

The cover features several large, semi-circular graphic elements. A blue semi-circle on the left contains a grayscale image of an elderly person's hands holding a cane. An orange semi-circle is positioned above it. A large blue semi-circle on the left contains a blue-tinted image of two smiling elderly people. A light orange circle is to the right of the main title. A gray semi-circle is at the bottom left, and an orange dotted pattern is at the bottom right.

ISSUE FOCUS

Issue Focus Special Edition

Korea's Framework Act on the Human
Rights of Older Persons:

Why It Is Needed, and a Legislative Draft



Published by ASEM Global Ageing Center (AGAC)

Copyright © ASEM Global Ageing Center, 2024. All rights reserved.

ASEM Global Ageing Center

13F, Seoul Global Center Building, 38 Jong-ro, Jongno-gu, Seoul, Republic of Korea

+82 (0)2 6263 9800

asemgac@asemgac.org

www.asemgac.org



Issue Focus Special Edition

Korea's Framework Act on the Human Rights
of Older Persons:

Why It Is Needed, and a Legislative Draft



CONTENTS

| | | |
|----|--|---|
| 01 | FOREWORD | Eun-Hee Chi |
| 04 | Population Ageing and the Search for Policy Direction | Kyunghee Chung |
| 23 | International Community Discussions on the Human Rights of Older Persons, With a Focus on the UN | Chinsung Chung |
| 36 | Korea's Framework Act on the Human Rights of Older Persons: Why It Is Needed | HyeKyung Lee, Chanjin Lee, and Hyeji Choi |
| 72 | Framework Act on the Human Rights of Older Persons | |
| 82 | APPENDIX · Policy Forum on the Human Rights of Older Persons · About ASEM | |

FOREWORD

Special Edition 2023 of Issue Focus, *Korea's Framework Act on the Human Rights of Older Persons: Why It Is Needed, and a Legislative Draft*, which we are publishing here in English translation, is the culmination of ten months of focused and rigorous discussion aimed at enacting the Framework Act on the Human Rights of Older Persons. These are some of the key contributors.

| | |
|-----------------|--|
| Lee, HyeKyung | Chairperson, ASEM Global Ageing Center (current) Professor Emeritus of Social Welfare, Yonsei University (current) |
| Choi, Young-Ae | Chairperson, National Human Rights Commission of Korea (former) Chief Director, Women's Human Rights Defenders (former) |
| Chung, Chinsung | Professor Emeritus of Sociology, Seoul National University (current) Member of the UN Committee on the Elimination of Racial Discrimination (current) |
| Jeon, Soo-Ahn | Justice, The Supreme Court of Korea (former) Chairperson, Policy Advisory Committee of the National Human Rights Commission of Korea (former) |
| Lee, Chanjin | Attorney at Law, Law Office Jeil (current) |
| Won, Min-Kyong | Attorney at Law, One Law Partners (current) Non-Standing Commissioner of the National Human Rights Commission of Korea (current) |
| Chung, Kyunghee | Senior Research Fellow, Korea Institute for Health and Social Affairs (former) |
| Choi, Hyeji | Professor of Social Welfare, Seoul Women's University (current) |

Throughout this journey, the participants shared a singular, noble goal: to enhance the human rights of older persons in Korea. Their unwavering dedication, expertise, and passion brought into being the draft of the Framework Act on the Human Rights of Older Persons (hereafter referred to as the "Framework Act") that is included at the end of this edition.

Special thanks are extended to Mr. Chanjin Lee, attorney at law, who meticulously prepared discussion materials for each meeting, managed extensive Q&A and revision sessions, and ultimately drafted the Framework Act. I would like to express my deep respect and gratitude to everyone else who dedicated their efforts to this important cause.

The draft of the Framework Act is also the product of insightful discussions held among members of the Policy Forum on the Human Rights of Older Persons, jointly organized by the National Human Rights Commission of Korea and the ASEM Global Ageing Center. I extend my sincere gratitude to the 62 participants, including moderators, presenters, discussants, and forum members, who have contributed to 14 enlightening sessions on the realities and fundamental rights of older persons in Korea since April 2021. These discussions have laid a solid foundation for the draft.

There are two driving forces behind our pursuit of the Framework Act. Firstly, the ageing population in Korean society needs to be viewed from a new perspective. The increasing life expectancy of Koreans is a testament to advancements in living conditions and healthcare systems. This demographic shift highlights the valuable contributions older persons have made to the development of our society. Many older individuals possess the ability and willingness to continue contributing, further enriching our communities.

However, the growing population of older people is often viewed negatively, perceived solely as a burden and a financial strain on society. Korea is experiencing an unprecedented rate of population ageing, which is expected to transition the country into a super-aged society by 2025. According to a report by the UN Department of Economic and Social Affairs, by 2050, Korea will surpass Japan to become the country with the second-highest proportion of people aged 65 and over (Hong Kong 40.6%, Korea 39.4%, Japan 37.5%). Without strategic preparation and a new perspective on the ageing population, the lives of older individuals in Korea could become unbearably difficult.

Article 10 of the Korean Constitution states, "All citizens shall be assured of human dignity and worth and have the right to pursue happiness. The State shall confirm and guarantee the fundamental inviolable human rights of individuals." This constitutional assurance

means that older persons are not merely recipients of welfare; they are citizens with constitutionally guaranteed rights. Therefore, it is crucial to change our viewpoint and recognize older persons as individuals with fundamental human rights, setting basic policy directions accordingly.

Secondly, there is growing recognition, led by the UN, of the need for a convention on the human rights of older persons, and efforts to realize this are gaining momentum. Since the adoption of the Declaration of the Rights of Older Persons in 1948, the UN has continued its endeavor with initiatives like the UN Principles for Older Persons in 1991 and the Madrid International Plan of Action on Ageing (MIPAA) in 2002. These programs have been furthered by resolutions from the UN Human Rights Council, discussions in the Open-Ended Working Group on Ageing (OEWGA), and initiatives by international advocacy groups such as the Global Alliance for the Rights of Older People (GAROP). In particular, high mortality rates among older populations during the COVID-19 pandemic have intensified the urgency for a convention on the rights of older persons.

In this context, the National Human Rights Commission of Korea has taken exemplary steps by drafting a proposal for a UN convention on the human rights of older persons and presenting it at the Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing, committing to an active role alongside other national human rights institutions.

Similarly, Claudia Mahler, the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons, has highlighted the necessity for individual countries to establish laws and systems that promote the human rights of older persons in order to facilitate the adoption of a UN convention. In keeping with this trend, the ASEM Global Ageing Center has prepared this special edition to promote the enactment of the Framework Act in Korea.

I hope that this edition will spur active discussion on the Framework Act on the Human Rights of Older Persons, leading to its enactment and ultimately contributing to the establishment of a UN convention on the human rights of older persons.

Eun-Hee Chi

Executive Director, ASEM Global Ageing Center (AGAC)

January 2024



Population Ageing and the Search for Policy Direction

Kyunghee Chung

Former Senior Research Fellow, Korea Institute for Health and Social Affairs

The author has revised and supplemented an earlier published version of this presentation with the findings of the 2020 National Survey on Living Profiles and Welfare Needs of Older Persons, the most recent of its kind. All figures in the presentation were created by the author for the current presentation, or have been adapted or reprinted with permission or under copyright that allows for adaptation or reprint.



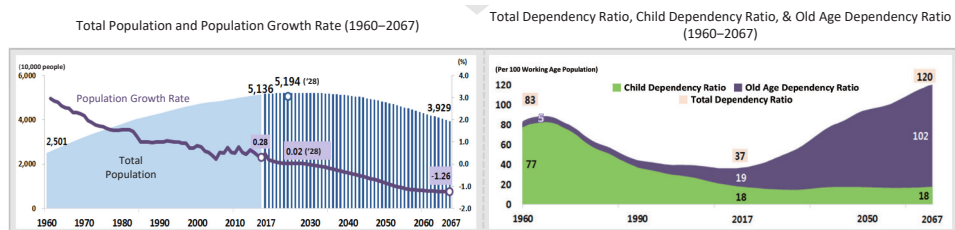
1. Ageing Trends and Social Implications

1. Ageing Trends and Social Implications

1) Population Change Trend

| | |
|------------------------|--|
| Total Population | 51.36 million in '17 → 51.71 million in '20 → 51.91 million in '25 → forecast to be 39.29 million in '67 (close to that of 1982) |
| Population Growth Rate | Expected to turn negative (-) from '29 and to reach -1.26% by '67 |
| Population Pyramid | The population pyramid gradually changes into an inverted triangle structure as the group aged 65 and older becomes thicker. |

| | |
|--------------------------------------|--|
| Age Structure | Increase in the ratio of the older population (65+) (population) |
| Old Age Dependency Ratio (65+/15-64) | 10.1 people in '00 → 21.7 people in '20 → 26.1 people in '23 → 29.3 people in '25 → 102.4 people in '67 |
| Ageing Index (65+/0-14) | 34.3 people in '00 → 129.0 people in '20 → 167.1 people in '23 → 189.7 people in '25 → 574.5 people in '67 |



Source: Statistics Korea. (2019). Population projections 2017–2067 [Press release]. https://kostat.go.kr/board.es?mid=a10301020600&bid=207&act=view&list_no=373873

1. Ageing Trends and Social Implications

2) Older Persons' Diversity and Changes in Their Characteristics

- ✓ Result of the Expert Analyses
- The number of single-family households consisting solely of older persons is expected to increase in the near future, and their health conditions are expected to improve → older persons will gain greater independence.
 - Older persons' awareness of their rights is expected to increase in the near future, but it will take longer for their civic awareness to develop more fully.

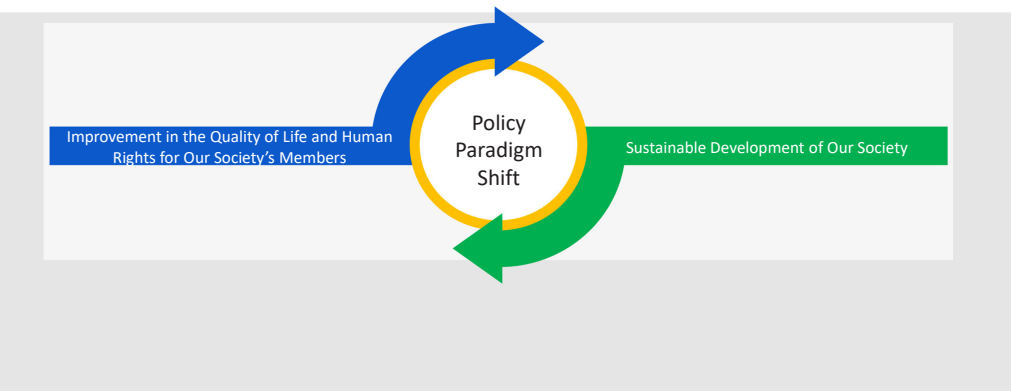
| | Similar to the Present | Increase in the Near Future | Increase After 10 Years |
|--|------------------------|-----------------------------|-------------------------|
| Formation of Single-Family Households Consisting Solely of Older Persons (%) | 4.3 | 95.7 | - |
| Improvement in the Health Condition of Older Persons (%) | 8.7 | 82.6 | 8.7 |
| Improvement in the Income Sufficiency of Older Persons (%) | 52.2 | 8.7 | 39.1 |
| Increase in Self-Fulfillment Needs of Older Persons (%) | 4.5 | 81.8 | 13.6 |
| Increase in Older Persons' Awareness of Their Rights (%) | - | 87.0 | 13.0 |
| Increase in Civic Awareness Among Older Persons (%) | 4.5 | 50.0 | 45.5 |

Source: Chung, K., Kim, K., Oh, Y., Lee, Y., Hwang, N., & Lee, S. (2015). The direction of older persons' welfare policy development in response to population structure changes. Korea Institute for Health and Social Affairs.

1. Ageing Trends and Social Implications

- We need to address the sustainable development of our society as well as improve the quality of life and human rights for its members given the rapid ageing of the population.

We need a fundamental shift in the policy paradigm.



2. Changes in the Characteristics of Older Persons

2. Changes in the Characteristics of Older Persons

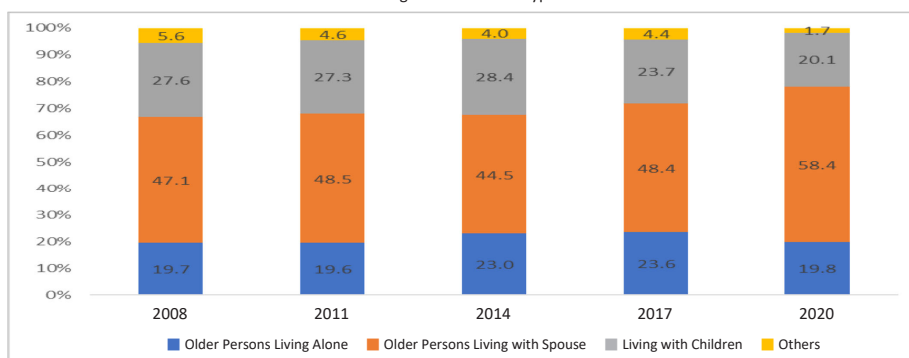
➤ Changes in Household Types

- Increase in single-family households consisting solely of older persons (single + couple) (66.8% in '08 → 78.2% in '20)
- Decrease in co-residence with children (living with children (20.1%) = living with married children (9.3%) + living with single children (10.8%) in '20)

➤ Changes in the Household Type Preference

- Decrease in the ratio of wanting to live with children (32.5% in '08 → 15.2% in '17 → 12.8% in '20)
- The trend of increase in single-family households consisting solely of older persons is expected to continue in the future.

Changes in Household Types



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

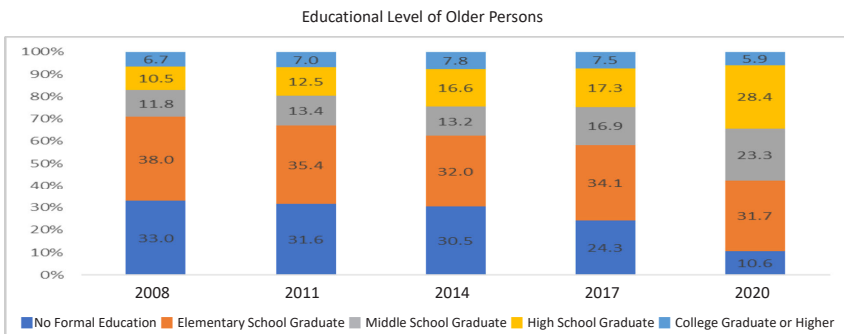
2. Changes in the Characteristics of Older Persons

➤ Educational Level: Clear Improvement in the Educational Level of Older Persons

- Rapid decrease in the proportion of older persons with no formal education
- The proportion of people with a high school diploma or higher has doubled compared to '08.

* Ratio of Older Persons With No Formal Education: 33.0% in '08 → 24.3% in '17 → 10.6% in '20

* Ratio of High School Diploma or Higher: 17.2% in '08 → 24.8% in '17 → 34.3% in '20



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Current Status of, and Changes in, the Lives of Older Persons

3. Changes in the Lives of Older Persons—Income Sufficient for Dignified Living

➤ Changes in Income Composition

- Significant improvement in the earned/business income and private pension income, etc. → increased economic independence of older persons

* Older persons' personal income continues to increase (7 mil. KRW in '08 → 11.76 mil. KRW in '17 → 15.58 mil. KRW in '20).

- Private transfer income continues to decline (46.5% in '08 → 22.0% in '17 → 13.9% in '20).
- Public transfer income is still the highest proportion of personal income at 27.5% in '20.

| | | 2008 | 2011 | 2014 | 2017 | 2020 |
|-----------------------------------|-------------------------|------|------|------|------|------|
| Income Source (individual) (%) | Earned Income | 6.5 | 7.4 | 12.7 | 13.3 | 24.1 |
| | Business Income | 11.8 | 9.5 | 15.1 | 13.6 | 17.2 |
| | Property Income | 6.9 | 9.0 | 11.5 | 12.2 | 11.0 |
| | Private Transfer Income | 46.5 | 39.8 | 23.8 | 22.0 | 13.9 |
| | Public Transfer Income | 28.2 | 32.5 | 35.0 | 36.9 | 27.5 |
| | Private Pension Income | 0.2 | 0.3 | 0.4 | 0.8 | 6.3 |
| | Others | - | 1.4 | 1.3 | 1.2 | 0.0 |

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Opportunities for Employment

➤ Participation in Economic Activities

- Steadily increasing, with a particularly large increase in the economic activity participation rate among those aged 65 to 69

* Economic Activity Participation Rate of Older Persons Aged 65 or Older: 30.0% in '08 → 30.9% in '17 → 36.9% in '20

* Economic Activity Participation Rate of Older Persons Aged 65 to 69: 39.9% in '08 → 42.2% in '17 → 55.1% in '20

➤ Occupation ('20)

- Agriculture and Fishing 13.5%, Simple Labor 48.7%, Sales 4.7%, Service Workers 12.2%, Senior Executives and Managers 8.8%**

➤ Reasons for Economic Activity ('20)

- A high proportion of the reasons for those currently working is to **earn living expenses (73.9%)**.

* maintain health 8.3%, earn pocket money 7.9%, spend time 3.9%

| | | 2008 | 2011 | 2014 | 2017 | 2020 |
|----------------|--------------------------------|------|------|------|------|------|
| Profession (%) | Agriculture and Fishing | 60.5 | 52.9 | 36.4 | 32.9 | 13.5 |
| | Simple Labor | 24.4 | 26.1 | 36.6 | 40.1 | 48.7 |
| | Sales | 5.7 | 7.4 | 6.3 | 5.6 | 4.7 |
| | Functionary | 1.6 | 3.2 | 2.6 | 3.8 | 5.6 |
| | Service Worker | 2.7 | 4.3 | 5.5 | 5.2 | 12.2 |
| | Office Worker | 0.5 | 0.3 | 1.5 | 0.9 | 1.1 |
| | Assembly Worker | 1.3 | 2.8 | 4.8 | 7.5 | 3.2 |
| | Professional | 1.2 | 2 | 2.7 | 2.2 | 2.0 |
| | Senior Executives and Managers | 2.0 | 1 | 3.7 | 1.8 | 8.8 |

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Health Protection

➤ Subjective Health Status

- Responses indicating that their health is good increased (24.4% in '08 → 37.0% in '17 → 49.3% in '20).

➤ Symptoms of Depression

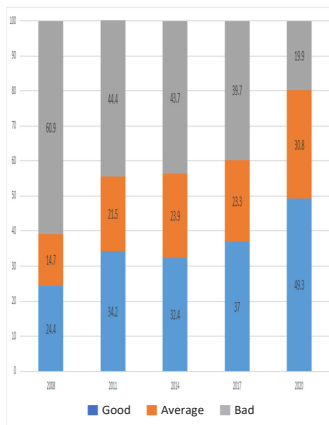
- **The ratio of showing symptoms of depression decreased** (30.8% in '08 → 21.1% in '17 → 13.5% in '20), similar to positive changes in the subjective health status.

➤ Chronic Disease Rate

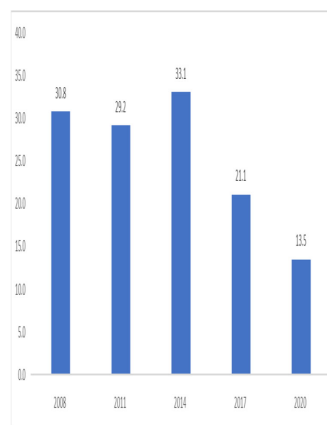
- The proportion of older people suffering from one or more chronic diseases has been increasing since 2008, but showed a decreasing trend in 2020 (81.3% in '08 → 89.5% in '17 → 84.0% in '20).
- An average of 1.9 chronic diseases is reported, with high blood pressure having the highest prevalence at 56.8%.

3. Changes in the Lives of Older Persons—Health Protection

Changes in the Subjective Health Status of Older Persons (%)



Changes in Rates of Symptoms of Depression in Older Persons (%)



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Health Protection

➤ Health Behavior

- **Decrease in heavy drinking rate** (10.6% in '17 → 6.3% in '20) and **the ratio of needing nutritional improvement** (19.5% in '17 → 8.8% in '20)
- No significant change in the **smoking rate** (13.6% in '08 → 10.2% in '17 → 11.9% in '20)
- **Exercise rate** (50.3% in '11 → 68.0% in '17 → 53.7% in '20) is **slightly lowered**.
* The 2008 survey was divided into low-intensity and high-intensity exercise, making a direct comparison with other years difficult.

➤ Health Examination

- The health examination rate (72.9% in '08 → 82.9% in '17 → 77.7% in '20) has decreased slightly, but the dementia examination rate (39.6% in '17 → 42.7% in '20) has increased.
* The dementia examination rate has been surveyed since 2017.

| | | 2008 | 2011 | 2014 | 2017 | 2020 |
|---------------------|---|------|------|------|------|------|
| Health Behavior (%) | Smoking Rate | 13.6 | 12.6 | 11.9 | 10.2 | 11.9 |
| | Heavy Drinking Rate | - | 13.4 | 11.1 | 10.6 | 6.3 |
| | Exercise Rate | - | 50.3 | 58.1 | 68.0 | 53.7 |
| | Health Examination Rate | 72.9 | 81.6 | 83.9 | 82.9 | 77.7 |
| | Dementia Examination Rate | - | - | - | 39.6 | 42.7 |
| | Rate of Needing Nutritional Improvement | 27.7 | - | 18.7 | 19.5 | 8.8 |

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Meaningful Social Network

➤ Social Network

- While seeing and communicating with children decreased, communication with close relatives, friends, and neighbors increased → the social network of older persons has diversified beyond the family.

