

# **THE PROTECTION OF THE ELDERLY MODEL LAW**

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**Preamble:** Recognizing the inherent value and wisdom of elderly people, which they contribute to the community, this law aims to promote respect and appreciation for the participation of the elderly in the community. This law endeavors to empower, include, and protect this cherished population of every community. Furthermore, considering the often vulnerable status of the elderly, the community - individually and collectively - shall take action to promote the rights and well-being of the elderly. This law purports to (1) protect the rights and interests of the elderly, and (2) provide the elderly with the support necessary to sustain the quality of life and dignity fitting to their respected status in community. The community shall protect and promote the health and mental well-being of the elderly, and shall have the duty to represent and augment the lawful rights and interests of the elderly.

## **Chapter 1. Definitions**

### **Article 1. The Elderly**

For purposes of this law, the elderly shall constitute those persons of an age established by domestic law that properly indicates the challenges and needs of those of an advanced age and condition and provides to them the rights and protections contained in this law.

### **Article 2. Exploitation**

For purposes of this law, exploitation shall mean the unlawful obtaining of financial or other material benefit from the elderly for one's own benefit.

### **Article 3. Abuse**

For purposes of this law, abuse shall mean the physical, mental, or material maltreatment of an elderly person, including but not limited to the deprivation of food or medication, beatings, oral assaults and isolation.

### **Article 4. Neglect**

For purposes of this law, neglect shall mean the omission of proper attention, supervision, or provision of necessities to an elderly person, to such an extent that harm results or is likely to result.

### **Article 5. Family**

For purposes of this law, family shall mean a group of persons connected to the elderly person by blood, by affinity, or by law, especially within two or three generations.

### **Article 6. Third Party Caretakers**

For purposes of this law, Third Party Caretakers shall mean institutions and individuals that have been given authority to provide direct support or services to the elderly, including but not limited to all public or private institutions or individuals with legal authority to exercise control over the elderly person.

## **Chapter 2. Rights**

### **Article 7. Right to Dignity**

The elderly have the inherent right to life, dignity, and the integrity of their persons, which shall be protected by law.

### **Article 8. Right to Freedom from Abuse, Neglect, and Exploitation**

The elderly have the right to be free from abuse, neglect, and exploitation.

### **Article 9. Right to Freedom from Discrimination**

The elderly have the right to be free from discrimination. They shall be treated equally favorably, regardless of health status or disability, as other age groups. The right shall be applied to all aspects of life, including, but not limited to, employment, access to education, accommodations, and other facilities.

### **Article 10. Right to Adequate Healthcare**

The elderly have the right to a standard of living adequate for the health and well-being of themselves, including access to affordable health care. Adequate and affordable healthcare includes medication, immunization and medical care such as physical therapy, surgery, nursing, check-ups, in the event of sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control.

### **Article 11. Right to Maintenance**

11.1. The elderly have the right to access basic necessities, including but not limited to, adequate nutrition and potable water necessary for their health and well-being.

11.2. The elderly have the right to access basic amenities of life, including but not limited to, appropriate shelter, clothing, and sanitation as per prevailing societal standards.

### **Article 12. Right to Material Assistance**

The elderly have the right to obtain material assistance from the State. Material assistance shall be provided in the form of tangible support necessary for the maintenance of the elderly at times when an elderly person cannot support himself or herself or rely on support from their

family, including funds to support the maintenance and an elderly person, nutritional food, clothing, shelter, and medicine.

### **Article 13. Right to Property**

The elderly have the right to maintain control over, to continue making decisions about, and dispose of property, financial affairs, and personal effects in accordance to law.

### **Article 14. Right to Participation in Society**

14.1. The elderly have the right to participate in education and training programs as well as social, economic, cultural, and political life.

14.2. The elderly have the right to preferential access to care in health and transportation.

### **Article 15. Right to Work**

15.1. The elderly have the right to work based on their abilities.

15.2. The elderly have the right to just compensation and employment conditions suitable to their needs.

## **Chapter 3. Duties**

### **Article 16. Duty of Third Party Caretakers**

Third Party Caretakers shall have the duty to support an elderly person when authorized by the family, the State or other responsible parties to support the elderly person. The authorized individuals or service organizations shall fulfill their commitments to their patients and to fulfill all duties in this law and under domestic law and keep the interests and well-being of the elderly in mind at all times.

### **Article 17. Duty of the Family**

17.1. The family of an elderly person shall have the duty to care for the health and mental well-being of the elderly and, in general, to provide the necessary support to meet their basic needs.

17.2. The family shall have the duty to fulfill the responsibilities provided in 17.1, unless the family lacks sufficient means to do so.

### **Article 18. Duty of the State**

18.1. The State shall have the duty to protect the health and mental well-being of the elderly when the family lacks sufficient means to do so.

18.2. The State shall have the duty to represent and protect the lawful rights and interests of the elderly.

18.3. The State shall have the duty to take measures to carry out cultural, sports and recreational activities of a public nature that are suited to the elderly in order to enrich their cultural life.

18.4. The State shall have the duty to punish in accordance with law those who abuse, neglect, exploit or discriminate against the elderly. These duties may be carried out by the Department of Justice or the agency set out in Section 18.10. This duty shall include, but not be limited to:

18.4.1. Enacting of criminal laws prohibiting the abuse, neglect, exploitation and discrimination of the elderly,

18.4.2. Designing and managing of a program of response and services for the elderly who have been, or are alleged to be, victims of abuse, neglect, exploitation, or discrimination,

18.4.3. Establishing a fund to aid local government agencies, provider agencies, or both, to carry out these functions, and, contingent on adequate funding, to fund attorneys or legal services provider agencies for the provision of legal assistance to the elderly.

18.5. The State shall have the duty to take necessary measures to protect the health and well-being of the elderly, providing adequate and affordable healthcare.

18.6. The State shall have the duty to take measures to ensure the elderly basic necessities of life such as adequate nutrition and potable water necessary for their health and well-being. The state shall also be responsible to take measures to create conditions conducive for the elderly to have access to basic amenities of life including but not limited to appropriate shelter, clothing, and sanitation as per prevailing societal standards. The State shall strive to create such conditions through committing state resources toward developing necessary infrastructure, and provision of apt economic assistance to the elderly.

18.7. The State shall have the duty to establish necessary programs and regulations that provide material assistance to the elderly and those who support the elderly. Material assistance shall be provided in the form of tangible support necessary for the maintenance of the elderly at times when an elderly person cannot support himself or herself or rely on support from their family, including basic necessities and amenities as provided by 11.1 and 11.2.

18.8. The State shall have the duty to protect the right of the elderly to work based on their abilities and take necessary measures to ensure adequate conditions and just compensation. This duty may be carried out by the Department of Labor or the agency set out in Section 18.10. This duty shall include, but not be limited to:

18.8.1. Implementing a policy to encourage employers and the public, in general, to understand the importance of employing the elderly, to stabilize employment, and to find ways of meeting problems arising from the impact of age on employment,

18.8.2. Promoting the development and improvement of occupational ability of the elderly,

18.8.3. Regulating and monitoring the state of working facilities and other conditions in which the elderly are employed, and

18.8.4. Promoting projects that administratively and/or financially assist employers in managing elderly employees, such as: counseling and advising, vocational training and maintaining facilities necessary to promote active involvement of the elderly in the workforce.

18.9. The State shall support and monitor third-party caretakers. This duty may be carried out by the Department of Labor or the agency set out in Section 18.10. This duty shall include, but not be limited to:

18.9.1. Requiring third party caretakers to establish codes of conduct and adequately train and license all caretakers,

18.9.2. Mandating frequent and continuing training for all caretaking professionals to keep these important professionals up-to-date on the best practices to ensure that the health and well-being of the elderly are protected,

18.9.3. Providing appropriate legal structures and remedies in the case of third-party caretaker abuse or negligence,

18.9.4. Educating third-party caretakers and the elderly on their rights, responsibilities, protections guaranteed under this law and domestic law, and

18.9.5. Continuously supervising authorized organizations and professionals to ensure that the elderly are served in accordance with their legal rights and protections and appropriately sanction those caretaking professionals who do not adhere to this and all applicable law concerning their patients or clients.

18.10. The State shall establish a government body for the protection of the elderly. The department shall have the responsibility to:

18.10.1. Establish and enforce rules, regulations, and laws necessary to ensure the rights provide by this law,

18.10.2. Evaluate, license, and monitor all programs, services, and facilities for the elderly,

18.10.3. Receive and disperse federal funds in relation to the protection of the elderly,

18.10.4. Promote community education and research regarding the problems and vulnerability of the elderly,

18.10.5. Promote collaborative efforts with local government agencies, the community, and non-profit organizations to examine the needs and protect the interests of the elderly,

18.10.6. Develop objectives, priorities, and policy for a Protection of the Elderly Program,

18.10.7. Facilitate the development and implementation of a Protection of the Elderly Program,

18.10.8. Research issues related to elderly, including, but not limited to, abuse, neglect, exploitation, discrimination, ailments, adequate healthcare and medicine, and

18.10.9. Provide federal guidance to local government and community efforts in carrying out a Protection of the Elderly Program.

18.11. The Protection of the Elderly Program shall include elder abuse prevention, detection, treatment, intervention, and response.



## **APPENDIX**

### **Chapter 1. Definitions**

#### **Article 1. The Elderly**

Supporting elderly people means providing economic assistance as to ensure their basic demands for meals, clothing, and housing.

Citation: Vietnam Ordinance on Elderly People, Ch. 2, Art. 9

It shall be unlawful to discriminate against another person by denying the person access to any benefit associated with accommodations on the ground of the other person's age.

Citation: Australian Age Discrimination Act 2004, Part IV, Division 3, 29 Accommodation

Elderly. A person who is sixty (60) years old or older.

Citation: Colombia, Law No. 1251 of 2008

It is understood to be elderly people all those who are 60 or older.

Citation: Peru, Law No. 28803 of 2006

Older Persons: Any person who is sixty-five years old or more.

Citation: Costa Rica, Law No. 7935 of 1999 (Comprehensive Elderly Law)

#### **Article 2. Exploitation**

The act of taking unjust advantage of another for one's own benefit.

Citation: Black's Law Dictionary, Eighth Ed., Edited by Bryan A. Garner. St Paul, MN: West Publishing Co., 2004, p. 619.

Each elderly person has the right to be treated with dignity and respect, and to live without exploitation, abuse or neglect.

Citation: Australian Charter of Residents' Rights and Responsibilities

An elderly individual has the right to be free of abuse, neglect, and exploitation.

Citation: Old Americans Act, Sec. 102 Definitions, "Elderly Justice"

An elderly individual has the right to be free from abuse, neglect and exploitation.

Citation: Section 102.003 (b)(2) Texas Human Resources Code

Exploitation of prostitution of others shall mean the unlawful obtaining of financial or other material benefit from the prostitution of another person.

Citation: Trafficking in Human Beings and Peace Support Operations: Trainers Guide, United Nations Interregional Crime and Justice Research Institute, 2006, p. 153.

#### **Article 3. Abuse**

Each elderly person has the right to be treated with dignity and respect, and to live without exploitation, abuse or neglect.

Citation: Australian Charter of Residents' Rights and Responsibilities

An elderly individual has the right to be free of abuse, neglect, and exploitation.

Citation: Old Americans Act, Sec. 102 Definitions, "Elderly Justice"

Abuse, general: "physical or mental maltreatment"

Abuse of the elderly: "abuse of a senior citizen by a caregiver. Examples include deprivation of food or medication, beatings, oral assaults, and isolation."

Citation: Black's Law Dictionary, Eighth Ed., Edited by Bryan A. Garner. St Paul, MN: West Publishing Co., 2004, p. 619.

Any person who –

(a) willfully subjects an elderly person to ill-treatment, whether physical or verbal;

(b) subjects an elderly person to prolonged mental or emotional harassment;

(c) intentionally causes pecuniary loss or material prejudice to an elderly person,

shall commit an act of abuse.

Citation: Republic of Mauritius, The Protection of Elderly Persons Act - Act No. 16 of 2005

[Each elderly person has the right to be free from] acts of maltreatment or forced, excessive work.

Citation: Vietnam Ordinance on Elderly People, Chp. 2, Art. 10

An elderly individual has the right to be free from abuse, neglect and exploitation.

Citation: Section 102.003 (b)(2) Texas Human Resources Code

#### **Article 4. Neglect**

1. The omission of proper attention to a person or thing, whether inadvertent, negligent, or willful; the act or condition of disregarding. 2. The failure to give proper attention, supervision, or necessities, esp. to a child, to such an extent that harm results or is likely to result.

Citation: Black's Law Dictionary, 8<sup>th</sup> Edition, Edited by Bryan A. Garner. St Paul, MN: West Publishing Co., 2004, p. 619.

Each elderly person has the right to be treated with dignity and respect, and to live without exploitation, abuse or neglect.

Citation: Australian Charter of Residents' Rights and Responsibilities

An elderly individual has the right to be free of abuse, neglect, and exploitation.

Citation: Old Americans Act, Sec. 102 Definitions, "Elderly Justice"

An elderly individual has the right to be free from abuse, neglect and exploitation.

Citation: Section 102.003 (b)(2) Texas Human Resources Code

## **Article 5. Family**

A group of persons connected by blood, by affinity, or by law, esp. within two or three generations. 2. A group consisting of parents and their children. 3. A group of persons who live together and have a shared commitment to a domestic relationship.

Citation: Black's Law Dictionary, 8<sup>th</sup> Edition, Edited by Bryan A. Garner. St Paul, MN: West Publishing Co., 2004, p. 619.

It is the duty of parents to assist, raise and educate their under-age children and it is the duty of children of age to help and assist their parents in old-age, need or sickness.

Citation: Brazilian Constitution, art. 229

## **Article 6. Third-Party Caretakers**

### **Chapter 2. Rights**

## **Article 7. Right to Dignity**

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

Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.

Citation: United Nations Principles for Older Persons

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Citation: Article 22, Universal Declaration of Human Rights

Every person has the inherent right to life, dignity and the integrity of his or her person which shall be protected by law; no one shall be arbitrarily deprived of his or her life.

Citation: The Transitional Constitution of the Republic of South Sudan, Art.28

Each individual has the right to life, liberty, security and the integrity of his person.

Citation: Constitution of Benin

The human person is sacred. The human person is inviolable. The state shall have the obligation to respect it and to protect it. Every individual has the right to life, to freedom, to security, the free development of his or her personality, to corporal integrity, and especially to protection against physical mutilation.

Citation: Constitution of Senegal

## **Article 8. Right to Freedom from Abuse, Neglect and Exploitation**

Each elderly person has the right to be treated with dignity and respect, and to live without exploitation, abuse or neglect.

Citation: Australian Charter of Residents' Rights and Responsibilities

[Each elderly person has the right to be free from] discrimination, insults, or maltreatment.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 4

[Each elderly person has the right to be free from] acts of maltreatment or forced, excessive work.

Citation: Vietnam Ordinance on Elderly People, Chp. 2, Art. 10

An elderly individual has the right to be free from abuse, neglect and exploitation.

Citation: Section 102.003 (b)(2) Texas Human Resources Code

An elderly individual has the right to be free of abuse, neglect, and exploitation.

Citation: Old Americans Act, Sec. 102 Definitions, "Elderly Justice"

#### **Article 9. Right to Freedom from Discrimination**

[Each elderly person has the right to be free from] discrimination, insults, or maltreatment.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 4

The elderly shall enjoy the following rights at work:

a) To be selected to fill any post, if their qualities and abilities qualify them. There should not be any discrimination based on age.

Citation: Costa Rica, Law No. 7935/1999, Art. 4 [Ley Integral para la Persona Adulta Mayor]

Each [elderly individual] has the right to maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions

Citation: Australian Age Discrimination Act 2004, Part IV, Division 3, 30 Land \_

The right to work is recognized and is equal for all. It is forbidden to discrimination in employment and pay based on sex, the color, social origin, ethnicity or political opinion.

Citation: Constitution of Burkina Faso

Each resident of a residential care service has the right:

--To continue his or her cultural and religious practices and to retain the language of his or her choice, without discrimination;

Note: Below the term 'residential care service' means the same as 'aged care home'

Citation: Australian Charter of Residents' Rights and Responsibilities

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Citation: African Charter on Human and People's Rights

Discrimination on grounds of age

3.—(1) For the purposes of these Regulations, a person ("A") discriminates against another person ("B") if—

(a) on grounds of B's age, A treats B less favourably than he treats or would treat other persons, or

(b) A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same age group as B, but—

(i) which puts or would put persons of the same age group as B at a particular disadvantage when compared with other persons, and

(ii) which puts B at that disadvantage, and A cannot show the treatment or, as the case may be, provision, criterion or practice to be a proportionate means of achieving a legitimate aim.

Citation: The Employment Equality (Age) Regulations (2006) (United Kingdom)

The general principles set out in this section guide- protect the older person from unfair discrimination on any ground, including on the grounds of the health status or disability of the older person.

Citation: South Africa Act on Older Persons 2006, Section 5 (1)

14 Discrimination on the ground of age—direct discrimination

For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of the age of the aggrieved person if:

(a) the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different age; and

15 Discrimination on the ground of age—indirect discrimination

(1) For the purposes of this Act, a person (the *discriminator*) *discriminates* against another person (the *aggrieved person*) on the ground of the age of the aggrieved person if:

(a) the discriminator imposes, or proposes to impose, a condition, requirement or practice; and

(b) the condition, requirement or practice is not reasonable in the circumstances; and

(c) the condition, requirement or practice has, or is likely to have, the effect of disadvantaging persons of the same age as the aggrieved person.

(2) For the purposes of paragraph (1)(b), the burden of proving that the condition, requirement or practice is reasonable in the circumstances lies on the discriminator.

Citation: Australia-Age Discrimination Act of 2004, Part 3 Section 14 and Section 15

## Article 10. The Right to Health Care

The elderly shall have the right to quality [health]care which is appropriate to his or her needs.  
Citation: Australian Charter of Residents' Rights and Responsibilities

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including... medical care and necessary social services, and the right to security in the event of sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.  
Citation: Constitution of Cameroon

Older persons [shall] should have access to adequate healthcare through the provision of income, family, community support, and self-help.  
Citation: UN Principles of Older Persons (1991)

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
  2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick
- Citation: African Charter on Human and Peoples' Rights

#### **Article 11. The Right to Maintenance**

Older person should [shall] have access to adequate food, shelter, water, and clothing through the provision of income, family, community support, and self-help.  
Citation: UN Principles of Older Persons (1991)

Supporting elderly people means providing economic assistance as to ensure their basic demands for meals, clothing, and housing.

Citation: Vietnam Ordinance on Elderly People, Ch. 2, Art. 9

It shall be unlawful to discriminate against another person by denying the person access to any benefit associated with accommodations on the ground of the other person's age.  
Citation: Australian Age Discrimination Act 2004, Part IV, Division 3, 29 Accommodation

#### **Article 12. The Right to Material Assistance**

The elderly have the right to obtain material assistance from the State and society and enjoy the achievements in social development.  
The pension and other material benefits the elderly enjoy according to law shall be guaranteed.  
Citation: Law of the People's Republic of China of Protection of the Rights and Interests of the Elderly, Article 4, 21

Article (4) Hungary will ensure the livelihood for the elderly by maintaining an integrated state pension system based on social solidarity and by allowing the functioning of voluntary social

institutions. A law may also provide for the conditions entitling women to state pensions taking into consideration the need for their increased protection.

Constitution/Basic Law of Hungary VIII

1.1 Everyone has the right to social security in old age or when he is unable to work, according to a system set by law.

1.2 Everyone, who remains without work for reasons independent of their volition, and has no other means of support, has the right to assistance under the conditions provided by law.

Citation: Constitution of the Republic of Albania, Art. 52

Social Security:

Older people face a number of problems that include lack of savings. The existing Social Security Scheme is designed to accommodate older people who were employed in the formal sector. However, the benefits they receive do not correspond to increasing living costs. Older people in the informal sector such as peasants, fishermen and herdsman particularly in rural areas face a high degree of vulnerability. In order to rectify this situation;

(i). A mechanism will be established to ensure that social security institutions direct their services to the informal sector.

(ii). Local Government Authorities and Voluntary Agencies will sensitize older people in the informal sector to save through Ward Banks, Primary Cooperative Societies and Savings and Credit Cooperative Societies.

(iii). Families will be mobilized in order to participate in income raising activities.

Citation: United Republic of Tanzania National Ageing Policy, 2003, Article 3.6

### **Article 13. The Right to Property**

The elderly shall have the right to dispose of their personal property according to law.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 19

It shall be unlawful to discriminate against another person by refusing or failing to dispose of an estate or interest in land on the ground of the other person's age.

Citation: Australian Age Discrimination Act 2004, Part IV, Division 3, 30 Land

Each [elderly individual] has the right to maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions.

Citation: Australian Charter of Residents' Rights and Responsibilities

Ownership shall mean the right guaranteed to every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law

Citation: Constitution of Cameroon

The right of property is guaranteed... It may not be impaired except in the case of public

necessity, legally established and subject to the prior payment of just compensation. Men and women shall have equal rights to gain possession of and own land subject to conditions determined by the law.

Citation: Constitution of Senegal

The right to property is guaranteed. It can not be exercised contrary to the social utility or to prejudice the security, freedom, existence or property of others. It can be encroached upon in cases of public necessity recognized in legal forms.

Citation: Constitution of Burkina Faso

Every person shall have the right to acquire or own property as regulated by law.

No private property may be expropriated save by law in the public interest and in consideration for prompt and fair compensation. No private property shall be confiscated save by an order of a court of law.

Citation: The Transitional Constitution of the Republic of South Sudan, Art. 28

#### **Article 14. The Right to Participation in Society**

Toda persona adulta mayor tiene, entre otros, derecho a

1. Acceder a programas de educación y capacitación que le permitan seguir siendo productivo.
2. Participar en la vida social, económica, cultural y política del País.
3. El acceso a la atención preferente en los servicios de salud integral, servicios de transporte y actividades de educación, cultura y recreación.

Translation:

Elderly people have the right to, among others:

1. Access to educational and training programs that allow them to remain productive.
2. Participate to the social, economic, cultural and political life of the country.
3. The preferential access to care in comprehensive health services, transportation services and educational, cultural and recreational activities.

Citation: Peru, Ley No. 28803/2006, Art. 3

Each [elderly individual] has the right to continue his or her cultural and religious practices and to retain the language of his or her choice, without discrimination; to select and maintain social and personal relationships with any other person without fear, criticism or restriction; to freedom of speech; and to have access to services and activities which are available generally in the community.

Citation: Australian Charter of Residents' Rights and Responsibilities

The elderly shall have the right to receive continued education.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 31

#### **Article 15. The Right to Work**



The elderly are entitled to the exercise of professional activity, respect for their physical, intellectual and psychological

Citation: Constitution of Brazil

On admission to the elderly in any work or employment, is prohibited from discrimination and the setting of upper age limit, including public examination, except in cases where the nature of the position requires.

Citation: Constitution of Brazil

The right to work is recognized and is equal for all. It is forbidden to discrimination in employment and pay based on sex, the color, social origin, ethnicity or political opinion.

Citation: Constitution of Burkina Faso

Workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as healthy and safe work environment.

Citation: Constitution of Ethiopia

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Citation: Constitution of Cameroon

The State shall recognize for all citizens the right to work and shall strive to create conditions which shall make the enjoyment of this right effective and shall guarantee to the worker just compensation for his services or for his production.

Citation: Constitution of Benin

Everyone has the right to work and to seek employment. No one may be impeded in his work by reason of his or her origins, sex, opinions, political choices, or beliefs.

Citation: Constitution of Senegal

Employers shall endeavor to secure employment opportunities for their older employees in accordance with their desires and abilities by taking measures for the development and improvement of occupational ability, improvement of working facilities and other conditions and assistance in re-employment for their older employees, etc. and the like.

Employers shall provide the assistance necessary for preparing the occupational plans of their employees in the period of older age to ensure that they can enrich their occupational lives by working in accordance with their desires and abilities in the period of older age.

Citation: Japan's Act of the Stabilization of Employment of Older Persons, Article 4.1 and Article 4.2

It is therefore the purpose of this chapter to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help

employers and workers find ways of meeting problems arising from the impact of age on employment.

Citation: The United States Age Discrimination in Employment Act of 1967, SEC. 621. Section 2(b)

[The law] aims to contribute to employment stabilization for the aged and development of national economy by assisting and promoting employment of the aged for the positions of their abilities. Stipulates that the government shall carry out an integral policy to encourage employers and public in general to understand the importance of employing the aged persons and to stabilize employment thereof; that employers shall try to provide them with employment opportunity of their abilities by developing and advancing their abilities and by improving facilities and conditions of working sites, and delaying retiring age; and that the Minister of Labor shall collect and supply information as to seeking and offering jobs for the purpose of promoting employment for the aged, and may carry out projects to assist administratively and financially employers in managing the aged employees, such as, counseling and advising, and vocational training, reforming facilities, etc..

Citation: South Korean Law 4487 of December 31, 1991 (Employment Promotion for the Aged Act)

### **Chapter 3. Duties**

#### **Article 16. The Duty of Third-Party Caretakers**

Those who have the obligation to support the elderly but are not in a position to attend directly to elderly people may authorize individuals or service organizations to do so, but with the consent of the elderly people concerned. The authorized individuals or service organizations shall have to fulfill their commitments to those who authorized them to take care of the elderly people concerned.

Citation: Vietnam's Ordinance on Elderly People, Ch. 2, Art. 11

Supporters of the elderly shall perform the duties of providing for the elderly, taking care of them and comforting them, and cater to their special needs. The supporters referred to here are the sons and daughters of the elderly and other people who are under the legal obligation to provide for the elderly.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Art. 11

Supporting elderly people means providing economic assistance for, looking after, and spiritually encouraging them and respecting their legitimate aspirations so as to ensure their basic demands for meals, clothing, housing, travel, health, study, culture, information and personal communication.

1. 1 Those who have the supporting obligation must not decline this obligation.

1.2 Those who have the obligation to support the elderly must, depending on their circumstances, arrange living places suitable for maintaining the health and psychological conditions of elderly people.

1.3 Those who have the obligation to support the elderly must pay for the cost of medical treatment when their elders get sick, or burial when they die.

All acts of maltreatment or forcing elderly persons to perform excessive work are strictly forbidden.

1.4 Those who have the obligation to support the elderly but are not in a position to attend directly to elderly people may authorize individuals or services organizations to do so, but with the consent of the elderly people concerned. The authorized individuals or service organizations shall have to fulfill their commitments to those who authorized them to take care of the elderly people concerned.

Citation: Vietnam Ordinance on Elderly People, Ch. 2, Art. 9-11

### **Article 17. The Duty of the Family**

La familia tiene el deber de cuidar la integridad física, mental y emocional de los adultos mayores, en general, brindarles el apoyo necesario para satisfacer sus necesidades básicas.

Translation:

The family has the duty to care for the physical, mental and emotional development of the elderly and, in general, to provide the necessary support to meet their basic needs.

Citation: Peru, Law No. 28803/2006 [Ley de las Personas Adultas Mayores], Art. 5

Supporters of the elderly shall perform the duties of providing for the elderly, taking care of them and comforting them, and cater to their special needs. The supporters referred to here are the sons and daughters of the elderly and other people who are under the legal obligation to provide for the elderly.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Art. 11

The state and the public collectively shall have the social duty to protect the physical and moral well-being of the family and, in particular, of the handicapped and the aged.

Citation: Constitution of Senegal

It is the duty of the family to take care of its elderly members while the State may design programs of social security for them.

Citation: Philippines Constitution, Art. XV, Sec. 4

Supporting elderly people means providing economic assistance for, looking after, and spiritually encouraging them and respecting their legitimate aspirations so as to ensure their basic demands for meals, clothing, housing, travel, health, study, culture, information and personal communication.

1. 1 Those who have the supporting obligation must not decline this obligation.

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All acts of maltreatment or forcing elderly persons to perform excessive work are strictly forbidden.

1.4 Those who have the obligation to support the elderly but are not in a position to attend directly to elderly people may authorize individuals or services organizations to do so, but with the consent of the elderly people concerned. The authorized individuals or service organizations shall have to fulfill their commitments to those who authorized them to take care of the elderly people concerned.

Citation: Vietnam Ordinance on Elderly People, Ch. 2, Art. 9-11

### **Article 18. The Duty of the State**

The state and the public collectively shall have the social duty to protect the physical and moral well-being of the family and, in particular, of the handicapped and the aged.

Citation: Constitution of Senegal

It is the duty of the entire society to protect the lawful rights and interests of the elderly. Neighbourhood committees, villagers' committees and the organizations of the elderly established according to law shall make known the demands of the elderly, safeguard their lawful rights and interests and serve them.

The State and society shall take measures to carry out cultural, sports and recreational activities of a mass character that are suited to the elderly as to enrich their cultural life.

Community services shall be developed. Service facilities and networks for the daily life, cultural and sports activities, nursing and rehabilitation of the elderly shall be gradually installed and established.

The tradition of mutual-aid between neighbors shall be promoted and neighbors of the elderly are encouraged to take care of and help the elderly in need.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 6, 32, 35

The State shall recognize for all citizens the right to work and shall strive to create conditions which shall make the enjoyment of this right effective and shall guarantee to the worker just compensation for his services or for his production.

Citation: Constitution of Benin

The government shall requiring licensing of nursing homes. The government shall make regulations on the following matters:

- (a) the forms, fees and registers for the purposes of this Act;
- (b) the records of residents in, and the staff of, a home;
- (c) the obligations and duties of a licensee;

- (d) the requirements as to the number and qualifications of nursing and other staff in a home;
- (e) the apparatus, appliances, equipment and instruments to be provided and maintained in a home;
- (f) the facilities and services to be provided in a home;
- (h) the minimum standards of accommodation, sanitation and other amenities in a home;
- (i) the cleanliness and hygiene in a home;
- (j) the safety and welfare of residents in a home;
- (k) the management, control, superintendence and care of a home;
- (l) the notification of events occurring in a home; and
- (m) the general conduct of a home.

Citation: Singapore's Homes for the Aged Act, Regulation 20

The local people's governments shall provide relief to the elderly in urban areas who are unable to work and have no sources of income or supporters or whose supporters are truly unable to provide for or support them.

Citation: Law of the People's Republic of China on Protection of Rights and Interests of the Elderly, Art. 26

The Government will develop programmes for granting pensions the elderly.

Citation: Programme of the IV Constitutional Government [2007-2012] Presidency of the Council of Ministers, Democratic Republic of Timor-Leste, Ch. IV

When the elderly suffer from illnesses, if they themselves and their supporters are really unable to pay their medical expenses, the local people's governments may provide them with appropriate aid and may also solicit help from the community.

Citation: Law of the People's Republic of China on Protection of Rights and Interests of the Elderly, Art. 26

The State shall adopt appropriate policies of caring for the health, improving the material and spiritual life of elderly people, creating conditions for them to lead a healthy, cheerful as well as useful life, and at the same time, promoting their role in the cause of building and defending the Fatherland.

Citation: Vietnam's Ordinance on Elderly People, Ch. 1, Art. 4

The State at all levels shall work out plans on caring for elderly people; they shall organize and mobilize society's contributions in order to create conditions to care for, and promote the role of, elderly people.

Citation: Vietnam's Ordinance on Elderly People, Ch. 1, Art. 5

The State, society and families have the responsibility to educate young generations to show their gratitude to and respect for elderly people, and look after them.

Citation: Vietnam's Ordinance on Elderly People, Ch. 1, Art. 6

State management over elder-related work includes the following:

- Promulgating, amending, supplementing, giving guidance on and organizing the implementation of legal documents, regimes and policies towards elderly people;
- Compiling statistics on elderly people;
- Mobilizing, managing and using various resources to boost investment in developing social welfare services for the care of elderly people and the promotion of their role;
- Supporting activities of elderly people's associations;
- Supervising, inspecting, settling complaints and denunciations about the implementation of legislation on elderly people;
- Handling violations in the enforcement of the legislation on elderly people;
- Establishing international cooperative relations in the care of elderly people and the promotion of their role.

Citation: Vietnam's Ordinance on Elderly People, Ch. 1, Art. 25

The State and society shall take measures to carry out cultural, sports and recreational activities of a mass character that are suited to the elderly as to enrich their cultural life.

To meet the needs of the elderly, the people's governments at various levels shall provide guidance to enterprises in developing, producing and dealing in the daily necessities of the elderly.

The local people's governments at various levels may, in light of the local conditions, give the elderly preferential treatment when they visit places of interest and take public transport facilities.

Citation: Law of the People's Republic of China on Protection of Rights and Interests of the Elderly, Art. 32, 34, 36

The State and local public bodies shall provide necessary assistance (in accordance with their circumstances, among other things, and in addition shall endeavor) to comprehensively and effectively promote measures necessary to secure employment opportunities and other opportunities of various sorts for work for older persons, etc. in accordance with their desires and abilities, by taking such measures as improving systems for employment placement and vocational training, etc. necessary for promoting the re-employment of older persons, etc.

Citation: Japan's Act of the Stabilization of Employment of Older Persons, Art. 5

The Government shall provide senior citizens who have the capacity and desire to work, or be re-employed, with information and matching services to enable them to be productive members of society. Terms of employments shall conform with the provisions of the labor code, as amended, and other laws, rules and regulations.

Citation: (Philippines) An Act Granting Additional Benefits and Privileges to Senior Citizens Amending for the Purpose Republic Act. No. 7432, [otherwise known as] An Act to Maximize the Contribution of Senior Citizens to National Building, Grant Benefits and Special Privileges for Other Persons, Sec. 5

Employers shall endeavor to secure employment opportunities for their older employees in accordance with their desires and abilities by taking measures for the development and improvement of occupational ability, improvement of working facilities and other conditions

and assistance in re-employment for their older employees, etc. and the like.

Employers shall provide the assistance necessary for preparing the occupational plans of their employees in the period of older age to ensure that they can enrich their occupational lives by working in accordance with their desires and abilities in the period of older age.

Citation: Japan's Act of the Stabilization of Employment of Older Persons, Article 4.1 and Article 4.2

It is therefore the purpose of this chapter to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.

Citation: The United States Age Discrimination in Employment Act of 1967, SEC. 621. Section 2(b)

[The law] aims to contribute to employment stabilization for the aged and development of national economy by assisting and promoting employment of the aged for the positions of their abilities. Stipulates that the government shall carry out an integral policy to encourage employers and public in general to understand the importance of employing the aged persons and to stabilize employment thereof; that employers shall try to provide them with employment opportunity of their abilities by developing and advancing their abilities and by improving facilities and conditions of working sites, and delaying retiring age; and that the Minister of Labor shall collect and supply information as to seeking and offering jobs for the purpose of promoting employment for the aged, and may carry out projects to assist administratively and financially employers in managing the aged employees, such as, counseling and advising, and vocational training, reforming facilities, etc..

Citation: South Korean Law 4487 of December 31, 1991 (Employment Promotion for the Aged Act)

The Government shall provide respite care. Respite care provides relief and support to the primary care-giver of a frail or disabled adult and provides a break for the caregiver from the continuous responsibilities of care-giving.

Citation: Illinois Respite Program Act, Sec. 1.5

The Government shall require entities that provide in-home services to promote the rights of each older individual who receives such services.

Citation: Older American's Act, Sec. 314

The Government may establish or designate a person or body to have responsibility for elder abuse prevention and services. It shall be the duty of the Government, acting through the person designated to have responsibility for elder abuse prevention and services:

(A) to develop objectives, priorities, policy, and a long-term plan for:

(i) facilitating the development, implementation, and continuous improvement of a coordinated, multidisciplinary elder justice system;

(ii) providing Federal leadership to support State efforts in carrying out elder justice programs and activities relating to:

- (I) elder abuse prevention, detection, treatment, intervention, and response;
- (II) training of individuals regarding the matters described in subclause (I); and
- (III) the development of a State comprehensive elder justice system.

(iii) establishing Federal guidelines and disseminating best practices for uniform data collection and reporting by States;

(iv) working with States, the Department of Justice, and other Federal entities to annually collect, maintain, and disseminate data relating to elder abuse, neglect, and exploitation, to the extent practicable;

(v) establishing an information clearinghouse to collect, maintain, and disseminate information concerning best practices and resources for training, technical assistance, and other activities to assist States and communities to carry out evidence-based programs to prevent and address elder abuse, neglect, and exploitation;

(vi) conducting research related to elder abuse, neglect, and exploitation;

(vii) providing technical assistance to States and other eligible entities that provide or fund the provision of the services;

(viii) carrying out a study to determine the national incidence and prevalence of elder abuse, neglect, and exploitation in all settings; and

(ix) promoting collaborative efforts and diminishing duplicative efforts in the development and carrying out of elder justice programs at the Federal, State and local levels;

and

(B) to assist States and other entities to develop strategic plans to better coordinate elder justice activities, research, and training.

Citation: Older American's Act, Sec. 701

The government shall establish a department on aging. The Department shall have the following powers and duties:

- To evaluate all programs, services, and facilities for the aged and for minority senior citizens within the State and determine the extent to which present public or private programs, services and facilities meet the needs of the aged.
- To function as the sole State agency to develop a comprehensive plan to meet the needs of the State's senior citizens and the State's minority senior citizens.
- To receive and disburse State and federal funds
- To provide consultation and assistance to communities, area agencies on aging, and groups developing local services for senior citizens and minority senior citizens.
- To promote community education regarding the problems of senior citizens and minority senior citizens through institutes, publications, radio, television and the local press.



- To cooperate with agencies of the federal government in studies and conferences designed to examine the needs of senior citizens and minority senior citizens and to prepare programs and facilities to meet those needs.
- To make and enforce rules and regulations necessary and proper to the performance of its duties.
- To develop a training program to train the counselors related health care coverage plans.
- To establish multipurpose senior centers
- to assist eligible nursing home residents and their families to select long-term care options that meet their needs and reflect their preferences.

Citation: Illinois Act on Aging, Sec. 4

The Government shall establish punishments in accordance to law for:

Whoever insults the elderly in public by violence or other means, slanders them or maltreats them, if the case is not serious.

The family members of the elderly who steal, defraud, seize, extort or deliberately damage the property of the elderly.

Citation: Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly, Article 46, 48

State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick

Citation: African Charter on Human and Peoples' Rights