welfare defines policies to reinforce the formulation of necessary mechanisms and supply of resources for the promotion of the rights of the elderly, and implement the Older Persons Law in collaboration with civil society actors.

10. Include the goals, policies, and the National Plan for Older Persons into the National Economic and Social Development Plan and the Sustainable Development Goals (SDGs), with a commitment to “Leave no one behind.” Integrate the policies for the elderly from 6 Ministries (Ministry of Gender, Child and Social Welfare, Ministry of Finance, Ministry of Health, Ministry of Interior, Ministry of Labor and the Ministry of Justice, to urge implementation in practice through state and civil society mechanisms.

11. Follow up on the enactment of the Bill on Promotion of Quality of Life and Occupation of Older Persons, to ensure its relevance in the current changing environment.

12. The Ministry of Gender, Child and Social Welfare should enable policies and supply resources to promote the value of older persons’ participation in the country’s development.

13. Formulate policies and campaigns to encourage positive perceptions of the elderly, particularly in response to society’s mindset which negatively views older persons as burdens, in line with the SADC Protocol outcomes documents of the regional Meeting on Enhancing Long-Term Care and Social Participation of Older Persons in Southern Africa.

14. Utilize the National Pension Scheme to ensure income security for the elderly. The Ministry of Finance should formulate policies to facilitate campaigns and enact by-laws to support the present government’s National Pension Commission Bill and the National Pension Bill submitted by civil society to the newly elected government. Ensure the laws are enforced and guarantee the realization of the National Pension Scheme.

15. Provide more opportunities for older persons to apply their capacities, specialties and experiences creatively for the benefit of society, including employment or part-time and voluntary jobs, including private or small and medium enterprises; and continue supporting NGOs or public agencies which provide employment opportunities for older persons, as recommended by SADC Protocol outcomes documents on Enhancing Long-Term Care and Social Participation of Older Persons in Southern Africa.

16. Support the adoption of the International Declaration on Older Persons while continuing its commitments to policy-making, implementation and reporting.

17. Concluding observations on the SADC Protocol, Article 7. “The Protocol recommends that the State party revise the eligibility criteria for the social allowance for older persons so that those in need are not excluded. It also recommends that the State party increase the amount of social allowance so as to enable an adequate standard of living for the recipients. Additionally, in the light of the ageing population in the State party, the Protocol recommends that the State party adopt measures to respond to the specific needs of older persons, including measures to ensure income security in old age, through both contributory and non-contributory schemes, the delivery of adequate and affordable health-care services and the conduct of awareness-raising activities on the rights of older persons.

18. Outcome Document of the Protocol recognizes that there are negative views about ageing and the elderly in the societies of the Southern Africa sub region, as if older persons were a burden to the society. However, the Protocol reviewed the positive contributions, including social, cultural, economic and political contributions, that older persons have been making, and recommend all relevant stakeholders to promote positive images of ageing, including the recognition that the elders are assets to our societies.

19. The SADC Protocol “Older persons possess a wealth of skills and capabilities resulting from their rich professional and personal experiences. Increasing opportunities for older persons to effectively utilize their capabilities and expertise will benefit the society as well as the individual older persons in their continued social participation. Such opportunities may be gainful employment (full-time or part-time), or other engagements including ad hoc work and volunteering. Possible workplaces for older persons include private enterprises, including small and medium enterprises, schools, and communal and public facilities, or abroad for skills transfer projects.

**Legal protection of economic, social and cultural rights** **2021 Recommendations**

Mozambique has not accepted recommendations to ratify the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (OP-ICESCR). This was also recommended in the 2011 UPR. No steps have been taken towards assignation and ratification.

FTI as a civil Society organization proposes to introduce the obligation contained within the ICESCR to "progressively realize” such rights to the "maximum of available resources.”

**Recommendations:**

• Sign and Ratify OP-ICESCR.

• Bring Mozambique’s equality legislation in line with Article 2(2) ICESCR by widening the grounds upon which discrimination is prohibited, including socio-economic status.

The increase of the rate of elderly people in the structure of the population of the Republic of Mozambique, the modification, preservation and making the best use of their functional capacities open up new possibilities for this population group in terms of the economic, social, cultural and spiritual activity. It is however known that population aging also involves a series of difficulties related first of all to ensuring the financial stability of the pension systems, the increase of expenses for healthcare and the creation of conditions for capitalizing on the elderly people’s potential. In this context, the phenomenon of population aging draws more and more attention from the society and government.

In order to deal with the issues, the needs, rights and contributions of elderly people in education, in their economic and social commitment, in health and in all the other policy fields should be outlined more explicitly and all the resources should be gradually and adequately redistributed. Consequently, we will monitor in an extension of the period of the elderly people’s economic activity by an increase of their life expectancy, ensuring the effectiveness of healthcare services, providing for a decent income with the pension systems and the welfare mechanisms for elderly people. At the same time, measures must be taken to attract to employment a large number of people capable of adapting to the modernization conditions of the economy, irrespective of age. Increasing investments in the human capital for better education and training will certainly involve lifelong learning and further training at any age has to become a common thing.

**About Forum da Terceira Idade**

The Fórum da Terceira Idade, (FTI) translated as **Mozambique Senior Citizens Network** was founded in 1998 as an umbrella charitable organization. Mozambique Seniors Citizen Network is a forum for senior citizens and people working in aged services. It serves as an umbrella and a support network and provides an opportunity to voice concerns; share information and gather resources. We empower older people in Mozambique in a whole range of ways. We **fight for** [older people's needs and rights](http://www.helpage.org/what-we-do/rights/) to be placed right at the heart of policy and legislation. It is registered as a Co-ordination Board for National NGOs of Senior Citizens Networks which is a forum for senior citizens and people working in aged care services. It serves as a support network and provides an opportunity to voice concerns; share information and gather resources.

The objective of FTI is to serve as a voice for elderly and to bring about national reforms and enforcement of the laws governing the social warfare and its regulatory agencies in order to assure proper care, civil rights and meaningful, dignified life for the elderly in long-term care facilities.

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