* Seeing children (once per week or more): 44.0% in '08 → 38.0% in '17 → 16.9% in '20

Communication with children (once per week or more): 77.3% in '08 → 81.0% in '17 → 63.5% in '20

* Communication with close friends and neighbors (once per week or more): 59.1% in '08 → 64.2% in '17 → 71.0% in '20

Communication with relatives (once per week or more): 18.2% in '08 → 16.8% in '17 → 20.3% in '20

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Foundation for Participation and Self-Fulfillment

➤ Informatization Status ('20)

- 56.4% of older persons own a smart phone (0.4% in '11), and 52.8% of them use it. Older persons in younger age groups have higher utilization rates (81.6% for those aged 65 to 69, 9.9% for those aged 85 or older) and competency with digital devices.

* Since 2011, surveys have been conducted to assess smart phone ownership.

- Older persons experience difficulties because information-providing services are mainly online (74.1%), and they experience discomfort when using informatization devices in their daily lives.

- Transportation reservation (experience rate: 58.3%, discomfort experience rate: 60.4%)
- Restaurant ordering using a kiosk (experience rate: 58.1%, discomfort experience rate: 64.2%)
- Using ATM machines (experience rate: 88.9%, discomfort experience rate: 38.4%)
- Using credit card-only stores (experience rate: 87.9%, discomfort experience rate: 31.3%)

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Various Opportunities for Self-Realization

➤ Leisure Activities ('20)

- 80.3% of older persons participate in leisure and cultural activities, with relaxation activities accounting for the most at 52.7%, followed by hobbies and entertainment activities (49.8%), social and other activities (44.4%), sports activities (8.1%), and cultural and artistic activities (5.1%).

* Relaxation activities: stroll (34.1%), listening to music (5.2%), others (13.4%)

* Compared to 2017 figures, an increase in relaxation activities from 43.5% to 52.7% appears to be due to the decrease in outdoor activities caused by COVID-19.

- The younger the age, the higher the participation rate in active leisure pursuits, such as cultural and artistic activities and sports.

* Cultural and artistic activities: 5.7% for 65–69 years of age, 2.4% for 85 or older

* Sports activities: 10.1% for 65–69 years of age, 1.5% for 85 or older

➤ Use of Leisure and Cultural Facilities ('20)

- The most frequently used leisure and cultural facility among older persons is the senior center, with a usage rate of 28.1%; the rate increased with age.

- * Senior welfare centers (9.5%); (comprehensive) social welfare centers, welfare centers for people with disabilities, women's centers, etc. (6.0%); senior classes (1.8%); public leisure and cultural facilities (4.7%); private leisure and cultural facilities (0.8%)

- The number of visits to senior centers to use health promotion programs and hobby and leisure programs continues to increase.

* Recently, the expansion of community programs centered on senior centers (leisure activities including music, baduk and janggi classes, literature, art, performance; health care such as oriental medicine treatment, massage classes, nursing at home; health exercise such as laughter classes, yoga, meditation, health exercise)

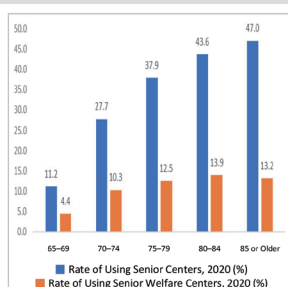
➤ Social Activities ('20)

- The lifelong education participation rate is 11.9%, and participating older persons spend an average of 9 hours per month on learning activities.
- The volunteer activity participation rate is 2.9%, with an average of 6.3 hours of participation per month.

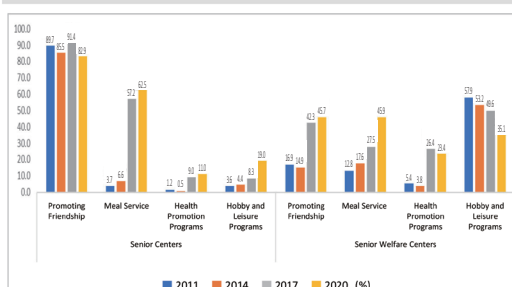
Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Changes in the Lives of Older Persons—Various Opportunities for Self-Realization

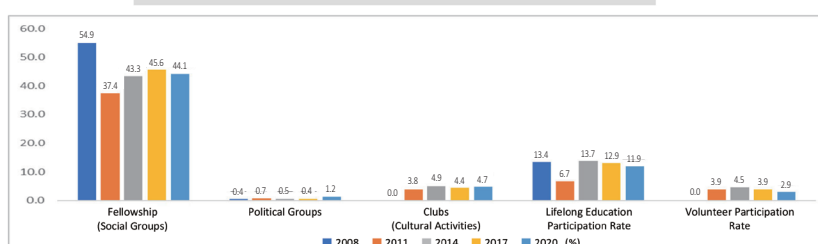
Rate of Using Leisure and Cultural Facilities



Reasons for Using Leisure and Cultural Facilities



Status of Various Social Participation Activities



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2008, 2011, 2014, 2017, 2020). National survey on living profiles and welfare needs of older persons [Data set].

3. Changes in the Lives of Older Persons—Living Environment Supporting Independent Living

➤ Home Ownership and Housing Types ('20)

- Among housing ownership types, owner-occupied homes are the highest at 79.8%. The housing types are apartments (48.4%), single-family homes (35.3%), multi-family homes (15.1%), and others (1.2%).

➤ Living Environment

- 75.6% of older persons are **satisfied with their current home**, and 19.8% have **age-friendly features** at home (2.7% in '08 → 6.1% in '17 → 19.8% in '20).

* Reasons for dissatisfaction are: (1) kitchen, bathroom, and shower are inconvenient to use (32.3%),
(2) small space for daily living (19.4%),
(3) inconvenience in entering and exiting the house (entrance, stairs, etc.) (10.2%) in 2020.

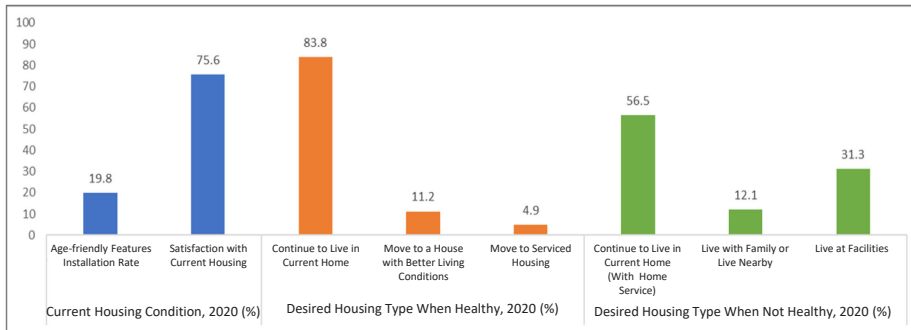
* Age-friendly features: presence of door sill; handrail installation; safety handle in the bathroom and shower; slip-prevention tiles, mats, sheets, etc.

➤ Desired Residence ('20)

- 83.8% of older persons wanted to live in their current homes while they are healthy.

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). National survey on living profiles and welfare needs of older persons [Data set].

3. Changes in the Lives of Older Persons—Living Environment Supporting Independent Living



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *National survey on living profiles and welfare needs of older persons* [Data set].

➤ Transportation Method

- 71.2% of older persons use public transportation when going out, but the number of older persons who drive continues to increase (10.1% in '08 → 18.8% in '17 → 21.9% in '20).
- Among the inconveniences experienced when going out, the highest rate of inconvenience was from using stairs or ramps, at 24.9% in '20.

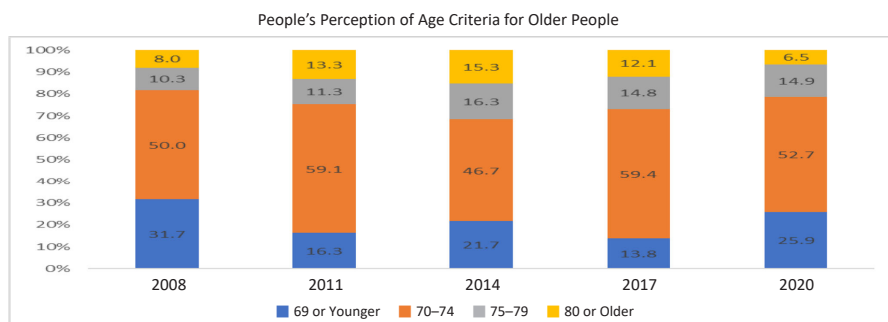
3. Changes in the Lives of Older Persons—Respect from Members of Society

➤ Age Norms ('20)

- 74.1% consider the age standard for older persons to be aged "70 or older."

➤ Age Discrimination ('20)

- 20.8% of older persons experienced discrimination when using public transportation and, also, when using restaurants or cafes (16.1%), retail facilities (14.7%), and medical facilities (12.7%).



Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *National survey on living profiles and welfare needs of older persons* [Data set].

3. Status of Lives of Older Persons—Dignified Death

➤ Well-Dying ('20)

- The most common belief is that a good death at the end of life (well-dying) is a death that does not burden the family or acquaintances (90.6%).

* Dying without physical or mental pain (90.5%), planning for one's end-of-life (89.0%), dying with family at their side (86.9%)

➤ Life-Sustaining Treatment ('20)

- 85.6% of older persons are opposed to meaningless life-sustaining treatment (prolonging the dying process without any therapeutic effects, such as CPR, hemodialysis, administration of anti-cancer drugs, wearing of artificial respirators, etc. to patients in the process of dying).
- However, the practice rate of writing an "advance directive for life-sustaining treatment," which involves writing one's intention to discontinue life-sustaining treatment in advance, is only 4.7%.

➤ Status on Preparing for Death ('20)

- It is primarily associated with funerals—funeral preparation (shroud, cemetery, funeral service, etc.) (79.6%), preparation for death based on self-determination (27.4%), preparing a will (4.2%), discussion on inheritance (12.4%), advance directive for life-sustaining treatment (4.7%), organ donation pledge (3.4%), etc.

➤ Desired Funeral Method ('20)

- The most preferred funeral method for older persons was cremation (67.8%), followed by burial (11.6%).

* 20.6% responded that they have not thought about it yet.

Source: Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *National survey on living profiles and welfare needs of older persons* [Data set].

4. Paradigm for Understanding Older Persons: UN Principles for Older Persons, Quality of Life, and Age Integration

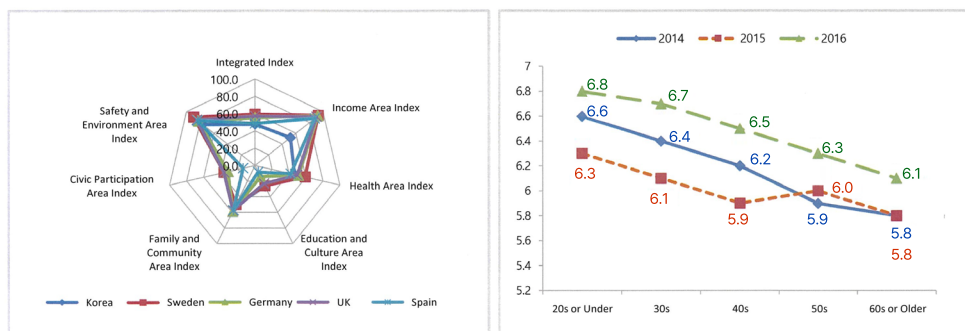
4. Paradigm for Understanding Older Persons—UN Principles for Older Persons

1) Realization of the UN Principles for Older Persons

| | |
|------------------|---|
| Independence | <ul style="list-style-type: none"> - to have access to adequate food, water, shelter, clothing, and health care - to have opportunities to work or have access to other income-generating opportunities - to be able to live in environments that are safe and adaptable to personal preferences and to reside at home for as long as possible |
| Participation | <ul style="list-style-type: none"> - to remain integrated in society and share their knowledge and skills with younger generations - to serve as volunteers in positions appropriate to their interests and capabilities - to be able to form movements or associations of older persons |
| Care | <ul style="list-style-type: none"> - to benefit from family and community care and protection - to have access to health care to help them maintain or regain the optimum level of physical, mental, and emotional well-being and to prevent or delay the onset of illness - to have access to social and legal services concerning care and protection - to utilize appropriate levels of institutional care - to enjoy human rights and fundamental freedoms when residing in any shelter, care, or treatment facility |
| Self-Fulfillment | <ul style="list-style-type: none"> - to be able to pursue opportunities for the full development of their potential - to have access to educational, cultural, spiritual, and recreational resources of society |
| Dignity | <ul style="list-style-type: none"> - to be able to live in dignity and security and be free of exploitation and physical or mental abuse - to be treated fairly |

4. Paradigm for Understanding Older Persons—Quality of Life

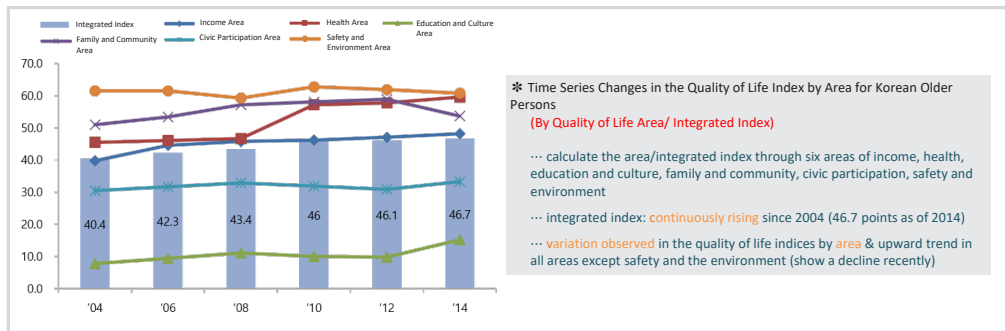
2) Quality of Life of Older Persons



Source: 1) Chung, K., Oh, Y., Hwang, N., Oh, M., Lee, S., & Kim, C. (2017). Development and application of a quality of life indicator system for older persons. Korea Institute for Health and Social Affairs. <https://repository.kihasa.re.kr/bitstream/201002/23085/1/%EC%97%B0%ED%95%B4%EC%95%A4%ED%8F%AC%EC%BB%A4%EC%8A%A4.2017.N0337.pdf> ; 2) Jung, H., & Woo, S. (2017). Trends and implications of subjective well-being. *Issue & Focus*, (337). Korea Institute for Health and Social Affairs. <https://repository.kihasa.re.kr/bitstream/201002/28315/1/%EC%9D%B4%EC%8A%88%EC%95%A4%ED%8F%AC%EC%BB%A4%EC%8A%A4.2017.N0337.pdf>

4. Paradigm for Understanding Older Persons—Quality of Life

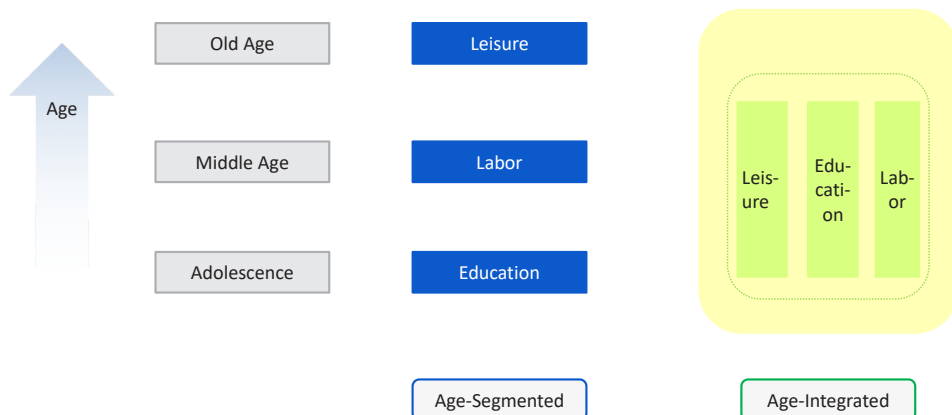
2) Quality of Life of Older Persons



Source: Chung, K., Oh, Y., Hwang, N., Oh, M., Lee, S., & Kim, C. (2017). *Development and application of a quality of life indicator system for older persons*. Korea Institute for Health and Social Affairs. <https://repository.kihasa.re.kr/bitstream/201002/29085/1/%ec%97%b0%ea%b5%ac%eb%3%b4%ea%b3%a0%ec%84%9c%202017-25.pdf>

4. Paradigm for Understanding Older Persons—Age Integration

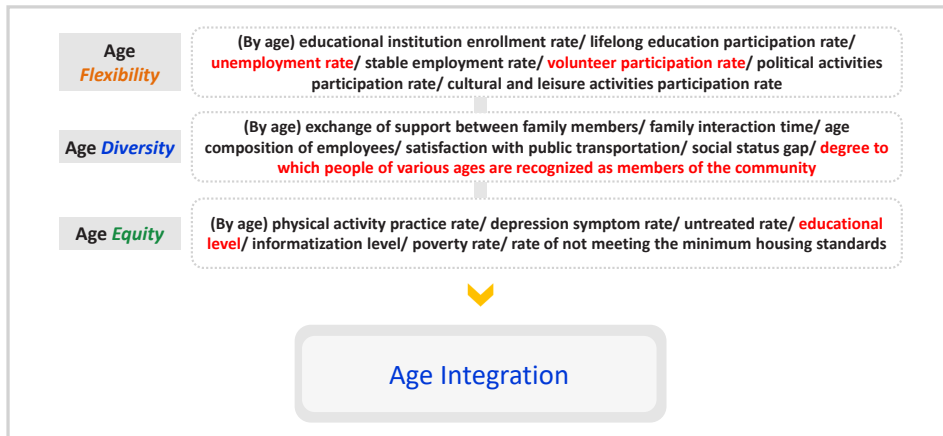
3) Age Integration Status



Source: Chung, K., Hwang, N., Lee, S., Kim, J., & Jeong, S. (2015). *Development and application of the age integration indicator system*. Korea Institute for Health and Social Affairs.

4. Paradigm for Understanding Older Persons—Age Integration

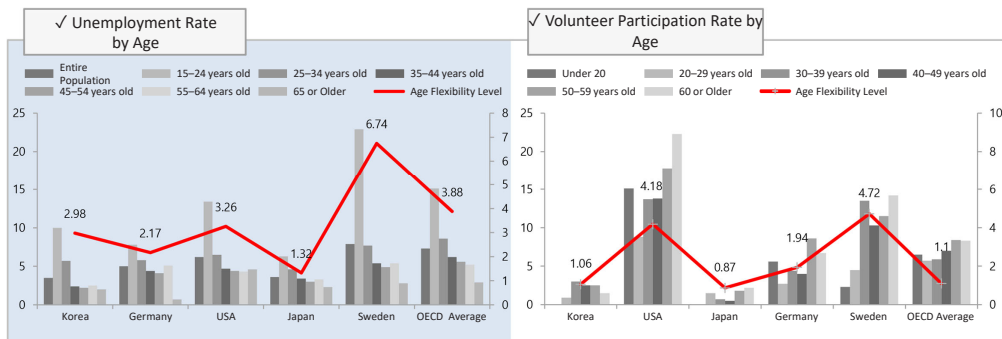
3) Age Integration Status



Source: Chung, K., Hwang, N., Lee, S., Kim, J., & Jeong, S. (2015). Development and application of the age integration indicator system. Korea Institute for Health and Social Affairs.

4. Paradigm for Understanding Older Persons—Age Integration

3) Age Integration Status: Age Flexibility



Source: OECD. (2015). OECD database. Retrieved Sep. 30, 2015, from <http://stats.oecd.org>

Source: [World values survey 2010–2014]. (n.d.). World Values Survey Wave 6.

However, due to the difference between the normal legal retirement age and the actual retirement age, people remain in poor jobs for a long time.
... (in Korea) legal retirement age of 61 vs. actual retirement age of 72 for men and 72.2 for women

* Unemployment Rate (as of 2014)

- ... Korea's unemployment rate over the entire population is 3.5%
- ... age flexibility (difference in unemployment rate by age) is at a good level of 2.98
- ... OECD average is 3.88, with Sweden having the most extreme gap between ages (6.74), while Japan has 1.32

* Volunteer Participation Rate (as of 2012)

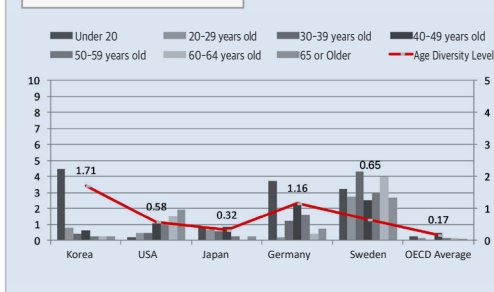
- ... the volunteer participation rate of the entire population in Korea is very low at around 2.0%
- ... age flexibility (difference in volunteer participation rate by age) is 1.06
- ... OECD average is 1.1, with Sweden having the most extreme gap between ages (4.72), while Japan has 0.87

Source: Chung, K., Hwang, N., Lee, S., Kim, J., & Jeong, S. (2015). Development and application of the age integration indicator system. Korea Institute for Health and Social Affairs.

4. Paradigm for Understanding Older Persons—Age Integration

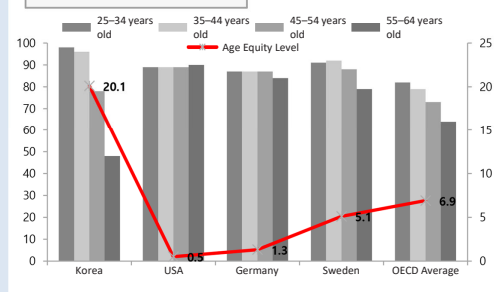
3) Age Integration Status: Age Diversity & Age Equity

✓ Social Status Gap by Age



Source: [World values survey 2010–2014]. (n.d.). World Values Survey Wave 6.

✓ Educational Level by Age



Source: OECD. (2014). *Education at a glance 2014*. <https://doi.org/10.1787/eag-2014-en>

* Social Status Gap (as of 2012)

- ... the result of the comparison of age-related disparities in social status (age diversity) among people in their 20s, 40s, and 70s reveals that Korea has the largest gap of 1.71 points
- ... OECD average is 0.17, and the age gap is the most extreme in the order of Korea at 1.71 and Germany at 1.16

* Educational Level (as of 2012)

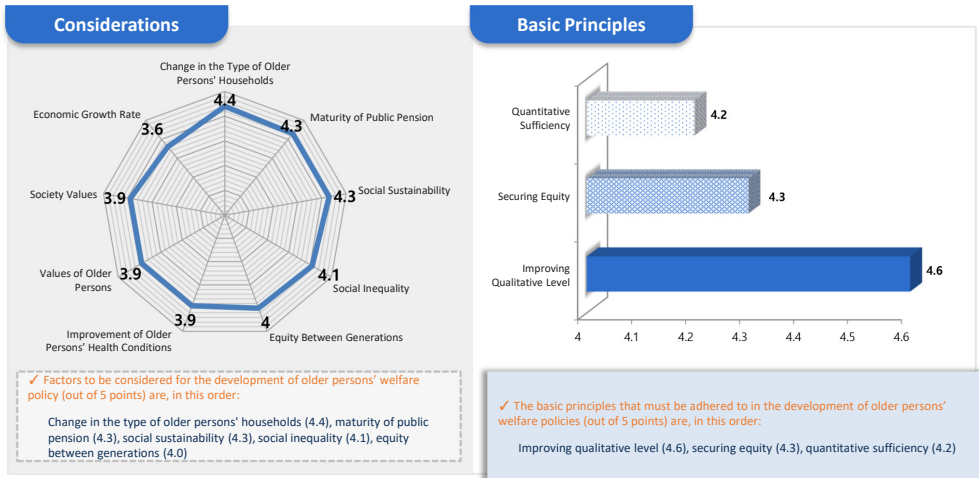
- ... the educational level (middle school graduate or higher) of the entire Korean population (25–64 years old) is very high at 82%
- ... age equity (educational level gap by age) is 20.1 points
- ... OECD is 6.9 points, and Korea has the most extreme gap between ages while the US has 0.50

Source: Chung, K., Hwang, N., Lee, S., Kim, J., & Jeong, S. (2015). *Development and application of the age integration indicator system*. Korea Institute for Health and Social Affairs.

5. Exploring New Policy Directions

5. Exploring New Policy Directions

1) Future Considerations: Reflecting Social Changes and Implementing Basic Principles



Source: Chung, K., Kang, E., Lee, Y., Hwang, N., & Yang, C. (2016). *Evaluation, policy issues and strategies regarding welfare policies for older persons*. Korea Institute for Health and Social Affairs.

5. Exploring New Policy Directions

2) Policy Directions for Implementing the UN Principles for Older Persons

| | |
|------------------|---|
| Independence | <ul style="list-style-type: none"> - maintaining and developing a multi-layered income security system for older persons - preparing a national pension reform plan based on social consensus - exploring measures to eradicate absolute poverty |
| Participation | <ul style="list-style-type: none"> - active inter-agency collaboration to enhance the labor market framework - strengthening the work capacity of older persons and establishing age-friendly work environments - proactive measures to encourage participation and collaboration among diverse stakeholders |
| Care | <ul style="list-style-type: none"> - defining the roles of care providers to establish an integrated care framework - building the necessary physical or service infrastructure for older persons to reside in local communities |
| Self-Fulfillment | <ul style="list-style-type: none"> - establishing a lifelong education system - offering access to information on a range of resources - creating services tailored to different needs and enhancing access to them |
| Dignity | <ul style="list-style-type: none"> - establishing a system for abuse prevention and active response - prohibition of discrimination |

5. Exploring New Policy Directions

3) Policy Tasks to Improve the Quality of Life

Continuous and diversified retirement income (government + private + corporation)

- Maintain and develop a multi-layered retirement income security system

Proper and diverse role allocation for formal and informal protection (government + private + family)

- Develop and provide paid/free services that can meet the diverse needs of older persons (public + private), and the proper role allocation of the official/unofficial services
- Improve the quality of the nursing service (active response to individualized services and preference for private rooms, etc.)

Implement active ageing (civic society + government + private + individual)

- Laying a foundation for age-friendly working conditions/diversification of work
- Strengthening lifelong education for continuous human capital development
- Diversifying education for retirement planning

Active response to emerging issues (civic society + government + individual)

- Implementation of institutional arrangements in addition to personal preparation for a good death (according to the 2017 National Survey on Living Profiles and Welfare Needs of Older Persons, 91.8% opposed life-sustaining treatment.)
- Establish age-friendly physical environment (policies based on transportation for older persons/other safety measures, etc.)

5. Exploring New Policy Directions

4) Age Integration Improvement

| Age-Segmented Society | Age-Integrated Society |
|--|--|
| Strict classification system for education, work, and leisure according to age | A social system that allows various activities, such as education, work, family time, leisure, to be properly coordinated and distributed throughout a person's life |

➤ Age Flexibility

- Are life opportunities according to personal desires and abilities secured?
- Providing educational opportunities regardless of age → improving the age flexibility of the formal education curriculum
- Efforts are needed to provide stable economic activity opportunities.

➤ Age Diversity

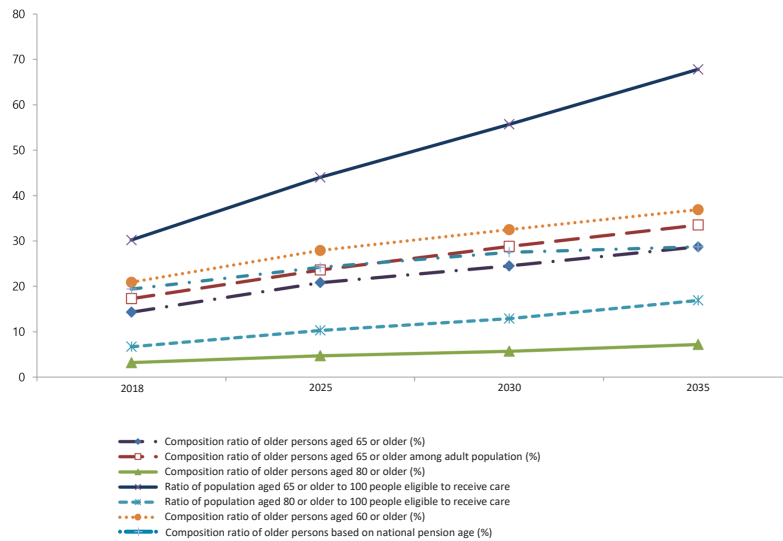
- Is the exchange between different age groups possible? Is the cultural atmosphere age-integrated?

➤ Age Equity

- Is sufficient attention being given to rapid and diverse social changes and the ageing process?
- Rapid progress in informatization → need for an active response to the differences in information acquisition ability by age group
- Are we responding appropriately to the needs that arise due to ageing? → are budget and policy interests responding appropriately to the composition and needs of each age group?

5. Exploring New Policy Directions

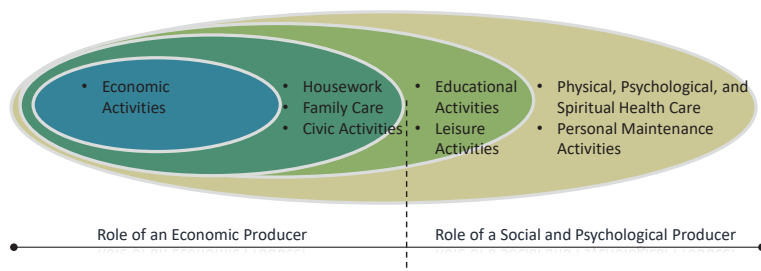
5) Who Is an Older Person? Age Criteria: Both an Issue of Opportunity and a Subject of Public Protection



5. Exploring New Policy Directions

6) A New Definition of the Concept of Productivity

- Establishing a broader concept of productivity, defining safety net beneficiaries, and providing socioeconomic compensation based on the expanded concept of productivity





International Community Discussions on the Human Rights of Older Persons, With a Focus on the UN

Chinsung Chung

Professor Emeritus of Sociology, Seoul National University

Member of the UN Committee on the Elimination of Racial Discrimination



Introduction

- Discussion on the human rights of older persons is based on the fact that:
 - (1) the aged population is increasing, and their living conditions are deplorable,
 - (2) despite numerous studies and policies, no organization or law addresses issues involving older persons from a human rights perspective.
- No convention specifically targets older persons as opposed to other key minority groups, including women, children, and people with disabilities. There is a common belief that it is time for a convention for older persons.
- This presentation examines the issues of older persons when viewed from a human rights perspective and the institutions of the international community, including the UN.
- Regarding English expressions for older persons, the UN General Assembly, the Human Rights Council, and treaty bodies use the term “older persons” instead of the aged, the elderly, the third age, the ageing, etc.
- When the UN refers to older persons, it usually means adults above the age of 60.

Table of Contents

- 1. 1948 UN Declaration of Old Age Rights
- 2. 1980s–2000s: Dominance of the Socio-Economic Perspective
 - 2-1. UN General Assembly
 - 2-2. The UN Human Rights Treaty Body
 - 2-3. Regional Human Rights Conventions
 - 2-4. European Union: Active Ageing
 - 2-5. International Labour Organization (ILO)
- 3. Discussion of a Human Rights Convention for Older Persons in the UN Human Rights Mechanism Since the 2000s
 - 3-1. Sub-Commission on the Promotion and Protection of Human Rights / Human Rights Council Advisory Committee: Raising Issues
 - 3-2. Human Rights Council: Creating an Independent Expert on the Enjoyment of All Human Rights by Older Persons and Requiring Them to Submit Annual Reports
 - 3-3. UN General Assembly (Follow-Up to the Second World Assembly on Ageing, Establishment of an Open-Ended Working Group on Ageing and Annual Meetings)
 - 3-4. Office of the United Nations High Commissioner for Human Rights: Submitting Reports
- 4. Other UN Organizations and Regional Human Rights Organizations
- 5. Civil Society, Such As NGOs, Universities, etc.

The Universal Declaration of Human Rights

- In Article 2 of the Universal Declaration of Human Rights, an example of discrimination is presented as “everyone is ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” but older persons or ages are not specified.
- Article 25(1) stipulates that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

1. UN Declaration of Old Age Rights

- Resolution of the Third Committee of the UN General Assembly in 1948 (A/C.3/213)
- It calls on countries to consider incorporating the human rights of older persons into existing legislation.
- The human rights of older persons are defined as the right to receive help, the right to housing, the right to food, the right to clothing, the right to care for physical health, the right to receive help for mental health, the right to rest, the right to work, the right to enjoy stability, and the right to be respected.
- This resolution was introduced at the 152nd session of the Third Committee of the UN General Assembly on Nov. 22, 1948, passed at the 167th session on Nov. 30 (20 in favor, 0 against, 10 abstentions), and passed at the 170th session of the UN General Assembly on Dec. 4 (48 in favor, 0 against, 1 abstention).
- It was, however, male-dominated and tilted towards the economy.
- There were no follow-up discussions, but discussions resumed in 1982.

2. 1980s–2000s: Dominance of the Socio-Economic Perspective

2-1. UN General Assembly

- 1982. Vienna International Plan of Action on Ageing: First World Assembly on Ageing

The first action program created by the international community; the special needs of older persons and the socio-economic implications of ageing in developing countries; and 62 recommendations on research, data collection, income security, health, housing, education, and social welfare measures, etc.

- 1991. The UN General Assembly adopted the UN Principles for Older Persons (18 principles under 5 themes).

Independence (food, shelter, clothing, income security, employment, etc.), participation (community integration, participating in establishing welfare policies, local community participation, etc.), care (care and protection from the family and local community; appropriate institutional care; maintaining minimum physical, mental, and emotional well-being, etc.), self-fulfillment (opportunity for developing potential, access to recreational resources), and dignity (being free from abuse, living in dignity and security, fair treatment, etc.)

- 1992. 8 goals to achieve by 2001 and guidelines were presented at the UN General Assembly; in the Proclamation on Ageing, 1999 was declared as the International Year of Older Persons.
- 1994. The UN Population Fund held the International Conference on Population and Development.
- 1995. The issue of older persons was significantly raised in the Beijing Declaration and Platform for Action.
- 1995. The World Summit on Social Development in Copenhagen introduced the concept of society for all ages.
- 2002. Second World Assembly on Ageing in Madrid

It adopted the Madrid International Plan of Action on Ageing (MIPAA), which was adopted by the UN General Assembly. (The 1st World Assembly on Ageing in Vienna, 1982, gave background information for developed countries, while the 2nd World Assembly on Ageing in Madrid, 2002, provided policy development information for developing countries.)

- Afterwards, the international community began discussing the basis for policy and practice on older persons' issues.

2-2. The UN Human Rights Treaty Body

- The “prohibition on discrimination” under Article 2(1) of the International Covenant on Civil and Political Rights and Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, as well as the right to social security under Article 9 of the International Covenant on Economic, Social and Cultural Rights, are inextricably linked to the protection of the human rights of older persons.
- 1995. CESCR General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons cover human rights of older persons and the obligations of the States.
- 2010. CEDAW General Recommendation No. 27 on older women and protection of their human rights
- However, there is very little discussion on the human rights of older persons in the review process of state reports.
- Of the 124 national reports reviewed by CCPR (Human Rights Committee) between 2000 and 2008, only 3 mentioned discrimination against older persons; 32 out of 190 cases by CERD; 24 out of 122 cases by CESCR

2-3. Regional Human Rights Conventions

- Additional Protocol to the American Convention on the Human Rights Protocol of San Salvador Article 17: Special protection
- European Social Charter Article 23: Right to social protection
- Charter of the Fundamental Rights of the European Union Article 25: Right of dignity and right to participation
- African Charter on Human and People’s Rights and Duties Article 18(4): Protection

2-4. European Union: Active Ageing

- The EU designates 1993 as the European Year of Older People.
- Active ageing as a policy paradigm: Active ageing, which is based on intergenerational solidarity, aims to address the issues of older persons while also ensuring the sustainability of economic development and the social security system.
- 2000. Lisbon Strategy: The main goal is to promote economic participation and employment among older persons.
- 2002. WHO adopts an active ageing policy.
- 2012. The European Year for Active Ageing and Solidarity Between Generations

2-5. International Labour Organization (ILO)

- Right to labour
- Convention No. 102: Social security
- No. 128: Old-age benefits
- No. 111: Discrimination (employment and occupation) convention
- No. 142 / 156: Human resources development and training
- Recommendation No. 162: Discrimination issues on social security and retirement
- No. 122: Special protection
- No. 202: Minimum social protection

3. Discussion of a Human Rights Convention for Older Persons in the UN Human Rights Mechanism Since the 2000s

3-1. Sub-Commission on the Promotion and Protection of Human Rights / Human Rights Council Advisory Committee

- NGOs' efforts
- 2005. The Sub-Commission on the Promotion and Protection of Human Rights proposed turning older persons' issues, which have been discussed from a development perspective at the UN, into a full-fledged universal human rights norm.
- 2007. The UN Human Rights bodies were reformed. The Sub-Commission was renamed the Human Rights Council Advisory Committee, and its functions were substantially reduced. In 2009, the committee submitted "The Necessity of a Human Rights Approach and Effective UN Mechanism for the Human Rights of the Older Person" (A/HRC/AC/4/CRP.1) by formulating its own recommendation.
- This working paper was received by the Human Rights Council, but further research was denied. In 2011, the Human Rights Council instead designated the right to the health of older persons to be a thematic study for the [Special Rapporteur on the Right to Health](#). Activities included panel organization, among other things.

3-2. Human Rights Council

- 2012. Human Rights Council Resolution 21/23
It requested that the Office of the High Commissioner for Human Rights (OHCHR) organize a public consultation on the promotion and protection of the human rights of older persons. It called on the UN member states, international organizations, UN agencies, and stakeholders to participate, obtain information, and share best practice.
- 2013. Resolution 24/20 called for the establishment of an [Independent Expert on the Enjoyment of All Human Rights by Older Persons](#) and their submission of annual reports.
- 2016. Resolution 33/5
- 2019. Resolution 42/12
- 2021. Resolution 48/3 requested the OHCHR to hold expert meetings.
- It requested a report to the OHCHR.

The following are the titles of the reports by the Independent Expert on the Enjoyment of All Human Rights by Older Persons:

- 2021. 76th Session of the General Assembly (A/76/157)
The Human Rights of Older Women: **The Intersection Between Ageing and Gender**
- 2021. 48th Session of the Human Rights Council (A/HRC/48/53)
Ageism and Age Discrimination
- 2020. 75th Session of the General Assembly (A/75/205)
Impact of the Coronavirus Disease (COVID-19) on the Enjoyment of All Human Rights by Older Persons
- 2020. 45th Session of the Human Rights Council (A/HRC/45/14)
Human Rights of Older Persons: The Data Gap Conundrum
- 2019. 42nd Session of the Human Rights Council (A/HRC/42/43)
Human Rights of Older Persons in Emergency Situations
Annex: Vienna Declaration on the Human Rights of Older Persons, including their right to education and lifelong learning, related to technological developments such as digitalization, robotics, automation and artificial intelligence of 12 and 13 November 2018 in Vienna/Austria

- 2018. 39th Session of the Human Rights Council (A/HRC/39/50)
Social Exclusion: Concepts, Manifestations and the Impact on the Human Rights of Older Persons
- 2017. 36th Session of the Human Rights Council (A/HRC/36/48)
Robots and Rights: The Impact of Automation on the Human Rights of Older Persons
- 2016. 33rd Session of the Human Rights Council (A/HRC/33/44)
Comprehensive Report
- 2015. 30th Session of the Human Rights Council (A/HRC/30/43)
Autonomy and Care of Older Persons
- 2014. 27th Session of the Human Rights Council (A/HRC/27/46)
First annual report of the Independent Expert on the Enjoyment of All Human Rights by Older Persons provided preliminary views on the mandate (<https://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/Reports.aspx>).

3-3. UN General Assembly: Follow-Up to the Second World Assembly on Ageing

- 2009. It adopted the “Follow-Up to the Second World Assembly on Ageing” resolution. In its 2010 public document, it requested that each country establish a detailed human rights policy for older persons.
- DESA requested OHCHR to provide a human rights perspective during the report preparation. (DESA is the UN Secretariat’s development department, while OHCHR is the department in charge of human rights issues.)
- Term clarification: “Older Persons” (elderly, etc.) refers to people aged 60 years or older.
- It organized human rights norms for older persons based on provisions from the existing UN conventions: non-discrimination, special protection, social safety, accessibility, poverty and marginalization of female older persons, right to health, and right to housing.
- It discussed the need to enact separate regulations for older persons, similar to other minority groups, such as women, children, people with disabilities, migrant workers, etc.

3-3. UN General Assembly: Establishment of an Open-Ended Working Group on Ageing and Annual Meetings

Open-Ended Working Group on Ageing for the Purpose of Strengthening the Protection of the Human Rights of Older Persons

- December 2010. UN General Assembly Resolution 65/128 to establish Open-Ended Working Group on Ageing
- 2011. Proposal to enact the Human Rights Convention for Older Persons and appoint a Special Rapporteur
- 2012. UN General Assembly Resolution 67/139 “Towards a Comprehensive and Integral International Legal Instrument to Promote and Protect the Rights and Dignity of Older Persons” (A/RES/67/139)
Vote: 56 in favor, 5 against (USA, Canada, Israel, South Sudan, Seychelles), 116 abstentions (all Western Europe, Republic of Korea)
- 2014. Chicago Declaration on the Rights of Older Persons (5th Session of Open-Ended Working Group on Ageing)
- 2015. Specific use of the term “Convention”
- 2019. OHCHR report was requested at the 10th session of the working group.

Meeting Details for the Open-Ended Working Group on Ageing*

- 1st Session. April 2011 (68 countries)
It was acknowledged that the human rights of older persons have not been adequately protected to date; the need to introduce the human rights convention for older persons was raised, but no conclusion was reached.
- 2nd Session. Aug. 1–5, 2011 (50 countries)
Discrimination, social protection, health, violence and abuse
- 3rd Session. Aug. 21–24, 2012 (63 countries)
Discrimination, social security, access to resources, autonomy, independent living, health insurance, violence and abuse, judicial access
- 4th Session. Aug. 12–15, 2013 (64 countries)
Social security, health, access to employment, discrimination; the UN Secretary-General reported on the rights advocated by member states, UN organizations, and NGOs.
- 5th Session. Jul. 30–Aug. 1, 2014 (57 countries)
Violence and abuse, care, end-of-life care

- 6th Session. Jul. 14–16, 2015 (63 countries)
Discrimination; the participating countries, NGOs, and international organizations provided a discussion agenda.
 - 7th Session. Dec. 12–24, 2016 (47 countries)
Specific rights items for discussion were organized beginning with the 8th session.
 - 8th Session. Jul. 5–7, 2017 (49 countries)
Equality and non-discrimination, neglect, violence and abuse
 - 9th Session. Jul. 23–26, 2018 (29 countries)
Autonomy and independence, long-term care and palliative care
 - 10th Session. Mar. 29–Apr. 1, 2019 (36 countries)
Social protection and social security, education, training, lifelong education, enhanced qualifications
 - 11th Session. Mar. 29–Apr. 1, 2021 (33 countries)
Access to COVID-19-related medical care, labour rights, labour market access, rights protection, and access to the judicial system
 - 12th Session. Apr. 11–14, 2022
Older persons' contribution to sustainable development, economic security
- * Source: The content is based on the 2022 Policy Forum on the Human Rights of Older Persons. Choi, S. J. (2022). Trends and prospects of drafting an international convention on the human rights of older persons. In National Human Rights Commission of Korea & ASEM Global Ageing Center (Eds.), *2022 Policy Forum on the Human Rights of Older Persons* (pp. 7–22).

3-4. Office of the United Nations High Commissioner for Human Rights (OHCHR)

- It supports the working group, along with DESA; it also supports the Independent Expert.
- At the request of the General Assembly, OHCHR created a webpage related to the human rights of older persons and began posting information related to the human rights of older persons.
- 2010. It submitted a report titled “Human Rights of Older Persons: International Human Rights Principles and Standards.”

It determined that the “Necessity of a Human Rights Approach and Effective UN Mechanism for the Human Rights of the Older Person” (A/HRC/AC/4/CRP.1), prepared by the Human Rights Council Advisory Committee in 2009, provided a solid foundation, and adopted the framework as is. It emphasized the importance of breaking down the negative stereotypes and prejudices that lead to ageism, or discrimination against older persons.

- 2012. It issued an analytical report titled “Normative Standards in International Human Rights Law in Relation to Older Persons.”
- March 2021. It published a working paper titled “Update to the 2012 Analytical Outcome Study on the Normative Standards in International Human Rights Law in Relation to Older Persons” that addressed the need to establish a convention on the human rights of older persons and a committee to that end, older persons in the context of COVID-19, and ageism.
- January 2022. It submitted a report titled “Normative Standards and Obligations Under International Law in Relation to the Promotion and Protection of the Human Rights of Older Persons” to the Human Rights Council.
- Aug. 29–30, 2022. Meeting of stakeholders on the human rights of older persons and a report (A/HRC/52/49)
Multi-stakeholder meeting on the human rights of older persons; attended by the Independent Expert, NGOs, universities, etc.; the National Human Rights Commission of Korea attended and spoke; discussion focused on the lack of human rights protection for older persons in international human rights laws and human rights mechanisms; stressed the need to mainstream the human rights of older persons within all organizations of the UN; made recommendations to States, the Human Rights Council, UN Human Rights Mechanism, OHCHR, UN Secretary-General, civil society, etc.

4. Other UN Organizations and Regional Human Rights Organizations

- Inter-American Convention on Protecting the Human Rights of Older Persons: adopted in 2015, entered into force in 2017, and ratified by 7 countries in 2020
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons: adopted in 2016
- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence: adopted in 2011, entered into force in 2014; Article 42 deals with violence against older persons.
- Other UN organizations: WHO released a global report on ageism in 2021.

5. Civil Society, Such As NGOs, Universities, etc.

- HelpAge International was established in 1983.
- In 2009, the Korea Federation of Senior Welfare (established in 1982), under the name of HelpAge Korea, joined HelpAge International.
- Global Action on Ageing
- Global Alliance for the Rights of Older People
- International Longevity Center
- Yale Law School
- AGE Platform Europe, etc.

Conclusion

- The “human rights of older persons” is groundbreaking in at least two respects:
 - (1) The perspective of viewing older persons’ issues within the context of overall societal development—Older persons lead healthy and active lives for their own development, and their work and productivity are crucial for the overall development of society.
 - (2) The focus on providing more appropriate welfare to older persons—The State must offer a variety of necessary services for older persons, such as housing and medical care.
- However, viewing older persons through the lens of human rights does not objectify them as marginal contributors to social development or as socially disadvantaged individuals who must be treated with exceptional favor.
- Instead, they should be respected as human beings with equal dignity and autonomy to everyone else, and their rights should be recognized as natural. (Abuse against and neglect of older persons, as well as their decision-making rights, are emerging as critical issues.)

- In the international community, discussions on the human rights of older persons have evolved in the following direction:
 - The existence of older persons has been recognized since 1948.
 - The focus has been on their jobs and productivity since 1980.
 - There has been movement to recognize the rights of older persons from a human rights perspective since the 2000s.
- Recognition of the human rights of older persons is developing through mutual influence with various other human rights issues, centered around the UN. These discussions on international human rights are creating an opportunity to fundamentally review and reorganize the various welfare policies related to older persons that have been developed at the national level from a human rights perspective. The Independent Expert has emphasized the close relationship between the Convention’s enactment and each country’s domestic initiatives.
- The National Human Rights Commission of Korea is working to lead discussions in the international community on drafting the UN Convention on the Human Rights of Older Persons.
- At the domestic level, on the other hand, efforts to enact the Framework Act on the Human Rights of Older Persons are envisaged to integrate and reexamine domestic welfare laws pertaining to older persons from a human rights perspective; this has already advanced significantly.
- The Framework Act on the Human Rights of Older Persons will elevate older persons’ domestic welfare to the level of human rights; it will also serve as an important model for the development of the human rights dimension of older persons’ welfare laws in many countries around the world and contribute greatly to the establishment of the UN Convention on the Human Rights of Older Persons.



Korea's Framework Act on the Human Rights of Older Persons: Why It Is Needed

HyeKyung Lee

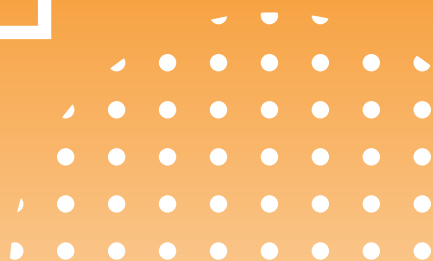
Professor Emeritus of Social Welfare, Yonsei University

Chanjin Lee

Attorney at Law, Law Office Jeil

Hyeji Choi

Professor of Social Welfare, Seoul Women's University



Korea's Framework Act on the Human Rights of Older Persons: Why It Is Needed

HyeKyung Lee

Professor Emeritus of Social Welfare, Yonsei University

Chanjin Lee

Attorney at Law, Law Office Jeil

Hyeji Choi

Professor of Social Welfare, Seoul Women's University

I. Introduction

The increase in the average human lifespan around the world is one of the greatest human achievements, and longevity ought to be a blessing. Older persons can now be expected to reach older age in a better state of health and well-being than ever before. Various international norms and institutions have been adopted that urge countries with advanced welfare systems to make it possible for retired people to participate fully in society and contribute effectively to local communities and social development. Care and support for the needs of older persons have also been expanded. When growing older is accepted as an achievement by a mature, fully integrated, and humane society, it will automatically recognize the skills, experience, and resources of older persons, and their potential to constitute a strong foundation for future development.

In Korea, current laws and systems generally require people to retire around the age of 60, regardless of how healthy and capable they may be. Except for public officials and teachers, most people then experience several years of an earnings and income gap before they begin to receive public pension assistance that is itself far below the relative poverty line (50% of the standard median income announced every year by the Minister of Health and Welfare). Older people need to find the rest of their living expenses. As a result, Korea's older persons face the worst poverty in older age among OECD countries. In particular, the level of poverty

of older women is much more serious than that of men, due to the gender gap during economic activity and women's low economic activity participation rate.

Population ageing and the extension of life expectancy are common phenomena worldwide. But in Korea as a result of rapid population ageing, not only the traditional older person issues of poverty and ill-health, but also the issue of, for instance, guaranteeing the right to work of healthy persons under the age of 75, and the problem of inequality due to overlapping and cumulative forms of indirect discrimination have been major social issues for a long time, and remain without resolution. We are now entering a super-aged society without significant improvements to social security and employment systems in either their qualitative or their quantitative aspects. The quality of life experienced by older persons has not improved much; in Korea, life in older age remains difficult and unstable. As long as current ageing society policies remain in force, it is difficult to expect improvements in the future. The Constitution of the Republic of Korea stipulates human dignity and worth and the right to the pursuit of happiness in Article 10, the right to equality and the prohibition of discrimination in Article 11, and the right to a healthy, cultural, and humane life in Article 34, and the State is responsible for guaranteeing these rights. However, existing law that might help realize these constitutional human rights is in fact not consistent with the Constitution. Existing laws and systems stipulate the "principle of self-responsibility," primarily through the legal system; the dominant ideology is that the State provides only supplementary support, which does not correspond to the needs of many older persons. A strong fiscally linked and selective and residual social security and employment system is in place throughout the legal and welfare systems, rather than the principle of prioritizing the human rights of older persons. These fundamental structural problems are causing cumulative inequality and discrimination for older persons and an overall disregard of their human rights.

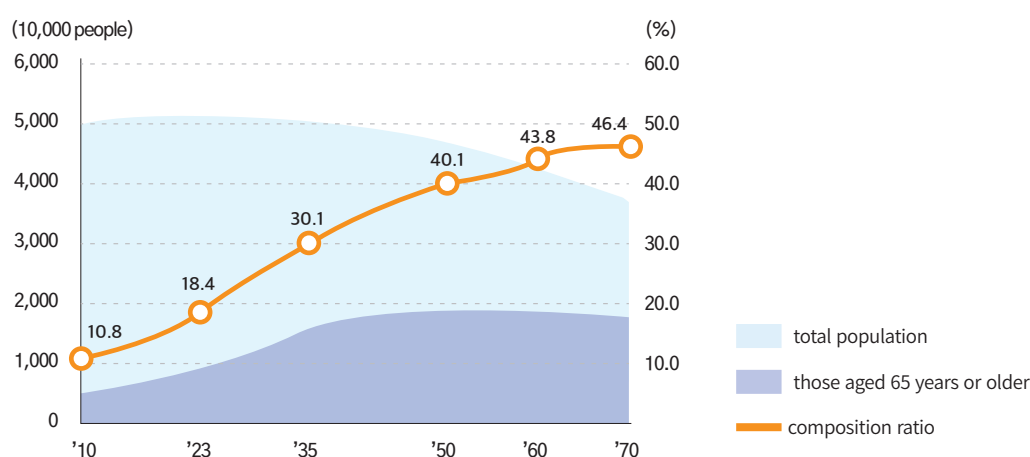
What should Korean society do as it becomes a super-aged society? All laws and systems affecting older persons must be restructured to be consistent with the human rights of older persons. All principles and norms regarding older persons need to be based on prioritizing their human rights, as recommended by the international community, including the UN, and implemented throughout social security and employment-related legislation. For this reason, the Framework Act on the Human Rights of Older Persons should be enacted in Korea, to operate as a binding legislative institutional principle and policy for amending and developing laws and systems.

II. Current Situation of Older Persons in Korea

1. Population Ageing

In 2022, the number of persons aged 65 or older in Korea was 8.98 million, accounting for 17.4% of the total population.¹ In 2025, the proportion of older persons is expected to exceed 20.3%, meaning Korea becomes a super-aged society; the proportion is expected to accelerate to more than 30% in 2036 and 40% in 2050 (Figure 1).

Figure 1
Population Aged 65 Years or Older and Its Composition Ratio



Note. From *Statistics for Older Persons 2023* (p. 20), by Statistics Korea, 2023
(<https://kostat.go.kr/board.es?mid=a10301010000&bid=10820>). Korea Open Government License Type 2.

In particular, it is worth noting that this increase in the ageing population is led by persons with relatively high socioeconomic, physical, and cognitive vulnerabilities, as this signifies an expansion of the older population in need of social support. In 2023, older persons aged 74 or younger accounted for 10.6% of the total population, while persons aged 75 or older accounted for 7.7% of the population. However, by 2037, the size of the older group will surpass that of the younger group, and by 2060, the size of the older group is expected to be approximately twice that of the younger group (Table 1).

Table 1*Older Population by Gender and Age Group (65 or Older)*

(unit: 1,000 people, %, persons per 100 female older persons)

| | 65 or Older | Gender | | | | | Age | | | | | |
|------|-------------|--------|---|--------|---|----------------------------|-------------|---------------------------------|-------------|---------------------------------|-------------------|---------------------------------|
| | | Male | Male Older Population Ratio ^{a)} | Female | Female Older Population Ratio ^{a)} | Gender Ratio ^{b)} | 65-69 Years | Composition Ratio ^{c)} | 70-74 Years | Composition Ratio ^{c)} | 75 Years or Older | Composition Ratio ^{c)} |
| 2010 | 5,366 | 2,194 | 8.8 | 3,172 | 12.9 | 69.2 | 1,878 | 3.8 | 1,540 | 3.1 | 1,948 | 3.9 |
| 2020 | 8,152 | 3,521 | 13.6 | 4,631 | 17.9 | 76.0 | 2,662 | 5.1 | 1,990 | 3.8 | 3,499 | 6.8 |
| 2023 | 9,500 | 4,174 | 16.2 | 5,326 | 20.6 | 78.4 | 3,274 | 6.3 | 2,240 | 4.3 | 3,986 | 7.7 |
| 2025 | 10,585 | 4,694 | 18.3 | 5,891 | 22.9 | 79.7 | 3,685 | 7.2 | 2,533 | 4.9 | 4,367 | 8.5 |
| 2030 | 13,056 | 5,901 | 23.1 | 7,156 | 27.9 | 82.5 | 4,027 | 7.9 | 3,532 | 6.9 | 5,497 | 10.7 |
| 2037 | 16,177 | 7,414 | 29.4 | 8,763 | 34.4 | 84.6 | 4,272 | 8.4 | 3,789 | 7.5 | 8,116 | 16.0 |
| 2040 | 17,245 | 7,928 | 31.8 | 9,317 | 36.9 | 85.1 | 4,172 | 8.3 | 3,980 | 7.9 | 9,093 | 18.1 |
| 2050 | 19,004 | 8,795 | 37.4 | 10,209 | 42.8 | 86.2 | 3,709 | 7.8 | 3,619 | 7.6 | 11,676 | 24.7 |
| 2060 | 18,683 | 8,816 | 41.6 | 9,867 | 46.0 | 89.3 | 3,500 | 8.2 | 3,099 | 7.3 | 12,084 | 28.4 |
| 2070 | 17,473 | 8,403 | 44.7 | 9,070 | 48.1 | 92.7 | 2,614 | 6.9 | 3,288 | 8.7 | 11,571 | 30.7 |

Note. From *Statistics for Older Persons 2023* (p. 21), by Statistics Korea, 2023

(https://kostat.go.kr/board.es?mid=a10301010000&bid=10820). Korea Open Government License Type 2.

^a Older Population Ratio by Gender = {Older Population by Gender (65 or Older) ÷ Population by Gender} x 100^b Gender Ratio = {Male Older Population (65 or Older) ÷ Female Older Population (65 or Older)} x 100^c Composition Ratio by Age Group = {Population by Older Age Group ÷ Total Population} x 100**Table 2***Type and Composition Ratio of Older Person Households*

(unit: 1,000 households, %)

| | Total Households | Older Person Households ^{a)} | Ratio | Type and Composition Ratio of Older Person Households | | | | | | | | | |
|------|------------------|---------------------------------------|-------|---|-------|-------------------------------------|-------|------------------------------------|-------|--------------------------|-------|--------|-------|
| | | | | Married Couple | Ratio | Married Couple + Unmarried Children | Ratio | Single Parent + Unmarried Children | Ratio | Single-Person Households | Ratio | Others | Ratio |
| 2010 | 17,495 | 2,923 | 16.7 | 985 | 33.7 | 286 | 9.8 | 149 | 5.1 | 991 | 33.9 | 512 | 17.5 |
| 2020 | 20,731 | 4,640 | 22.4 | 1,610 | 34.7 | 443 | 9.6 | 259 | 5.6 | 1,618 | 34.9 | 710 | 15.3 |
| 2023 | 21,834 | 5,491 | 25.1 | 1,936 | 35.3 | 505 | 9.2 | 305 | 5.5 | 1,993 | 36.3 | 752 | 13.7 |
| 2025 | 22,309 | 6,147 | 27.6 | 2,180 | 35.5 | 563 | 9.2 | 344 | 5.6 | 2,248 | 36.6 | 812 | 13.2 |
| 2030 | 23,180 | 7,654 | 33.0 | 2,746 | 35.9 | 669 | 8.7 | 435 | 5.7 | 2,861 | 37.4 | 943 | 12.3 |
| 2035 | 23,709 | 9,054 | 38.2 | 3,263 | 36.0 | 751 | 8.3 | 518 | 5.7 | 3,458 | 38.2 | 1,064 | 11.8 |
| 2039 | 23,870 | 10,103 | 42.3 | 3,632 | 36.0 | 808 | 8.0 | 581 | 5.8 | 3,925 | 38.9 | 1,157 | 11.4 |
| 2040 | 23,866 | 10,290 | 43.1 | 3,688 | 35.8 | 811 | 7.9 | 592 | 5.8 | 4,023 | 39.1 | 1,176 | 11.4 |
| 2045 | 23,572 | 10,984 | 46.6 | 3,885 | 35.4 | 815 | 7.4 | 632 | 5.8 | 4,410 | 40.1 | 1,243 | 11.3 |
| 2050 | 22,849 | 11,375 | 49.8 | 3,958 | 34.8 | 812 | 7.1 | 658 | 5.8 | 4,671 | 41.1 | 1,276 | 11.2 |

Note. From *Statistics for Older Persons 2023* (p. 23), by Statistics Korea, 2023

(https://kostat.go.kr/board.es?mid=a10301010000&bid=10820). Korea Open Government License Type 2.

^a Households where the head is 65 years or older

In 2023, the number of households in which the head of the household was 65 or older was 5.491 million, accounting for 25.1% of all households. Among them, single older person households accounted for the highest proportion, at 36.3%, followed by households comprised of a couple who were older persons, at 35.3%, households comprised of an older person couple with their unmarried children, 9.2%, and the households of an older single parent and unmarried children, 5.5%. Older person households are expected to continue to increase, exceeding 10 million by 2039; by 2050, 49.8% of all households will be older person households. Most importantly, the number of single older person households is expected to increase by 134% to 2050, from 1,993,000 households in 2023 to 4,671,000. It is estimated that by 2050, 20% of all households will be single older person households (Table 2).

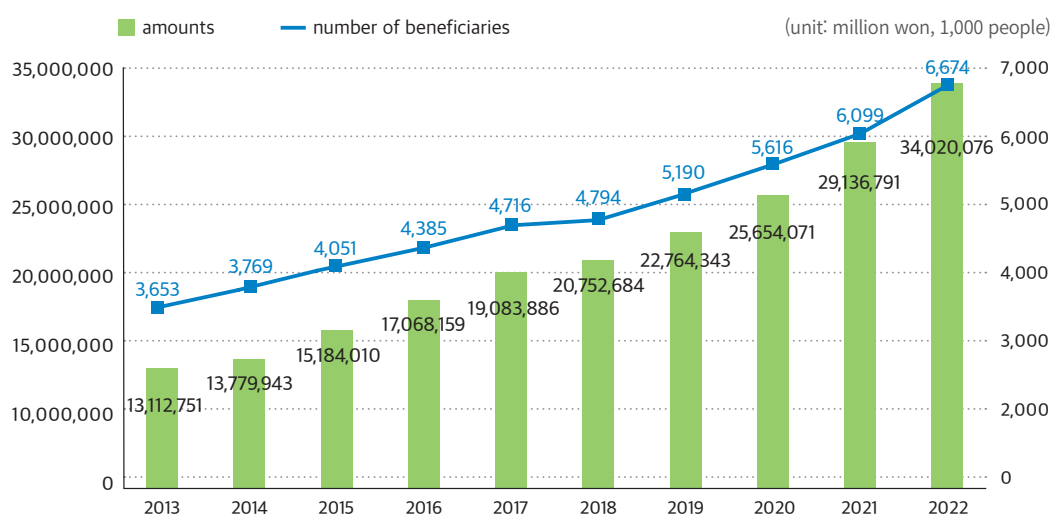
2. Characteristics of Later Life and the Differentiated Needs of Older Persons

1) Reduction in Income Due to Retirement

Because people secure the resources necessary for life through income, a stable and adequate income is a necessary condition for survival. However, in later life, after retirement, the likelihood of being exposed to poverty increases, due to reduced income or earnings. Therefore, income security during later life, which ensures older persons do not lack the minimum economic resources necessary for their survival, is a major element of the human rights of older people.

Figure 2

Number of Beneficiaries and Amount of Benefits Paid by Year



Note. From *National Pension Statistical Yearbook the 35th Edition in 2022* (p. 7), by National Pension Service, 2022.

(https://www.nps.or.kr/jsp/page/app/cms/view.jsp?seq=28493&cPage=1&cmsId=statistics_year&SK=&SW=&SK2=). Reprinted with permission.

Table 3*Trends in Poverty Rates by Age Group: Working-Age Population and Older Persons (%)*

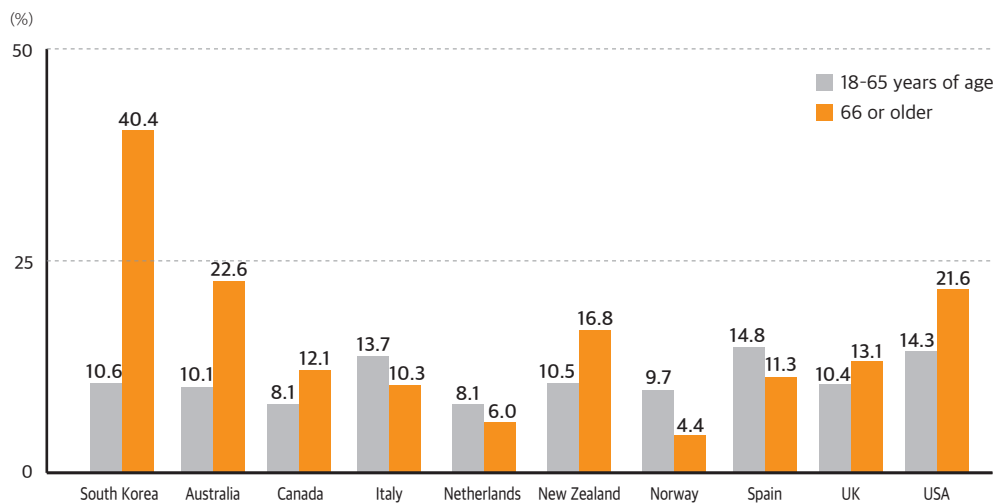
| | 2014 | 2016 | 2018 | 2019 | 2020 | 2021 | Average Annual Rate of Change |
|---|------|------|------|------|------|------|-------------------------------|
| Working-Age Population (18–65 Years) | 13.7 | 12.9 | 11.8 | 11.1 | 10.6 | 10.6 | -3.60 |
| Retirement-Age Population (66 or Older) | 46.0 | 45.0 | 43.4 | 43.2 | 40.4 | 39.3 | -2.38 |
| Older Population (65 or Older) | 44.5 | 43.6 | 42.0 | 41.4 | 38.9 | 37.6 | -2.22 |
| Older Persons in the Younger Group (66–75 Years) | 40.0 | 36.8 | 34.6 | 33.7 | 31.4 | 30.5 | -3.80 |
| Older Persons in the Older Group (76 or Older) | 55.1 | 57.1 | 55.1 | 55.6 | 52.0 | 51.4 | -0.99 |

Table 4*Number of Basic Pension Recipients and Actual Benefits Rate*

(unit: 10,000 people, %)

| | '14 | '15 | '16 | '17 | '18 | '19 | '20 | '21 | '22 |
|-----------------------------|------|------|------|------|------|------|------|------|------|
| Number of Recipients | 435 | 450 | 458 | 487 | 513 | 535 | 566 | 597 | 624 |
| Actual Benefits Rate | 66.8 | 66.4 | 65.6 | 66.3 | 67.1 | 66.7 | 66.7 | 67.6 | 67.4 |

Note. The data are from *Haengbok-E-eum DB*, by Ministry of Health and Welfare. In the public domain.

Figure 3*Relative Poverty Rate of Retirement Age Group in Major OECD Countries (Median Income 50% or Less, 2020)*

Note. The data are based on the *OECD's Social and Welfare Statistics* (as of September 1, 2023), and the relative poverty rate of the retirement age group in major OECD countries is from 2020. From *Statistics for Older Persons 2023* (p. 34), by Statistics Korea, 2023 (<https://kostat.go.kr/board.es?mid=a10301010000&bid=10820>). Korea Open Government License Type 2.

With the implementation of the basic pension, and an increase in the number of national pension recipients, the poverty rate among older persons has gradually fallen (see Figure 2, Table 3, Table 4); the relative poverty rate for persons aged 65 or older reached a peak of 46.5% in 2011 and decreased to 39.3% in 2021. However, unlike other OECD member countries that provide public pension benefits that are higher than the relative poverty line, Korea's average public pension benefit falls below the poverty line, not just below the standard median income. Due to the low level of the public pension, the public transfer income of older Koreans constitutes 22.3%, only one-third of the OECD member country average of 60%.

Table 5
Income Poverty Rates by Age and Gender (OECD and G20) (%)

| | Older People (Aged Over 65) | | | | | Total Population |
|-------------|-----------------------------|-----------|--------------|-----------|-------|------------------|
| | All | By Age | | By Gender | | |
| | | Age 66-75 | Aged Over 75 | Men | Women | |
| Australia | 22.6 | 19.7 | 27.0 | 18.2 | 26.6 | 12.6 |
| Austria | 10.6 | 9.6 | 12.0 | 7.3 | 13.2 | 9.6 |
| Belgium | 8.6 | 5.9 | 12.2 | 7.3 | 9.8 | 7.3 |
| Canada | 12.1 | 11.0 | 13.9 | 9.2 | 14.6 | 8.6 |
| Chile | 17.6 | 17.7 | 17.4 | 17.6 | 17.5 | 16.5 |
| Colombia | | | | | | |
| Costa Rica | 22.4 | 21.4 | 24.0 | 22.8 | 22.1 | 20.3 |
| Czechia | 5.1 | 4.9 | 5.5 | 2.3 | 7.2 | 5.3 |
| Denmark | 4.3 | 2.8 | 6.3 | 3.2 | 5.2 | 6.5 |
| Estonia | 34.6 | 27.6 | 43.0 | 20.8 | 41.8 | 15.8 |
| Finland | 6.3 | 4.9 | 8.3 | 4.5 | 7.7 | 6.7 |
| France | 4.4 | 4.0 | 4.9 | 3.3 | 5.2 | 8.4 |
| Germany | 11.0 | 12.1 | 9.8 | 8.6 | 12.7 | 10.9 |
| Greece | 9.3 | 8.8 | 10.0 | 7.0 | 11.2 | 13.0 |
| Hungary | 6.1 | 6.9 | 4.6 | 4.4 | 7.1 | 8.7 |
| Iceland | 3.1 | 4.0 | 1.1 | 4.5 | 1.7 | 4.9 |
| Ireland | 14.7 | 12.4 | 18.1 | 11.2 | 17.8 | 7.7 |
| Israel | 17.0 | 15.2 | 20.1 | 14.3 | 19.3 | 16.9 |
| Italy | 10.3 | 10.3 | 10.4 | 7.7 | 12.4 | 13.5 |
| Japan | 20.0 | 16.4 | 23.9 | 16.4 | 22.8 | 15.7 |
| Korea | 40.4 | 31.4 | 52.0 | 34.0 | 45.3 | 15.3 |
| Latvia | 32.2 | 24.7 | 42.3 | 19.0 | 38.6 | 16.0 |
| Lithuania | 27.0 | 25.7 | 28.4 | 13.9 | 33.8 | 14.1 |
| Luxembourg | 5.2 | 4.9 | 5.7 | 4.9 | 5.4 | 9.8 |
| Mexico | 19.8 | 18.2 | 22.3 | 18.9 | 20.4 | 16.6 |
| Netherlands | 6.5 | 4.4 | 9.7 | 6.1 | 6.9 | 8.5 |

| | Older People (Aged Over 65) | | | | | Total Population |
|-----------------|-----------------------------|-----------|--------------|-----------|-------|------------------|
| | All | By Age | | By Gender | | |
| | | Age 66–75 | Aged Over 75 | Men | Women | |
| New Zealand | 16.8 | 14.3 | 20.9 | 13.2 | 20.1 | 12.4 |
| Norway | 3.8 | 2.7 | 5.4 | 2.3 | 5.1 | 7.9 |
| Poland | 13.2 | 13.7 | 12.3 | 7.6 | 16.8 | 9.1 |
| Portugal | 13.8 | 12.5 | 15.2 | 10.4 | 16.2 | 12.8 |
| Slovak Republic | 6.6 | 6.2 | 7.6 | 4.4 | 8.2 | 7.8 |
| Slovenia | 10.7 | 10.2 | 11.6 | 7.1 | 13.4 | 7.0 |
| Spain | 11.3 | 9.9 | 12.8 | 10.1 | 12.2 | 15.4 |
| Sweden | 11.1 | 8.3 | 14.5 | 7.2 | 14.5 | 9.2 |
| Switzerland | 18.8 | 16.1 | 22.1 | 16.9 | 20.6 | 9.9 |
| Türkiye | 13.7 | 11.9 | 17.0 | 12.1 | 15.0 | 15.0 |
| United Kingdom | 13.1 | 11.0 | 16.0 | 11.1 | 14.9 | 11.2 |
| United States | 22.8 | 20.1 | 27.2 | 19.8 | 25.3 | 15.1 |
| OECD | 14.2 | 12.5 | 16.6 | 11.1 | 16.5 | 11.4 |

Note. The data represent the percentage of people who earn less than 50% of the median equivalized household disposable income. Except for a few countries, all data are for 2020, and data for Colombia is unavailable. From *Pensions at a Glance 2023: OECD and G20 Indicators* (p. 199), by OECD, 2023 (<https://doi.org/10.1787/678055dd-en>).

The core mechanisms that guarantee income during later life are the basic pension and the national pension. In 2022, 6.24 million people, or about 70% of the older population, received a basic pension ranging from a maximum of ₩307,500 to a minimum of ₩100,000. As of 2022, 67% of men and 41% of women over the age of 65 were receiving the national pension, with the average benefit per person only around ₩500,000 per month. The poverty rate of the older person population is 40.4%, three times higher than the OECD member country average of 14.2%. Korea ranks first in poverty of persons over 65, an overwhelming 5.8 percentage points higher than Estonia, which has the next highest poverty rate. Moreover, Korea's older person poverty rate is 25.1 percentage points higher than the poverty rate of the entire population, which is 15.3%. The poverty of older women is even more serious; older women's poverty rate is 45.3%, 11.3 percentage points higher than the older men's poverty rate of 34%, and 28.8 percentage points higher than the average for older women in OECD member countries, which is 16.5%. The poverty rate of persons above the age of 75 is 52%, more than three times the OECD member country average of 16.6% (see Figure 3 and Table 3).

In addition, although the legal retirement age is 60, the actual average retirement age is 53, leaving a 9-year gap until the age of 62, when the national pension can be drawn, and a 12-year gap until the age of 65, when the basic pension becomes available. The national pension starting age is scheduled to be extended to 65 by 2035; for each year from 2023

that the national pension starting age is delayed, about 600,000 people will experience an income gap of a further year.² As the income gap expands, post-retirement income will plummet to 34% of pre-retirement income within four years of retirement.

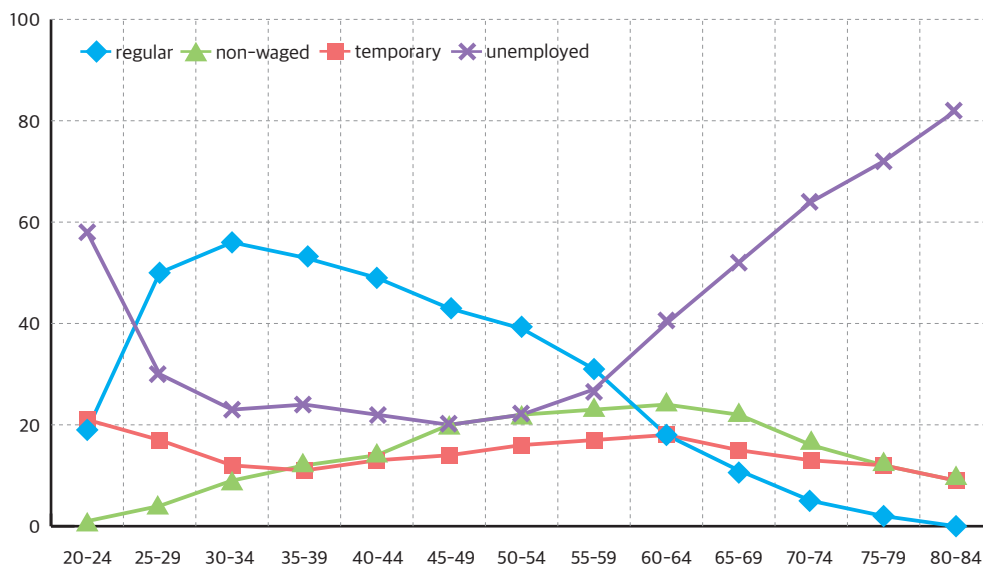
Due to these limitations, Korea has the highest poverty rate of older people among OECD member countries, and the problem of poverty among older persons remains quite severe, particularly among people 75 and older. Many older persons are not able to secure their basic rights to food, clothing, and shelter: 22.2% of older persons who participated in a survey said that they had difficulty in securing meals, and 20.1% experienced difficulty in obtaining seasonally appropriate clothing.³

2) Economic Activity Participation Rate of Older Persons and Discrimination in Employment

In 2022, the number of employed persons aged 65 or older was 3.265 million, showing an employment rate for older persons of 36.2%. This is significantly higher than the average employment rate of 15.0% for people aged 65 or older in 38 other OECD member countries as of 2021 and is relatively high compared to Japan (25.1%), Sweden (19.2%), and the USA (18.0%).⁴ The employment rate of older persons under the age of 70 is 50.4%, which is more than twice the average employment rate of such people in other OECD member countries of 24.7%, and close to Japan's 50.9%. People have to work to survive because their income from public transfers, such as pensions, is too low, or they cannot receive benefits.

The high employment rate of older persons in Korea does not lead to an affluent life. This is because the jobs available to older persons are low-quality and irregular, with high labor instability and ultra-low wages. After the age of 55, the proportion of full-time workers decreases sharply, the proportion of non-wage workers, including unpaid family workers and temporary and daily workers, increases, and the proportion of workers earning less than the minimum wage also increases sharply (Figure 4).

This kind of labor situation is the result of ageism, which excludes older persons from decent jobs regardless of the individual's physical and mental abilities. Discriminatory systems that enforce exclusion from the labor market based on age and justify disadvantages in appointment, promotion, and type of work violate the older person's right to work; these violations include restricting older persons to certain types of jobs and forcing them to accept unfair and low-waged work conditions or give up work altogether.

Figure 4*Changes in the Composition of Occupational Status by Age Group, 2019 (%)*

Note. From *Old-Age Labor and Poverty* (p. 17), by Korea Labor Institute, 2020

(https://www.kli.re.kr/rschRptView.es?mid=a10102010000&sch_rsch_fld_no=1&pblct_sn=9510). Korea Open Government License Type 4.

3) Weakening of Physical and Mental Functions and Need for Care

Older age is a time when physical health becomes vulnerable and functional impairment occurs due to disease; therefore, public support for improving the physical health of older people needs to increase. The health of older persons in Korea is continuously improving, but as of 2020, persons aged 65 or older had an average of 1.9 chronic diseases, and only 50% of older people thought their health was as good as it could be.⁵

Older persons also have a high incidence of disability. According to a press release from the Ministry of Health and Welfare on April 20, 2023,⁶ the age distribution of registered disabled people in Korea is highest among people in their 60s (23.6%), followed by those in their 70s (21.6%). The ratio of registered disabled people to the population is 8.5% for those in their 60s, 15.0% for those in their 70s, and 23.0% for those in their 80s or older, with the prevalence of disabilities also increasing as age increases.

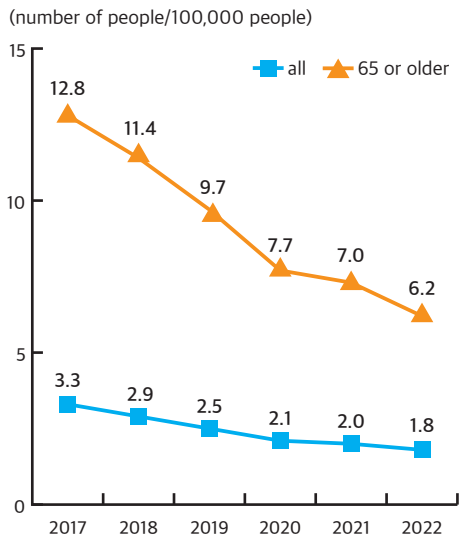
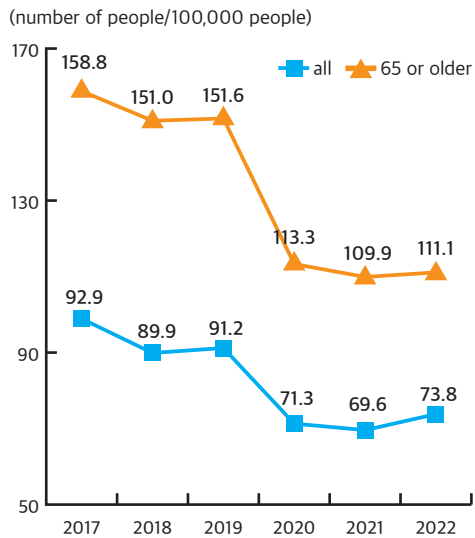
Maintaining good mental health is an important factor determining a person's quality of life. In particular, good mental health is a prerequisite for maintaining daily life, including self-management and physical health. Older age is accompanied by a weakening of social

relationships: family members, such as spouses and siblings, die, and social networks centered on the workplace are disbanded or loosened with retirement. Moreover, the difficulty of social participation increases due to economic hardship, and the rise of the nuclear family increases the possibility of social isolation among older persons.

In the early stages of life, from infancy through childhood, everybody depends on parental care. But even in adulthood, when a person is to all intents and purposes physically, psychologically, and socio-economically independent, they still need care from others from time to time. In older age, in particular, when physical, psychological, and cognitive functions decline, the degree of dependence on assistance from others to maintain an independent life increases. The principle of universality of care makes clear that an individual's quality of life cannot be secured without stable care.

Because older persons can spend a long time at home due to their weakened physical functions and reduced social activities, the residential environment has great significance in their lives. However, older persons are more likely than others to live in inadequate residential spaces, such as micro-housing or informal units; their satisfaction with their living environment appears to be lower than that of other households. Moreover, their satisfaction with both the accessibility and overall condition of public places and services, including public conveniences, care and welfare facilities, parks and cultural spaces, public transportation, and parking facilities, is reported to be lower than that of others.

The death rate from pedestrian traffic accidents among older persons is 3.4 times that from all pedestrian traffic accidents, and the injury rate is 1.5 times, making older persons more vulnerable to traffic safety conditions than non-older persons (Figure 5, Figure 6). Therefore, much more work needs to be done to guarantee the rights of older persons regarding a safe environment, including transportation suitable for older people, accessible public facilities, and adequate housing.

Figure 5*Mortality Rate of Pedestrian Traffic Accidentsⁱ***Figure 6***Injury Rate of Pedestrian Traffic Accidentsⁱⁱ*

Note. ⁱ ⁱⁱ From *Statistics for Older Persons 2023* (p. 41), by Statistics Korea, 2023

(<https://kostat.go.kr/synap/skin/doc.html?fn=0750aaf2f8f7c6745fdcfbda0896a6f2b763bf27561c1282e1aaa9bf3137face&rs=synap/preview/board/10820/>).

Korea Open Government License Type 2.

4) Social Relationship Shrinkage, Suicides, and Lonely Deaths

Because the social networks of older persons shrink due to their retirement from work and the death of family members, etc., single-person households are becoming more common, and that often leads to isolation. The proportion of lonely deaths by age group, where people die alone, possibly because of the death of, or severed relationships with, family or significant others, is highest among those in their 50s and 60s, at more than 50%.⁷ The percentage of people who say that they have no one to borrow money from, ask to do household chores, or talk to is also highest among those aged 60 or older. In a situation where rapid population ageing is occurring and the number of single older person households is simultaneously increasing, institutional efforts are needed to protect older people from social isolation and disconnection.

The death rate by suicide in Korea is 25.4 per 100,000 population, more than twice the average of 11.1 among OECD member countries. Suicide rates tend to increase with age; in Korea, the suicide rate for people over 80 is the highest among all age groups.⁸ As of 2019, Korea's older person suicide rate was 46.6, the highest among OECD member countries, and 2.7 times higher than the 17.2 of OECD member countries. Research that shows the

main causes of suicide among older persons are economic difficulties and health problems suggests that the high suicide rate among older persons in Korea has social origins, a result of older persons' rights to income and health security not being met.

5) COVID-19 and the Death of Older Persons

During the COVID-19 pandemic, our society revealed the harsh reality that older persons are not properly protected by the national normative system. During the pandemic, older persons residing in senior living facilities, mainly nursing homes, accounted for an overwhelming proportion of the deaths under institutional quarantine. As of July 31, 2023, 29,079 people, or 82.35% of the total number of COVID-19-related deaths, were over the age of 70. This group accounted for the majority of COVID-19-related deaths (Table 6). This reinforces the fact that most of the victims of COVID-19 were older persons who were residents of group medical and living facilities, such as long-term care homes or nursing homes.

Table 6

Confirmed COVID-19 Cases and Deaths by Selected Age Group (As of July 31, 2023)

| | Confirmed Cases (%) | Deceased (%) | Fatality Rate (%) |
|--------------------|---------------------|---------------|-------------------|
| 80 or Older | 1,174,419 (3.54) | 21,081 (59.7) | 1.8 |
| 70-79 | 1,929,531 (5.81) | 7,998 (22.65) | 0.41 |
| 60-69 | 3,696,294 (11.13) | 4,012 (11.36) | 0.11 |

Note. The data is based on information from Korea Disease Control and Prevention Agency's website.

Evidently the right to life of older persons was not protected in Korea during the pandemic. This reflects the reality that domestic laws and systems do not properly protect these groups, even when their average biological health level is known to the authorities. But similar adverse effects occurred around the world during the pandemic, because of social structures and practices that explicitly or implicitly accept that older people can be discriminated against. Ageism violates the right to equality and has a major detrimental impact on older people's ability to exercise their human rights.⁹ Statistics confirm that the significantly higher risk of severe illness and death due to infection in older persons can only be the result of latent ageism in the healthcare system, in triage, and then access to life-saving treatment. This became abundantly clear under lockdown, during the cohort quarantine of tens of thousands of residents in older person care facilities and the absence of social care and medical access for older persons living alone. The impacts

of the pandemic on older people reflect the deficiencies in the human rights protection system for older persons. This medical emergency, and others, and the responses to them have revealed and sometimes amplified many of the problems older persons have faced for years, such as age-based discrimination; lack of access to social protection and health services; lack of autonomy and participation in decision-making; and the risks of violence, neglect, abuse, and exploitation.

III. Status of Life in Older Age and the Limitations of Related Systems

1. Problems of Older Person Poverty and the Income Security System

As of 2021, the poverty rate of older persons in Korea was 37.6%, the highest among OECD countries, and 2.5 times the OECD average, which is 14%. The average monthly income of households headed by older persons aged 65 or older during the second quarter of 2023 was ₩2,999,399, which was only 63% of the average monthly income for all households during the same period, ₩4,792,979 (<https://kosis.kr/eng/>). In 2020, the income of older persons comprised 35.6% earnings, 15.4% business, 9.7% property, 11.7% private transfer income, and 22.3% public transfer income. Earned income was the highest; the proportion of public transfer income was still limited. Studies show that as a result, only 51% of older persons believe that they can live without financial difficulties for the rest of their lives. As private transfer income among families continues to decrease due to a weakening in family support ties, poverty among older persons is expected to deepen further, if public transfer income and quality jobs for older people are not expanded.

Although the National Pension has been in place for over 35 years, previous governments have lowered the income replacement rate rather than increase pension insurance premiums, relegating it to a pocket money level of pension with an average benefit below the poverty line. In addition, the benefit did not reach the level of living benefit for a single-person household specified under the National Basic Living Security Act. The Basic Pension, which has replaced the Basic Old-Age Pension introduced in 2007, is drawn by 70% of older persons; however, there are attempts to restrict the number of beneficiaries due to financial constraints. This trend of reducing public pensions is exacerbating poverty among older persons and posing an existential risk to their right to life.

2. Older Persons' Health and the Problems of the Health Security System

In 2021, the average life expectancy of Koreans was 83.6 years, about three years higher than the average life expectancy of other OECD member countries, 80.5 years. Life expectancy at age 65 is 21.6 years; in other words, in 2021 a 65-year-old person was expected to survive until they were 86.6. Life expectancy in good health increased to 73.1 years in 2020, and the period of healthy survival without disease also increased. However, since some people evidently live with disease for 13 years—the difference between life expectancy and healthy life expectancy—the accessibility and quality of health services available to sick older people clearly have an important impact on the dignity of life in older age.

Among older persons who reported experiencing physical discomfort from their health conditions, 19.5% said they did not receive appropriate treatment; a further 16.2% of older persons who needed counseling or treatment due to anxiety or depression, and 15.6% of older persons who needed counseling or help due to concerns about dementia, said that they did not receive appropriate help.¹⁰ The experience of not receiving treatment was higher for older persons living in Gangwon, Chungcheong, and Gyeongsang provinces, compared to older persons in the metropolitan areas; older persons with a lower educational level (elementary school diploma or less) and those with a subjectively-judged weak economic status are less likely to receive psychological and mental treatments. These results, which show differences in access to medical services depending on the region of residence and educational background, suggest that improvement of the public medical delivery system should be a priority to guarantee older persons' right to health.

3. Care Gap and the Problems of the Older Person Care System

Despite the expansion of public services such as long-term care insurance for older persons, customized care services for older persons, and support services for older persons at home, 16.3% of older persons in need of help due to physical discomfort were reported not to have received any support, and 70% of older persons receiving care still depended largely on their families.¹¹ High dependence on family for care suggests the institutional limitations of the care service. Reform of the older persons' care service and long-term care service system has resulted in the quantitative expansion of care service benefits and a rise in the number of beneficiaries, but controversy over the quality of the service still persists. Although quality of care has been strengthened through the creation of the nursing care worker certification system, this does not go far enough; so far nothing has been done to improve working

conditions for carers and train them to provide a better service. Above all, as the supply of care services is driven by the market, the expedient operation of private institutions seeking to expand their profits and the resulting weakening of the public nature of the care service are major problems.

Older person care policies are planned relatively systematically according to the need for medical care. However, customized care services for older persons and in-home older person welfare services restrict availability based on a household's income and existing level of support. The selection of care service recipients is limited by the size of the relevant budget. This means there are frequently cases where the necessary services are not provided, even though the potential recipient meets all the conditions stipulated by the system.

Demand is growing for ageing-in-place, which means older adults staying in their communities so they can maintain meaningful connections and relationships. This can only happen if adequate community-based care is provided, yet policy support remains insufficient to meet these demands. In fact, the Pilot Project for Integrated Community Care, launched to enhance community-based care, has had cuts to its budget.

4. The Problems of Older Persons' Work

Work is a means of securing economic resources for survival and participating in society, so it has an important meaning for the human rights of older persons. Major demographic changes in Korea—the decrease in the working-age population and the increase in the older population—have highlighted the necessity of utilizing the older workforce. To this end, social efforts to counteract the age discrimination that excludes older persons from the labor market must be prioritized.

For various reasons, including psychological pressure, older individuals are retiring earlier than the statutory retirement age of 60, with men leaving their main jobs at an average age of 51 and women at 48. In 2021 alone, approximately 570,000 employees left their jobs due to voluntary retirement, involuntary resignation, or layoffs, highlighting the inadequate protection of older persons' right to work.¹²

68.5% of retirees wish to work, but re-employment remains challenging. Even when they succeed, securing stable jobs is often out of reach. Among workers aged 55 or older, 28.2%

are employed in temporary or daily-wage positions, 38.2% are non-wage workers, and only 33.6% hold permanent positions. Among non-wage workers, 85.7% are self-employed individuals working independently, such as unpaid family workers.¹³ This illustrates how age is perceived as inversely related to ability, with older individuals viewed as less capable. This perception limits their access to the labor market and exacerbates job insecurity.

Retirement is an important life event in older age, but the way it happens in contemporary Korean society deprives older persons of their right to work. Retirement brings with it challenging issues such as interruption of income, which affects quality of life. The right to work of older persons should not be threatened by forced retirement.

5. Social Exclusion of Older Persons (Participation, Dignity, Abuse, and Discrimination)

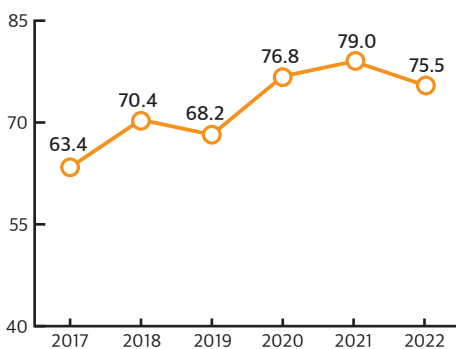
The main question regarding the social participation of older persons is whether they can participate equally in the decision-making process. Older service users are for the most part excluded from the process of deciding on Korea's major welfare policies for older persons. For example, Lee, who analyzed the policy decision-making process of the long-term care insurance system for older persons, reported that stakeholders, including older persons' groups, did not participate in decision-making in the early stage of policy design and were not reflected in policy outputs.¹⁴ In addition, according to a study on user participation in the older persons' job policy process,¹⁵ there was no direct participation of older persons in the policy decision-making process.

In the information society, use of the Internet and smartphones plays an important role in enabling older persons to communicate with the world and exchange news with families and acquaintances. In addition, the internet allows older persons to expand their social networks and participate in voluntary and social activities, and has a positive impact on life satisfaction.¹⁶ Informatization in our country is becoming widespread in all areas of life, from daily commercial activities such as e-commerce, mobile banking, unmanned ordering, and unmanned stores, to the use of financial services, but many older persons who suffer from a "digital gap" face difficulties in their daily lives due to their inability to use digital services. Public programs to improve accessibility, such as education and training to overcome the digital gap, are becoming essential to guarantee the human rights of older persons.

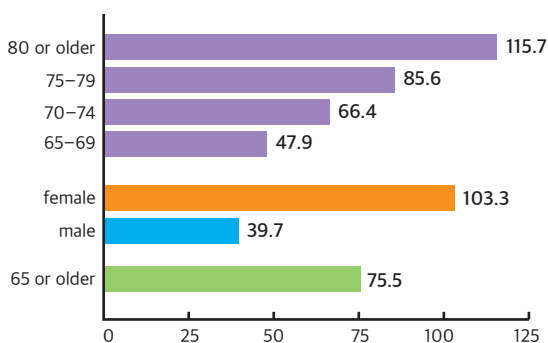
Abuse of older persons is the most extreme form of violation of their human rights. The number of older persons who are neglected by their families, without receiving proper care, or abused physically, emotionally, and economically, is increasing. In fact, 12.9% of older persons in Korea experience abuse from their families.¹⁷ The number of cases of abuse occurring in facilities has continued to increase since the implementation of the long-term care insurance system for older persons in 2008. As the number of older persons abused by care facility workers increases, older person abuse has evolved as a social problem requiring social intervention rather than a private matter affecting mainly family members.¹⁸

Figure 7*Rate of Abuse Against Older Peopleⁱⁱⁱ*

(number of people/100,000 people)

**Figure 8***Rate of Abuse Against Older People by Gender and Age Group^{iv}*

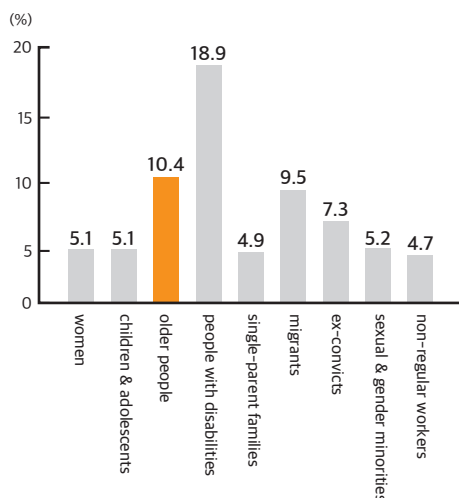
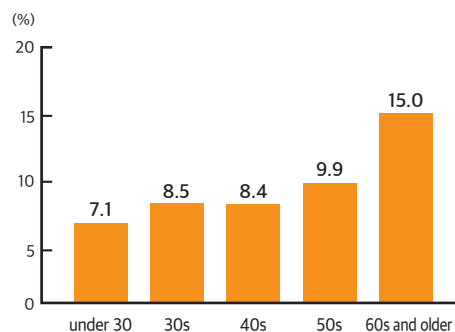
(number of people/100,000 people)



Note. ⁱⁱⁱ ^{iv} These figures are based on Ministry of Health and Welfare data on abuse against older people. From *Statistics for Older Persons 2023* (p. 43), by Statistics Korea, 2023 (<https://kostat.go.kr/synap/skin/doc.html?fn=0750aaf2f8f7c6745fdcfbda0896a6f2b763bf27561c1282e1aaa9bf3137face&rs=/synap/preview/board/10820/>). Korea Open Government License Type 2.

According to the results of the 2021 survey on the experience rate of abuse by gender and age groups, the damage is concentrated in older persons, especially those aged 80 or older. In terms of gender, it is confirmed that women have an overwhelmingly high rate of victimization (Figure 7, Figure 8).

However, according to the National Human Rights Survey of 2022, only 10.4% of respondents aged 19 or older reported that older people were the group most subject to human rights violations or discrimination. In their estimation, older people came after persons with disabilities; 18.9% of respondents said people with disabilities were those most subject to violations or abuse (Figure 9). Awareness of age discrimination tends to increase with age, peaking at 15.0% among respondents aged 60 or older (Figure 10).

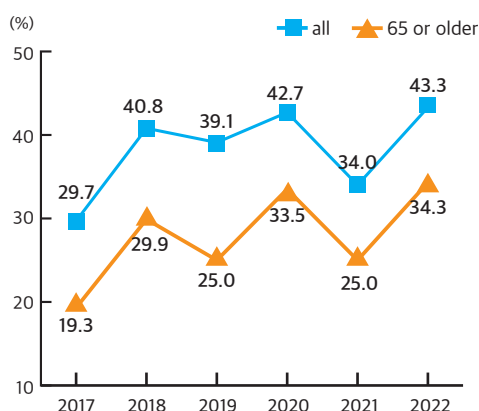
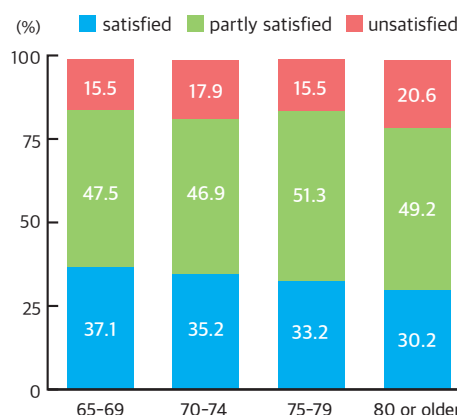
Figure 9*Adults' Awareness About Groups at Risk of Human Rights Violations and Discrimination^v***Figure 10***Awareness of Age Discrimination by Respondents' Age Groups^{vi}*

Note. ^{v, vi} From *Statistics for Older Persons 2023* (p. 39), by Statistics Korea, 2023

(<https://kostat.go.kr/synap/skin/doc.html?fn=0750aaf2f8f7c6745dfcbda0896a6f2b763bf27561c1282e1aaa9bf3137face&rs=/synap/preview/board/10820/>).

Korea Open Government License Type 2.

According to the results of a life satisfaction survey, as of 2022, the life satisfaction of older persons was approximately 10 percentage points lower than that of the overall population (Figure 11); the older the age, the lower the life satisfaction (Figure 12).

Figure 11*Life Satisfaction^{vii}***Figure 12***Life Satisfaction by Age Groups Over 65^{viii}*

Note. ^{vii, viii} From *Statistics for Older Persons 2023* (p. 45), by Statistics Korea, 2023

(<https://kostat.go.kr/synap/skin/doc.html?fn=0750aaf2f8f7c6745dfcbda0896a6f2b763bf27561c1282e1aaa9bf3137face&rs=/synap/preview/board/10820/>).

Korea Open Government License Type 2.

Older persons in Korea are more likely to face human rights violations, discrimination, and abuse than any other group. In the case of abuse, women make up a large proportion of the victims; women's life satisfaction is very low when compared to the general population, and diminishes further with age. In addition, it has been confirmed that older people's right to participate in decision-making regarding medical care and long-term care, both in policy and in clinical trials, is most often ignored, implying that significant improvements are needed from a human rights perspective in this area.

6. Super-Aged Society and the Human Rights of Older Persons

The current social security system is built on the life model of an industrial society. However, as the transition from a post-industrial society to a knowledge and information society has occurred, time of entry into the labor market has been delayed, retirement has arrived earlier, and the period of older age has been extended. The mismatch between this reality and social policies based on the life model of the industrial society grows ever greater; in particular, the global phenomenon of population ageing is impacting established social security and work policies. In this period of change, the international community recommends giving priority to the principles and perspectives that guarantee the human rights of older persons. Korea is becoming a super-aged society at an unprecedented rate and is on the verge of a moment when the dependency ratio for older persons exceeds 100%. Under the guise of ensuring the sustainability of pensions, medical coverage, jobs, and finance for care, the body making decisions on older person policy is being pressured to retreat to selective relief rather than guaranteeing universal human rights for older persons. We are likely to see a future in which longevity is viewed as a personal tragedy and a social risk rather than a blessing. In times like this, the principle of human rights must be prioritized when allocating the overall resources of the national economy. In particular, social security and labor policies toward older persons, who are the predominant population group, must be adjusted from a human rights perspective, with the participation of older people.

IV. International Norms on the Rights of Older Persons

1. Trends in International Norms on the Human Rights of Older Persons

Regarding discussions on the human rights of older persons among international organizations,

centering on the UN, for many years there was no significant movement after 1948, when the UN General Assembly adopted the Declaration of Old Age Rights. However, starting with the Vienna International Plan of Action on Ageing adopted by the UN General Assembly in 1982, and the Principles for Older Persons adopted by the UN General Assembly in 1991, the General Assembly arrived at the Madrid International Plan of Action on Ageing (MIPAA) in 2002. Since then, discussions have been under way on the possibility of a UN Convention on the Rights of Older Persons, which would have legal effect domestically for UN member states. This reflects the fact that up until now, although we are facing population ageing and the problem of older person poverty around the world, there is no international agreement with normative power that addresses older persons, unlike other underrepresented groups such as women, children, and people with disabilities.¹⁹ Influenced by this trend, the Inter-American Convention on Protecting the Human Rights of Older Persons was concluded in 2015. Although it is a regional human rights convention, since it came into effect in 2017, it has operated as a legal norm binding member countries. In the following section, we will discuss the Declarations adopted by the UN General Assembly, as well as the Inter-American Convention.

2. Declaration of Old Age Rights at the UN General Assembly in 1948

This Declaration was adopted by resolution of the Third Committee of the UN General Assembly in 1948. It recognizes that older persons have the following rights: to receive help, adequate housing, food, clothing, and care for their physical and mental health, to rest, to work, to enjoy stability, and to be respected.²⁰

3. Vienna International Plan of Action on Ageing in 1982

The Vienna International Plan of Action on Ageing was approved by the UN General Assembly in 1982. It addresses the special needs of older age as well as the socio-economic implications of ageing, especially in developing countries. It encompasses ten subject areas and makes 62 recommendations: (1) on health and nutrition (health, care); (2) on the protection of older consumers (dignity, safety); (3) on housing and environment (basic living); (4) on family (community participation, integration); (5) on social welfare (income); (6) on income security and employment (employment, labor); (7) on education (community participation, integration); (8) on data collection and analysis; (9) on training and education; and (10) on research. The Vienna Plan covers all the rights stipulated in the UN International Covenant on Economic, Social and Cultural Rights (ICESCR), including income security, health, housing, education, and social welfare measures for older persons, and it includes

recommendations on investigation, research, and data collection. It directly addresses the global ageing trend, and recommends normalizing a code of conduct that takes account of each country's priorities and capacities and the differences between developed and developing countries.

4. UN Principles for Older Persons in 1991

In 1991, the UN adopted the UN Principles for Older Persons. In these Principles, the UN acknowledges that older persons are healthier than ever and societies worldwide are ageing, and recommends that member states, in their domestic policies, adopt a total of 18 principles in five areas: six on the right to independence of older persons, three on their right to participate in society, five on their right to care, and two each on their rights to self-fulfillment and to dignity. The Principles recall the Vienna Plan, and consider the norms stipulated by various conventions, recommendations, and resolutions of the International Labor Organization, the World Health Organization, and other UN bodies. The Principles focus on extending a healthy lifespan, guaranteeing the right of willing and able older persons to continue to participate in social activities, and particularly emphasizing the socialization of care for older people. This appears to reflect a tendency to comprehensively expand understanding of the human rights of older persons, from the traditional area of protection to areas of independence and autonomy, participation, and development rights.

5. Madrid International Plan of Action on Ageing in 2002

The 2nd World Assembly on Ageing held in Madrid, Spain in 2002 adopted the Madrid International Plan of Action on Ageing (MIPAA), and the UN General Assembly approved it. MIPAA recommends that member states incorporate it into their domestic laws and systems.

MIPAA reaffirms the UN's 1982 Vienna Plan and the 1991 UN Principles for Older Persons, and strongly recommends that ageing be included in national development policies. It requests developed countries to include the active participation of older persons in their conceptualization of, and support programs for, sustainable development, and developing countries to effectively include ageing in their development agendas, socio-economic strategies, and policies and actions toward, for instance, poverty eradication.²¹

MIPAA's recommendations for action are organized in three areas in order of priority: older persons and development, advancing health and well-being into older age, and ensuring actively supportive environments. Recommended tasks for each area are as follows:

- older persons and development (income, dignity and safety, employment and labor)
 - active participation in society and development
 - work and the ageing labor force
 - rural development, migration, and urbanization
 - access to knowledge, education, and training
 - intergenerational solidarity
 - eradication of poverty
 - income security, social protection and social security, and poverty prevention
 - emergency situations
- advancing health and well-being into older age (health and care)
 - health promotion and well-being throughout life
 - universal and equal access to healthcare services
 - older persons and HIV/AIDS
 - training of caregivers and health professionals
 - mental health needs of older persons
 - older persons and disability
- ensuring supportive environments for older people (basic living, dignity and safety)
 - housing and the living environment
 - support for caregivers
 - neglect, abuse, and violence
 - images of ageing

It is clear from these three areas and tasks that MIPAA goes beyond the Vienna Plan and the UN Principles for Older Persons: It defines older persons as active participants in national, social, and economic development, emphasizing that older persons are no longer to be regarded as passive and dependent beings, but rather as active and independent. Moreover, it urges a change in labor policy from the perspective of sustainable development, meaning that employment opportunities should be provided to all older persons who wish to work, that age discrimination should be abolished, and the employment of older persons should be extended through flexible incentives to employers, gradual extension of the retirement age, and the ending of pension disadvantages. These MIPAA recommendations can be seen as reflecting the realistic concerns of countries around the world regarding changes in population structure due to ageing. Facing the risk of a decrease in the economically active population, and low growth because of a decrease in the birthrate and the costs of maintaining social security, MIPAA presents a vision that sustainable development is

possible through various forms of employment for older persons that can alleviate the burden of social security, such as health and retirement income costs. At the same time, MIPAA seeks to more actively guarantee the human rights of older persons by preventing an infringement on their existing social security rights, and by further strengthening their rights to dignity and independence, development and participation.

6. Inter-American Convention on Protecting the Human Rights of Older Persons

Although not an international convention at the UN level, the Inter-American Convention on Protecting the Human Rights of Older Persons (Inter-American Convention) was adopted by the Organization of American States comprising 34 countries in North and South America (including the United States) in 2015. It entered into force in 2017, when a second country ratified it pursuant to Article 37 of the Convention. As of 2020, seven countries had ratified it.²² The Inter-American Convention, in its preamble, recalls the 1991 UN Principles for Older Persons and the 2002 MIPAA, and urges prioritization of ageing by the inclusion of relevant issues in public policy. Adopting a human rights perspective, it obliges States to guarantee the full, independent and autonomous life, health and safety of older persons, as well as their integrated and active participation in political, economic, social, and cultural areas, and confirms member states' obligation to eliminate discrimination on the basis of age. It says States are obliged to take action to prevent, punish, and eradicate practices that violate the Convention, and recommends positive and proactive measures to effect its implementation. In order to ensure differentiated and preferential treatment to protect the rights of older persons, legislative, administrative, judicial, budgetary, and other measures should be adopted to give effect to the Convention in domestic law. The Convention encourages the participation of civil society and older persons in public organizations responsible for protecting the human rights of older persons and in the formulation, implementation, and monitoring of public policies and laws for the domestic legal implementation of the Convention. It also recommends to expedite the collection of information, including statistics and research data, needed to implement the Convention.

The Inter-American Convention has 27 articles on the rights of older persons: Prohibition of age discrimination, rights to life and dignity, to independence and autonomy, to community participation and integration, and to safety and a life free of violence of any kind are the first rights to be stipulated. The Convention also covers health and care, long-term care, social security, the rights to work, housing, and a healthy environment, rights to education and culture, rights to movement and access to public and leisure facilities, the right to priority protection in emergencies, information, freedom, and self-determination rights, the rights to property and suffrage, and the rights to equality before courts and tribunals, as well as to a fair trial.

V. The Need to Enact a Framework Act on the Rights of Older Persons

1. Legislative Background

As previously discussed, Korea has the poorest older population in the OECD. And this holds true across all groups of older people. The relative poverty of older persons increases every year. They were poor in the past and will not get any less poor in the future. Older persons in Korea live longer than those in any other country in the world. But they don't live healthy longer lives, and poverty limits their access to treatment. Therefore, long life is not necessarily a blessing for older persons in Korea. Because they are not guaranteed a public pension, or because what they receive as a pension is at a low level, their long lives are lived in poverty, and working is essential for their survival; being unable to work results in extreme poverty. For older people to make a living, work is unavoidable. But the work that is available to them usually involves harsh labor rather than social participation and self-fulfillment; to make ends meet, they have no choice but to do it.

Education and training are a privilege enjoyed only by some older persons. Even so, what is available to them is focused on social education and mainly centered on leisure. Society as a whole is unstable; there are not many people who can provide financial support to older people, and the family and friendship ties that might provide comfort and support remain weak. Older people mainly meet and build relationships with others through religious activities or social gatherings.

This is the situation for older persons living in Korea in 2023. Contrary to the constitutional spirit of guaranteeing substantive equality by "treating the same things equally, and treating different things differently," various social and economic indicators related to older persons point to age inequality in our society. This is the result of accumulated discrimination in social and economic policies that persists despite the formal promise of equality in the Constitution: "making even different things the same."

Older persons are the subjects of universal human rights. However, compared to the economically active population, their physical and mental functions are weaker as a result of ageing, especially among older persons in the older group. Consequently, for them to maintain daily life, health and care services are essentials that are directly related to their survival.

When ageing obliges a person to lose their job and income, and their survival is threatened, guaranteeing the right to life through public retirement income and health care from the State is an area of human rights for older persons. We long for a world in which getting older does not mean poverty, older persons with the ability to work are not excluded from the labor market on the basis of their age, work does not mean just making ends meet, people have access to learning, public care ensures older people can perform daily tasks and actively participate in and contribute to society, and their end of life is dignified, with as little suffering as possible from disease or other complications.

This wish is for a human rights guarantee that reflects the characteristics of older age, but it is also a wish that reflects recognition of a universal human right, because everyone ages.

2. Reasons for Proposing Legislation in the Form of a Framework Act

A. Status of the Related Laws that Supplement Constitutional Human Rights Provisions

Article 10 of the Constitution stipulates human dignity and worth, the right to the pursuit of happiness, and the duty of the State to confirm and guarantee fundamental and inviolable human rights. Article 11 stipulates the right to equality and prohibition on discrimination. Article 32 stipulates the right to work, and Article 34 stipulates the right to a decent life and the State's obligation to promote social security. These constitutional human rights provisions do not apply in and of themselves as subjective public rights or claims on the State and private individuals, but operate as a specific standard allowing the right to claim benefits through laws enacted by the National Assembly.

Korea is on the verge of becoming the world's highest super-aged society. Despite the Framework Act on Low Birth Rate in an Ageing Society (a framework law to deal with the low birth rate and an ageing society), the Framework Act on Social Security (a framework law on the social security system), and various other social security-related laws, the indicators for the human rights for older persons continue to lag behind those of other OECD countries, except in some areas of health security, and most older persons are forced into a difficult life as they engage in irregular work to make a living. In the following sections, we will examine whether these framework acts function as basic laws that standardize the human rights of older persons in positive laws.

1) The Framework Act on Social Security Fails to Promote the Human Rights of Older Persons

Article 2 of the Framework Act on Social Security says: “The basic ideology of social security is to realize a social integration and a happy welfare society in order to allow all citizens to lead a happy living worthy of human dignity without various social risks, by supporting their self-reliance and establishing the necessary systems and conditions for social participation and self-realization.” The aim is apparently to support the independence of all citizens. Article 7 describes the “responsibilities of citizens,” and stipulates in Paragraph 1 that “all citizens shall exert their full abilities to be able to become independent and self-sufficient,” making people’s self-responsibility a priority. It further states that the right to receive social security is prescribed by related statutes or regulations on social security (Article 9), and the State has the obligation to endeavor to improve the level of social security benefits for the maintenance of a healthy and civilized life (Article 10). Despite the provisions on human rights under the Constitution, the Framework Act on Social Security clearly states that self-reliance and self-sufficiency are the primary responsibility of the individual, regardless of factors such as loss of income due to older age; the State’s responsibility to provide support is secondary. The level of the State’s guarantee is only defined as that of “constant endeavor for betterment.” These provisions stipulate that when enacting and amending laws on social security, they must be consistent with the Framework Act on Social Security (Article 4). As a result, even public assistance for poor people living below the minimum cost of living in Korea prioritizes the support responsibilities of the obligatory providers, and many households of old persons are struggling in poverty because they are unable to receive benefits. The Framework Act on Social Security means that even if the national pension and the basic pension fail to function as a public retirement income security system because essentially the priority is to make them fiscally linked, older people cannot claim that the State has violated their human rights and failed to guarantee their right to live humanely. The reality is that old-age poverty in Korea has not been significantly improved, and it is difficult to expect it to improve in the future as long as the principles of primary self-responsibility and secondary national discretionary supplementary responsibility are in operation. Paradoxically, the current Framework Act on Social Security operates as regulatory legislation that strongly controls the promotion of older persons’ human rights in connection with finances, using the idea of self-responsibility for poor older persons as a control mechanism.

2) The Framework Act on Low Birth Rate in an Ageing Society

This Act is a framework policy law, and its purpose is to strengthen national competitiveness,

improve the quality of life for citizens, and contribute to the sustainable development of the State. As the title says, its focus is on the changes caused by a low birth rate and an ageing population, and on systems for establishing or implementing relevant policies (Article 1). Articles 11 to 19 stipulate the obligation of the State to take necessary measures related to ageing and employment; the guarantee of income; enhancement of health and the provision of medical services; living environment and security; encouragement of leisure, culture, and social activities; lifelong education and information; planning for older age; older persons in marginalized social groups; family relations and the improvement of intergenerational understanding; economy and industry; and the fostering of age-friendly industries. It is also an organizational law that regulates its systematic promotion, and a framework act that stipulates the obligations for enacting and amending other laws regarding ageing society policies (Article 6) according to the purpose and basic ideology of the Act. However, the Act only requires the State to make efforts to “create jobs suitable for older persons,” and does not provide any guidelines regarding the employment of older persons who are below pension age and capable of working in the regular labor market. Korea is gradually raising the pensionable age from 60 to 65; it is doing this in stages, due to financial issues, but raising the retirement age ignores the reality that large companies customarily operate a retirement age of 60,²³ many people thus experience a substantially reduced income for at least five years until they can start drawing the public pension. Regulations that can be criticized as running counter to the human rights of older persons include adopting an age-discriminatory national employment policy that segregates older persons into an area called jobs suitable for older persons.

3) Welfare of Senior Citizens Act

The purpose of this Act is to contribute to promoting the health and welfare of older persons by devising appropriate measures to ensure they maintain healthy and stable lives (Article 1). The State and local government are responsible for promoting the health and welfare of older persons, devising related measures (Article 4) to prevent accidents (Article 4-2), reserving residential facilities for senior citizens (Article 8), assisting the social participation of senior citizens and the commissioning of community service counselors (Article 23, Article 24), establishing and operating dedicated employment agencies for older people (Article 23-2, Article 23-3), running occupational programs (Article 25), providing preferential treatment for senior citizens (Article 26), medical examinations (Article 27), support for senior citizens living alone (Article 27-2, Article 27-3), medical support for geriatric illnesses (Article 27-4), counseling and care measures for older people in need (Article 28), medical treatment projects for the rehabilitation of senior citizens (Article 30), the establishment and operation

of welfare facilities for senior citizens (from Article 31 to Article 39-3), and programs to prevent elder abuse (from Article 39-4 to 39-21). In short, it is a positive law that governs welfare programs and services for older persons. However, only a few related service benefits are universal, such as preferential treatment for senior citizens, and most are regulated at the discretion of the State and local government. Such service benefits can only be used in exceptional circumstances as permitted by the relevant program, and because benefits are not universally guaranteed, older persons cannot specifically request them. The scope and level of benefits depend on the political inclinations of central and local governments. Consequently, there is a strong tendency for financial dependence. As a result, the Act has limitations as a selective, residual, and administration-led program, and it is therefore incapable of effecting a universal and practical expansion of the human rights of older persons.

B. The Need to Enact the Framework Act on the Human Rights of Older Persons

As seen above, the positive laws that deal with the rights to dignity, life, and labor of older people under the Constitution fundamentally place primary responsibility on the “self-reliance and self-sufficiency” of older persons. The State and local government are only secondarily responsible for support, which is intended to be supplementary, and therefore the guarantee itself has selective and residual limitations. The current framework acts and individual legal systems operate in effect as mechanisms to delay the right of older persons to enjoy the quality of life recommended by the international community. There is a fundamental structural deficiency in the operation of the related laws and policies from the perspective of the human rights of older persons. Current policies and systems cannot escape the requirements of “fiscal adequacy” or “fiscal connectivity,” and therefore remain selective rather than universal.

In considering the reality that Korea is about to enter the world's highest level of super-aged society, the establishment of laws and policies in the political, economic, social, and cultural areas, including social security, employment, and healthcare, needs to happen from the perspective of the human rights of older persons, with the fundamental principle of “different things differently,” ensuring the unique characteristics of older age do not lead to intersectional exclusion and discrimination against older persons. Moreover, taking into account the unique characteristics of older age, major human rights should be established, and unreasonable discrimination on the basis of age should be prohibited in daily life. The central importance of national policy in effectively strengthening the human rights of older persons must be established, and measures must be implemented in a binding manner to prepare for the super-aged society to come.

In particular, Korea needs a law to deal with the human rights of older persons; currently, there is no comprehensive higher-level law that fixes the specific responsibilities of the State and local government, spells out their duties in the protection and promotion of human rights, and prescribes the basic direction of human rights policies. Also, there is currently no universal human rights or equality law, in the form of a framework act, to specifically realize the guarantee of human rights that is an important purpose of both the Constitution and international human rights laws.²⁴

It is necessary to introduce a law in the form of a framework act that will have binding force in establishing, synthesizing, and systematizing laws, systems, and policies regarding the human rights of older persons, including their employment, health and care, public retirement income security, housing, safety, and social participation. This will contribute to alleviating the burden caused by rapid changes in population structure by revising existing laws, systems, and policies affecting older persons, in the direction of improving equity between generations and classes in our society, and assuring sustainable development.

3. System and Main Substance of the Framework Act on the Human Rights of Older Persons

A. Matters to Be Included in the Framework Act

There are many questions about the human rights deficiencies faced by older persons in Korea. Why should older persons be poor? Why should older persons be excluded from the labor market when they are physically healthy and have the ability to work? Why is receipt of a public pension delayed for older persons who have been forced to retire from work, thereby extending the period of the income gap? Why can't older persons who can independently carry out daily activities with a little help receive long-term care or public care? Should only older persons who are bedridden or severely disabled be eligible for long-term care? Why can't older persons independently decide to discontinue life-sustaining treatment or receive hospice services at the end of their lives? Why are older persons not guaranteed proper mobility rights despite differences in physical abilities? Are older persons guaranteed sufficient rights to learn about new technology and so decrease the digital divide? Are older persons' rights to participate in development sufficiently guaranteed? Are older persons guaranteed the right to make independent and proactive decisions regarding their security or the rights they lack? Are older persons guaranteed the right to participate in the establishment and decision-making of human rights policies for older persons? In all these cases, the answers are in the negative. The majority of people in our society

regard its older members as insignificant, and strive to distance themselves from older persons. The mainstream groups in our society are those who are economically active. We must understand that older persons are experiencing inequality as a result of cumulative, intersectional, and indirect discrimination that overlooks or ignores the universal but also the special characteristics of older persons. Now, instead of hiding behind the “universality of human rights,” we must fully accept both the universality and the specificity of the human rights of older people.

Korea's Constitution and international human rights norms commonly confirm that all human rights and fundamental freedoms are universal, inseparable, interdependent, and interrelated, and demand that the State and society prohibit and abolish all forms of discrimination without reasonable grounds, including age. The UN's Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (Social Rights Convention), the International Covenant on Civil and Political Rights (Civil Liberties Convention), and the Convention on the Elimination of All Forms of Discrimination Against Women prohibit discriminatory treatment against any group. The UN Principles for Older Persons of 1991, which directly addressed world ageing, and the UN reports and various recommendations declaring normative standards and obligations under international law related to the promotion and protection of the human rights of older persons following the 2002 Madrid International Plan of Action on Ageing (MIPAA), which is a central international norm in the international human rights discourse related to the human rights of older persons, emphasize the legitimacy and necessity of enacting an inclusive and integrated framework act in each country.

Therefore, the provisions that should become the basic principles of national laws and policies related to the human rights of older persons should be stipulated in the Framework Act on the Human Rights of Older Persons. Reflecting the principles outlined in the UN Principles for Older Persons and the 2002 Madrid International Plan of Action on Ageing (MIPAA), it will be necessary to legislate in four categories: dignity, independence and autonomy, the right to receive care and the right to health, and the right to participation and self-fulfillment.

In the area of dignity, it will be necessary to include provisions such as the prohibition of age discrimination and inhumane treatment, gender equality, the right to a decent and healthy standard of living, and the right to social security. The public healthcare system related to emergency medical care and infectious disease crises needs to be strengthened, and there need to be measures for suicide prevention.

In the area of independence and autonomy, it will be necessary to include the right to safe housing and a comfortable environment, the right to self-determination regarding medical care, and the rights to work, freedom of movement, and ease of access.

In the area of care and health, it will be necessary to include the rights to receive care and nursing and maintain and improve health, and provide for the expansion of public care.

In the area of the right to participation and self-fulfillment, it will be necessary to include the rights to education, to enjoy culture, and to participate as full members of society.

Legislation and policy guidelines will need to specify provisions for guaranteeing the human rights of older persons in each of these four areas. Lastly, the normative power of the Framework Act must be secured by defining the organizational law system, such as the implementation system, and by establishing binding provisions as basic laws.

B. Main Contents of the Framework Act

The draft of the Framework Act consists of three chapters. Chapter 1 discusses the purpose of the Act, explains the definitions used, and describes the basic principles that underlie its provisions.

Chapter 2, headed “Guarantee of the Rights of Older Persons,” proposes articles related to each of the four basic principles described above. In the area of dignity, there are three articles regarding the dignity of older persons that deal with the prohibition of age discrimination, the right to life and social security, and the prevention of hate speech. In the area of independence and right to autonomy, there are four articles that include provisions for the right to work, the right to patients’ autonomy, and the right to housing and a decent environment. In the area of the right to receive care and the right to health, there are five paragraphs and 12 subparagraphs. In the area of the right to participate and the right to self-fulfillment, three articles specify the right to participate in the community, the right to education, and the right to enjoy culture.

Lastly, Chapter 3, “The Roles and Responsibilities of the State to Guarantee the Rights of Older Persons,” describes the responsibilities of the State and local government for implementing the basic principles of the Act, their obligation to respect the recommendations made by the National Human Rights Commission of Korea pursuant to studies on various laws, systems, and policies regarding any violation of the Act, and the

necessity to guarantee the right of participation by older persons when establishing policies on older persons. The role of the National Human Rights Commission of Korea is assigned in two articles on establishing a basic plan and a system for correcting discrimination against older people and promoting their rights. Lastly, Chapter 3 has provisions related to other laws and systems, and proposes a binding article as a basic law to ensure that other laws and systems comply with the Act when they are enacted, amended, or established.

C. Conclusion

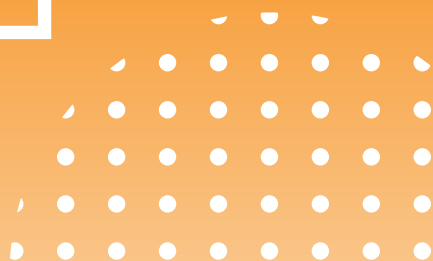
Older persons have the same human rights and fundamental freedoms as everyone else, and those rights are rooted in the dignity and equality inherent in all human beings, including the right to be free from age-based discrimination or any form of violence. As we age, we need to be able to continue to live fully, independently, and autonomously, to have health and safety, and to be integrated and actively participate in the economic, social, cultural, and political spheres of society. The State and society have an obligation to guarantee and implement the human rights of older persons through laws and systems. Moreover, we have a duty to recognize and promote the current and potential contributions of older persons to the common good, to cultural identity, community diversity, human, social, and economic development, and poverty eradication, by understanding the issues of ageing and an ageing society from a human rights perspective. We recognize the realistic limitations of Korea, which does not have universal human rights legislation. We propose an enactment of the Framework Act on the Human Rights of Older Persons in order to move toward eliminating the ageism and age discrimination that are currently inherent in various state and societal laws and processes. We advocate for a comprehensive, inclusive, and integrated guarantee of the basic rights of older people, as well as legal and institutional practices that will guarantee these rights, given that older people will make up about half of the population in the not-so-distant future. Becoming an older person should not be a disaster or a misfortune, either personally or socially. At the same time, we are confident that because the Framework Act on the Human Rights of Older Persons focuses on older persons simply as human beings, with all the rights of all human beings, it represents a first step for the State and society as a whole toward valuing all persons equally and achieving human dignity and happiness.

- ¹ Statistics Korea. (2023). *Population projection: 2022–2072*.
- ² National Pension Service. (2022). *National pension statistical yearbook the 35th edition in 2022*.
- ³ Won, Y., Choi, H., Kim, J., Kim, S., & Kim, J. (2017). *Survey on the current status for the comprehensive report on the human rights of older people*. National Human Rights Commission of Korea.
- ⁴ Statistics Korea. (2023). *Statistics for older persons 2023*.
- ⁵ Ministry of Health and Welfare & Korea Institute for Health and Social Affairs. (2020). *Survey on older people*.
- ⁶ Ministry of Health and Welfare. (2023). *2.642 million registered persons with disabilities in 2023 account for 5.1% of the total population* [Press release].
- ⁷ Ministry of Health and Welfare. (2022). *Results of the 2022 survey on lonely deaths* [Press release].
- ⁸ Korea Foundation for Suicide Prevention & Ministry of Health and Welfare. (2022). *White paper on suicide prevention 2022*.
- ⁹ UN. (2023). *Implications of COVID-19 for older persons*.
- ¹⁰ Won, Y., Choi, H., Kim, J., Kim, S., & Kim, J. (2017). *Awareness of the human rights of older people: A survey*. National Human Rights Commission of Korea.
- ¹¹ Shin, K. (2011). Defamilization of elderly care and the experiences of the aged. *Korean Journal of Sociology*, 45(4), 64–96.
- ¹² Statistics Korea. (2021). *Supplementary survey on employment types of the economically active population*.
- ¹³ Statistics Korea. (2022). *Supplementary survey on older people in the economically active population*.
- ¹⁴ Lee, K. (2010). A comparative study on the policy process of long-term care insurance for older people between Korea and Japan—Focused on the policy network theory. *Korean Journal of Social Welfare*, 62(2), 279–306.
- ¹⁵ Yang, Y., & Chung, Y. (2011). Seniors' job program and user involvement in policy-making and implementation process. *Journal of Korea Gerontological Society*, 31(4), 885–903.
- ¹⁶ Lee, B., & Myung, S. (2010). The impact of older people's information literacy and internet usage on the formation of social networks. *Journal of the Korean Association for Local Information Society*, 13(4), 151–179.

- ¹⁷ Chung, K., Lee, Y., Park, B., Lee, S., & Lee, Y. (2012). *Analysis of the 2011 survey of living conditions and welfare needs of Korean older persons*. Korea Institute for Health and Social Affairs.
- ¹⁸ Choi, H. (2014). Study on the development of cultural competency scale for social workers. *Journal of Korean Social Welfare Administration*, 16(2), 55–91.
- ¹⁹ Chung, C. (2023). *International community discussions on the human rights of older persons* [Presentation]. Policy Forum on the Human Rights of Older Persons, Seoul, South Korea.
- ²⁰ Chung, C. (2019). *The United Nations and the formation of human rights norms*. Nanam Books.
- ²¹ National Human Rights Commission of Korea. (2022). *Resolutions of the UN General Assembly and the Human Rights Council on the human rights of older persons*.
- ²² National Human Rights Commission of Korea. (2022). *International literature on the rights of older persons*.
- ²³ Article 4-4 of the Act on the Prohibition of Age Discrimination in Employment and Elderly Employment Promotion prohibits age discrimination for employment, but specifically provides that the retirement system does not constitute age discrimination, stating that there is an exception for “cases where a retirement age is set under labor contracts, rules of employment, collective agreements, etc. pursuant to this Act or other Acts” in Article 4-5(3).
- ²⁴ Woo, K. (2016). A study on the basic law and the system legitimacy. *Legal System*, 9, 1–29.



Framework Act on the Human Rights of Older Persons



Framework Act on the Human Rights of Older Persons

Chapter 1 General Provisions

Article 1 (Purpose)

The purpose of this Act is to recognize and guarantee the human rights of older persons in all areas, including political, economic, social, and cultural spheres, thereby fostering the inclusion, integration, and participation of older individuals in society as holders of human rights, and to ensure that the State and society revise and improve relevant laws and systems in accordance with this Act in order to enhance the human rights of older persons.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term “older person” refers to an individual who is 65 years of age or older.
2. The term “age discrimination” refers to actions that segregate, distinguish, restrict, exclude, or treat older persons unfavorably based solely on their “age” without a rational reason, as well as harassment based on age. It also includes cases where criteria other than age are applied but result in unfavorable outcomes for older persons, and where the rationale or justification for these criteria is not substantiated.
3. The term “intersectional discrimination” refers to the acts of segregation, distinction, restriction, exclusion, or unfavorable treatment of older persons that arise from the overlapping or combined effects of age with other grounds of discrimination, such as gender, race, disability, or nationality.

Article 3 (Fundamental Principles for Guaranteeing the Human Rights of Older Persons)

The fundamental principles for guaranteeing the human rights of older persons, as prescribed by this Act, are set forth in the following subparagraphs:

1. Dignity
 - A. Prohibition of age discrimination and inhumane treatment
 - B. Gender equality
 - C. Right to a healthy and culturally enriching standard of living, and right to social security
 - D. Suicide prevention
2. Independence and Autonomy
 - A. Right to work
 - B. Right to safe housing and a pleasant living environment
 - C. Right to self-determination in medical and care services
 - D. Freedom of movement and accessibility
3. Right to Care and Right to Health
 - A. Right to receive care and recuperation
 - B. Maintenance and promotion of health and expansion of public care
 - C. Prioritization of and special protection for older persons during emergencies arising from infectious diseases, climate change, and other disasters
 - D. Strengthening the public health care systems related to emergency medical care
4. Right to Participation and Self-Fulfillment
 - A. Right to self-fulfillment and access to education
 - B. Right to enjoy culture
 - C. Guarantee of older persons' right to participate in and contribute to society

Chapter 2 Guarantee of Rights of Older Persons

Section 1 Dignity

Article 4 (Dignity of Older Persons and Prohibition of Discrimination)

- ① Older persons shall have the right to live with dignity, free from intersectional discrimination, including age- and gender-based discrimination.
- ② Older persons shall have the right to lead a life free from violence, abuse, abandonment, or neglect, ensuring their safety and freedom.
- ③ Older persons shall not be subjected to inhumane or degrading treatment by anyone, including persons or institutions responsible for their care, and their physical freedom shall not be restricted.
- ④ Older persons shall have the right to privacy and the protection of personal information.

No one shall infringe upon their privacy and personal information without consent.

- ⑤ The State and local governments shall implement necessary social services to prevent older persons from becoming isolated from their families and society, and shall promote policies to prevent suicides and lonely deaths among older persons.

Article 5 (Right to Life and Social Security)

- ① All older persons shall have the right to a standard of living that is healthy and culturally enriching, as well as the right to social security.
- ② To guarantee the rights specified in Paragraph 1, the State shall implement the necessary financial measures and promote the old-age income security system, public health care systems, and care and nursing service systems to prevent age discrimination.

Article 6 (Prohibition and Prevention of Age Discrimination and Hate Speech)

- ① No person shall express themselves in any manner that incites or justifies age discrimination against older persons.
- ② The State and local governments, educational institutions, media, and businesses shall protect victims of hate speech and take preventive measures, including the establishment of relevant policies, provision of counseling and treatment, and promotion of education and remedy procedures.
- ③ Public officials, newspapers and online newspapers as defined in Article 2(1) and (2) of the Act on the Promotion of Newspapers, and producers and suppliers of broadcasting content as defined in Article 2(2) of the Framework Act on Broadcasting Communications Development shall not make expressions that incite or justify age discrimination.

Section 2 Independence and Right to Autonomy

Article 7 (Independence and Right to Autonomy)

- ① Older persons shall have the right to make independent decisions regarding their life plans, lead independent lives, and receive administrative and judicial services that support the exercise of these rights.
- ② The State shall implement systems and policies to guarantee the promotion, exercise, and enjoyment of the rights of older persons as stipulated in Paragraph 1, including the following subparagraphs, to foster their self-fulfillment and strengthen their ties with families and society:
 - 1. Respect for the autonomy of older persons' decision-making and independence of actions; and
 - 2. Guarantee of the right of older persons to decide their place of residence

Article 8 (Right to Work)

- ① Older persons who have the willingness and ability to work shall have the right to employment.
- ② The State and local governments shall ensure that age discrimination does not occur in the implementation of employment policies for older persons and shall regularly investigate the prevalence of age discrimination against older persons in employment, incorporating the findings into policymaking.
- ③ The State shall expand quality job opportunities for older persons to prevent age discrimination and provide appropriate education and training to assist older persons in maintaining and re-entering employment.

Article 9 (Right to Autonomy of Patients)

- ① Older persons shall be provided with prior information regarding all types of medical decisions, treatments, and procedures; shall independently decide whether to give consent; and may modify or withdraw their consent afterward.
- ② No action shall be taken contrary to the decision of the older person as specified in Paragraph 1. However, in emergency situations where prior consent cannot be obtained, treatment may be provided in accordance with relevant laws.
- ③ Medical institutions shall provide the information specified in Paragraph 1 to older persons in a clear and understandable manner. The State shall ensure that medical institutions provide the information specified in Paragraph 1 as required by relevant laws in a clear and understandable manner.
- ④ The State and medical institutions shall respect the independent and explicit decisions made by older persons regarding the discontinuation of medical care, including palliative care and life-sustaining treatment for terminally ill patients.

Article 10 (Right to Housing and Right to a Pleasant Environment)

- ① Older persons shall have the right to live in housing that is safe and designed for ease of movement, to have convenient access to basic public services, and to reside in a pleasant environment.
- ② To guarantee the rights specified in Paragraph 1, national policies shall include the following provisions:
 1. Provision of structurally safe and easily accessible housing to prevent accidents;
 2. Preferential provision of subsidies, including housing benefits, housing improvement support, or in-kind housing vouchers, to older persons who have difficulty securing appropriate housing for financial reasons;
 3. Restrictions on the forced eviction of housing-vulnerable older persons and provision

of alternative housing; and

4. Expansion of public sports facilities that are easily accessible and tailored for older persons to promote their health and participation

Section 3 Right to Care and Right to Health

Article 11 (Right to Care and Recuperation)

- ① Older persons shall have the right to receive care and protection within their residence and community.
- ② Older persons shall have the right to select appropriate care facilities based on objective information provided in advance and to receive care and recuperation services tailored to their individual needs.
- ③ Older persons shall have the right to vacate facilities under closed quarantine in the event of an infectious disease outbreak or crisis, and the right to receive appropriate medical and recuperation care provided by the State and local governments, irrespective of their financial capacity.
- ④ Older persons shall have the right to receive priority protection and care from the State and society in the event of crises arising from climate change or other disasters.
- ⑤ To guarantee the rights specified in Paragraphs 1 through 4, national policies shall include the following provisions:
 1. Social insurance and health care services that facilitate health maintenance irrespective of financial capacity;
 2. Public health management services, including disease prevention programs for older persons;
 3. Expansion of assisted living services and long-term care services to enable older persons to maintain their daily lives centered around their residence;
 4. Establishment and implementation of a system to protect the labor rights of caregivers, including long-term care workers for older persons;
 5. Establishment of a public health care and long-term care system that connects and integrates treatment, rehabilitation, palliative care, and nursing services for older persons;
 6. Establishment and operation of a regular public management and supervision system for long-term care services to ensure gender sensitivity among older persons and their guardians, and to protect the human rights of older persons;
 7. Establishment and operation of a public emergency and critical medical care system to guarantee the right to life and health irrespective of residential area and financial capacity;
 8. Restrictions on mass closure or quarantine of facilities during infectious disease crises;
 9. Implementation of standardized guidelines by the State and local governments for

the priority protection and care of older persons in the event of crises arising from climate change or other disasters;

10. Guarantee of older persons' right to access information contained in their personal health and recuperation care records, and their right to consent to or withdraw consent from the processing of such information;
11. Implementation of laws and systems that recognize various types of living arrangements between older persons and adults, irrespective of marital or blood relationships, and that uphold mutual rights and obligations related to livelihood and care; and
12. Guarantee and promotion of older persons' right to participate in the formulation of relevant policies

Section 4 Right to Participate and Right to Self-Fulfillment

Article 12 (Right to Participation and Integration Into Community)

- ① Older persons shall have the right to actively participate in their community and society as full members.
- ② Older persons shall have the right to access physical, social, economic, and cultural environments, as well as the right to freedom of movement.
- ③ To guarantee the rights specified in Paragraphs 1 and 2, national policies shall include the following provisions:
 - A. Maintenance and enhancement of the capabilities of older persons;
 - B. Expansion of community initiatives involving the participation of older persons;
 - C. Provision of age-friendly facilities, information, communications, electronic, and transportation services;
 - D. Facility standards and pricing structures that are suitable for the financial and physical capacities of older persons; and
 - E. Guarantee and promotion of older persons' right to participate in the formulation of policies concerning older individuals

Article 13 (Right to Education)

- ① Older persons shall have opportunities for personal growth and the right to education without discrimination. They may participate in educational programs and share their knowledge and experiences with all generations.
- ② To guarantee the rights specified in Paragraph 1, national policies shall include the following provisions:
 - A. Development and provision of diverse educational and training programs and

materials that are accessible to all older persons, irrespective of financial status or place of residence; and

- B. Implementation and promotion of education that addresses the digital divide and generational and regional disparities, enabling older persons to utilize emerging information and communication technologies, including robotics and artificial intelligence

Article 14 (Right to Enjoy Culture)

- ① Older persons shall have the right to participate in the cultural and artistic life of the community, share their knowledge and experiences with other generations, and enjoy the benefits of scientific and technological advancements.
- ② Older persons shall have the right to engage in play, physical activities, leisure activities, and sports.
- ③ To guarantee the rights specified in Paragraphs 1 and 2, national policies shall include the following provisions:
 - A. Preferential treatment for older persons in accessing cultural products and services; and
 - B. Promotion of cultural sharing between older persons and other generations, along with the certification of the capabilities of older persons

Chapter 3 Roles and Responsibilities of the State to Guarantee the Rights of Older Persons

Article 15 (Responsibilities of the State and Local Governments)

- ① The State shall implement the fundamental principles and rights of older persons stipulated by this Act by incorporating them into relevant laws and institutions.
- ② The National Human Rights Commission of Korea (hereinafter referred to as the “Commission”) may, through its research and investigations, recommend that the State and local governments amend existing laws, ordinances, regulations, systems, and policies that are inconsistent with the purpose of this Act. The State and local governments shall respect the recommendations of the Commission.
- ③ The State and local governments shall take measures to ensure the participation of older persons and incorporate their opinions in the process of formulating policies concerning older persons.
- ④ The State and local governments shall take measures to address age discrimination and promote a culture of age equality through education and public outreach, provide necessary funding for these initiatives, and support research and development in this area.
- ⑤ The State and local governments shall make efforts to establish support plans tailored

for vulnerable older persons, including those from low-income households, women, and persons with disabilities, when formulating or implementing human rights policies for older persons.

- ⑥ The State and local governments shall ensure stable funding for the measures required by this Act and may support research institutions related to the human rights of older persons.
- ⑦ Specific details necessary for the implementation of Paragraphs 1 through 6 shall be prescribed by Presidential Decree.

Article 16 (Responsibilities of Older Persons)

Older persons shall recognize the changes that come with ageing, strengthen mutual solidarity as members of families and communities, and endeavor to lead a healthy and fulfilling life in their later years.

Article 17 (Establishment of Basic Plans for Promoting the Rights of Older Persons)

- ① The State shall establish and implement a basic plan for addressing age discrimination and promoting the rights of older persons (hereinafter referred to as the “Basic Plan”) every five years.
- ② The Minister of Health and Welfare shall draft the Basic Plan every five years in consultation with the heads of relevant central administrative agencies. The plan shall be finalized with the approval of the President after deliberation by the State Council. The same process shall apply when making changes to the established Basic Plan.
- ③ The Basic Plan under Paragraph 1 shall include each of the following provisions:
 - 1. Evaluation of the previous Basic Plan;
 - 2. Fundamental directions and goals of policies for promoting the rights of older persons;
 - 3. Improvements to laws and systems regarding the prohibition of discrimination against older persons and the promotion of their human rights;
 - 4. Matters related to education and outreach for the prevention of age discrimination and the promotion and enhancement of the human rights of older persons; and
 - 5. Other matters deemed necessary for the improvement of the human rights of older persons
- ④ The Commission, in consultation with the Ministry of Health and Welfare, shall prepare a draft recommendation for the Basic Plan and submit it to the government at least one year prior to the establishment of the plan. The government shall respect the Commission’s recommendations in formulating the Basic Plan.
- ⑤ The Commission may conduct investigations and research necessary to prepare the recommendations under Paragraph 3.
- ⑥ Specific details necessary for the implementation of Paragraphs 1 through 5 shall be prescribed by Presidential Decree.

Article 18 (Establishment of Detailed Implementation Plans by the Heads of Central Administrative Agencies and Other Relevant Authorities)

- ① The heads of central administrative agencies, the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Provinces and City, and superintendents of education in cities and provinces (hereinafter referred to as the “heads of central administrative agencies”) shall establish annual detailed implementation plans in accordance with the Basic Plan under Article 17, Paragraph 1, and take the necessary administrative and financial measures.
- ② The heads of central administrative agencies shall evaluate the performance of the detailed implementation plans each year and incorporate the results into policies aimed at promoting the human rights of older persons.
- ③ The Commission may request the heads of central administrative agencies specified in Paragraph 1 to submit the results of the implementation of the detailed plans established in Paragraph 1.

Article 19 (Relationship with Other Laws and Systems)

When enacting or amending laws related to the human rights of older persons, or when establishing related systems or policies, such actions shall conform to the purpose of this Act.

Article 20 (Scope of Application)

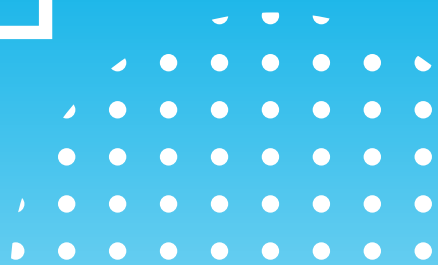
This Act shall apply to all citizens and corporations of the Republic of Korea, as well as to foreigners and foreign corporations residing within its territory.

Addenda**Article 1 (Effective Date)**

This Act shall enter into force six months after the date of its promulgation.



Appendix



STEERING COMMITTEE OF THE POLICY FORUM ON THE HUMAN RIGHTS OF OLDER PERSONS

| Name | Position and Affiliation | Name | Position and Affiliation |
|------------------------|---|------------------------|---|
| KIM, Giduk | Professor, Department of Social Welfare, Soonchunhyang University | LEE, HyeKyung | Chairperson, ASEM Global Ageing Center/ Professor Emeritus, School of Social Welfare, Yonsei University |
| PARK, Yeong Ran | Professor, Department of Senior Industry, Kangnam University | CHON, Yongho | Professor, Department of Social Welfare, Incheon National University |
| SEOK, Jaeeun | Professor, Department of Social Welfare, Hallym University | CHUNG, Kyunghee | Former Senior Research Fellow, Korea Institute for Health and Social Affairs |
| YOON, Hyunsook | Professor, Department of Social Welfare, Hallym University | CHO, Hyun Se | Board Member, ASEM Global Ageing Center/ President, HelpAge Korea |
| LEE, Joo-Young | Research Professor, Seoul National University Human Rights Center | CHI, Eun-Hee | Executive Director, ASEM Global Ageing Center |
| LEE, Dong Woo | Deputy Director, National Human Rights Commission of Korea | PARK, Jane | Researcher, ASEM Global Ageing Center |

POLICY FORUM ON THE HUMAN RIGHTS OF OLDER PERSONS: THEMES AND PARTICIPANTS

| Session | Title and Participant |
|--|---|
| 1st (Apr. 20, 2021) | Presentation: International Trends in Promoting the Human Rights of Older Persons CHOI, Sung Jae (Professor Emeritus, Department of Social Welfare, Seoul National University) |
| | NGOs and the Human Rights of Older Persons Discussant 1: CHO, Hyun Se (President, HelpAge Korea) |
| | International Human Rights Law and the Human Rights of Older Persons Discussant 2: LEE, Joo-Young (Research Professor, Seoul National University Human Rights Center) |
| | International Trends in the Human Rights of Older Persons Discussant 3: PARK, Yeong Ran (Professor, Department of Senior Industry, Kangnam University) |
| 2nd (July 6, 2021) | Presentation: A Reflection on Exploring the Relationship Between Human Rights and Social Welfare KIM, Giduk (Professor, Department of Social Welfare, Soonchunhyang University) |
| | (Social Welfare): Discussant 1: CHOI, Hyeji (Professor, Department of Social Welfare, Seoul Women's University) |
| | (Human Rights of Older Persons): Discussant 2: CHO, Hyeje (Professor, Department of Sociology, Sungkonghoe University) |

| Session | Title and Participant |
|------------------------------------|---|
| 3 rd (Sep. 28, 2021) | Presentation 1: The Reality of Old Age Poverty and Measures to Improve Income Support KIM, Taewan (Senior Research Fellow, Center for Research on Basic Social Protection, Korea Institute for Health and Social Affairs) |
| | Presentation 2: Issues Surrounding the Patterns, Causes of, and Solutions to, Old Age Poverty KU, In-Hoe (Professor, Department of Social Welfare, Seoul National University) |
| | Discussant 1: SEOK, Jaeun (Professor, Department of Social Welfare, Hallym University) |
| | Discussant 2: KIM, Won-Sub (Professor, Department of Sociology, Korea University) |
| 4 th (Nov. 26, 2021) | Presentation: Seeking "Relative and Absolute" Solutions to Old Age Poverty SEOK, Jaeun (Professor, Department of Social Welfare, Hallym University) |
| | Discussant 1: KIM, Kyo-Seong (Professor, Department of Social Welfare, Chung-Ang University) |
| | