

TRAINING MANUAL ON HUMAN RIGHTS OF ELDERLY PERSONS

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RWANDA



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OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Schweizerische Eidgenossenschaft
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ABOUT THE MANUAL

The manual seeks to achieve the following objectives:

- ✓ Increase trainees in-depth understanding of the principles and characteristics of human rights as well as limitations;
- ✓ Increase the trainees 'knowledge on key rights applicable to them,
- ✓ Inform trainees about existing mechanisms for claiming their rights when they are violated.

In general terms, the Manual proposes a participatory methodology in the forms of brainstorming and case studies to be discussed in groups to ensure there is a fruitful interaction between the user of this manual (the trainer) and the participants (trainees).

This manual consists of several components which are designed to ease Facilitators /Trainers in preparing learning activities.

Preparation is crucial in determining the success of the training process. Therefore, facilitators must have full understanding of the objectives of each session, the means of delivery, the tools and materials needed in carrying out the learning activity, the reading materials needed to help manage the discussion, and the key messages that need to be emphasized in each session.

Instructions to the user of this Manual

The Trainer shall first ask the participants to define human rights and ask them to define discrimination.



The trainer could ask the participants to discuss on characteristics of human rights (*Universal, inherent, interdependent, indivisible and interrelated*) and give examples.

After writing down the characteristics provided by the participants, the trainer would compare them with the below bullet point notes.

Suggested presentation time: 60 Minutes for the presentation.

Expected Learning Outcome: At the end of this presentation, it is expected that participants (Older persons) become aware of their rights and the procedures available to them to claim those rights.

Suggested Training Materials: The Universal Declaration of Human Rights and the Constitution of Rwanda, the Protocol to the African Charter on Human and Peoples 'Rights on the Rights of Older People in Africa, and other human rights instruments.

Suggested Methodology: Presentation in a bullet point format and Brainstorming.



HUMAN RIGHTS OVERVIEW

1.1 Definition of Human Rights

- 👉 There is no single Convention or Treaty which defines human rights but human rights focus on human being dignity.

1.2. Key Principles of Human Rights

- 👉 There are three fundamental principles of human rights namely:

- ✓ freedom from discrimination,
- ✓ equality before the law,
- ✓ equal protection of the law.

1.3. Characteristics of Human Rights

Universal: Human Rights apply to ALL HUMAN BEINGS irrespective of their culture, religion, gender /sex, etc.

Inherent: rights do not have to be given, bought, earned, or inherited by people. The rights are inherent because a person is born with them.

Inalienable: rights cannot be taken away or you cannot give your rights to someone else.

Indivisible: Rights are not in a hierarchical manner. That means, there should be no classification as to which rights are important than others, or must come first before other rights.

Interrelated: The violation of a given right can compromise the enjoyment of another right.

Example: the violation of the right to health is likely to jeopardize the enjoyment of the right to life.

1.4.Limitation and Restrictions of Human Rights

- ✓ The enjoyment of human rights is not absolute. In general, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.
- ✓ The enjoyment of human rights is not absolute. In general, a state /Government can decide to suspend the enjoyment of certain rights in a state of emergency that would threaten the survival of the country. Examples: Freedom of movement can be restricted in times of emergency by imposing a curfew; the right to education can be restricted in times of emergency when the State declares that all schools shall be closed. Many countries across the Globe closed schools during the outbreak of Covid-19.
In general, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.

RIGHTS OF ELDERLY PERSONS

2.1. Definition of an older person

- There is no universally agreed definition of “older person”.
- In Rwanda, the Law N°59/2008 of 10/09/2008 on prevention and punishment of gender-based violence defines elderly as any person aged above 65 years and the National Policy of Older Persons defines an older person as any person aged 65 years and over.
- The age of 65 years was influenced by the age of retirement. In some countries, the age of retirement varies depending on sex – For example: in China, the age of retirement is 60 years for men and 55 for women office workers, 50 for women in blue-collar jobs like those working in factories!
- The starting point of any discussion about older persons evolves around the concept of age.

There are different types of age (chronological or physiological age, psychological age, social age). These different types of the concept of age often determine how older persons are perceived within society.

- **Chronological or physiological age:** Number of months and years a person has been on the Earth. Examples: You may hear some saying my child is 3 years and 6 months. Mukamusoni is X years old as she was born in **YZ**
- **Psychological age:** a subjective age, not based on physicality, that is measured by emotional and logical maturity. In this case, you guess or speculate on someone's age because of his or her physical appearance /look. Sometimes when your guess does not match the chronological age of the individual you are either surprised or you tend to disagree.
- **Biological age:** age that can be measured via biomarkers on molecular and cellular levels.
- **Social age:** Societal norm or expectation of behaviours associated with a certain age.

2.2. KEY RIGHTS OF OLDER PERSONS

- 👍 Older persons often face discrimination and neglect in many societies including Rwanda.
- 👍 According to the Universal Declaration of Universal Declaration of Human Rights, *all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*
- 👍 All Rwandans are born and remain equal in rights and freedoms, according to the Constitution. This applies to older persons as long as they are Rwandan.
- 👍 International human rights conventions and the Constitution of Rwanda prohibit discrimination and other national laws of Rwanda BUT none of them explicitly protect older persons or against discrimination on the grounds of older age. They prohibit any other form of discrimination. Any other form of discrimination can include “old age”
- 👍 **Age discrimination:** Denying or restricting the exercise of the rights or any other unjustified differentiation or unequal treatment of a person or a group of persons on the base of age.



Key Principles on the Rights of Older Persons: Autonomy, independence, and dignity of older persons. Autonomy in older persons should be considered a priority; their preferences and interests should be respected in all aspects of their lives. When someone is in a condition of cognitive or physical dependency, we must ensure that they can make their own choices. Autonomy in older persons should be considered a priority; their preferences and interests should be respected in all aspects of their lives. When someone is in a condition of cognitive or physical dependency, we must ensure that they can make their own choice.



Right to life: An older person, like any other human being, has the right to life. No one can arbitrarily take away their life.



Right to physical integrity: An older person, like any other human being, must not be assaulted or beaten up. He or she rather needs more protection due to his or her physical vulnerability.



Right to liberty and security: An older person, like any other human being, must not be arrested illegally or arbitrarily.



Right to freedom of expression and opinion: Any older person, like other human beings, has the right to hold opinions without interference; the right to seek and receive information and the right to impart information of all kinds through any media regardless of frontiers.



Right to a fair trial: An older person, like any other human being, has the right to be presumed innocent until proven guilty by the court, the right to have a legal counsel or lawyer, the right to be tried in a reasonable time and defend his or her case.



Right to a peaceful assembly: An older person, like any other human being, has the right to hold /attend a meeting, conference or any other events.



The right to freedom of association can be understood as the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests.



Freedom of movement: an older person, like any other human being, has the right to move freely within a country including the right to choose his or her place of residency, the right to leave any country and the right to enter a country of which you are a citizen.



Right to health: An older person, like any other person, has to right to access health care services and goods including prevention and treatment. The right to health must not be understood as the right to be healthy.



Right to property: An older person, like any other person, has the right to acquire property, sell it and give it as a donation.



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Right to property: means the right of an individual to acquire knowledge and skills which contribute to his or her personal development, self-reliance and employability and enhance the productivity of his or her family and community



Right to an adequate standard of living – right to food and safe drinking water, shelter and clothing. The realization of the right to an adequate standard of living is essential to preventing the social exclusion of older persons. It is considered to be indispensable to the fulfilment of all other rights and encompasses all the basic subsistence rights.



The ultimate goal of older persons 'rights is to ensure that can live in conditions of dignity, in which they can satisfy their needs and interact with others.

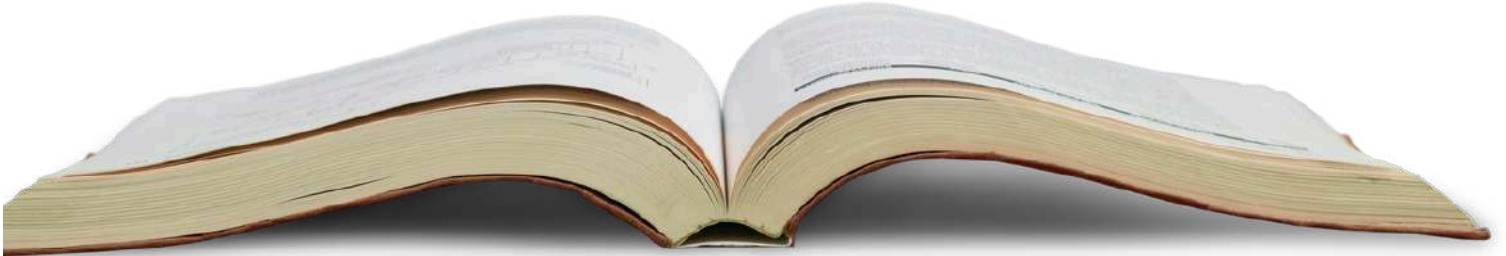
2.3. PROTECTION MECHANISMS

- ✓ An older person, like any other person, can report a complaint before the National Commission for Human Rights if he or she feels that his or her rights or the rights of his or her peers have been violated.
- ✓ Like other members of the society, national citizens and foreigners living in Rwanda, any older person can use the courts if he or she believes that his/her rights have not been respected by other individuals or institutions.
- ✓ An older person, like Rwandan national citizens and foreigners living in Rwanda, can report cases of injustice to the Office of the Ombudsman if they believe that they have been victims of injustice.
- ✓ An older person, like Rwandan national citizens and foreigners living in Rwanda, can report cases of injustice to the local government authorities.
- ✓ Older persons like Rwandan national citizens can also report cases of injustice to the Parliament if they believe that they have been victims of injustice.
- ✓ Older persons who want to report the violation to international and regional human rights protection mechanisms can seek advice from non-governmental organisations working on human rights issues.



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- 🔗 The National Older Persons Policy





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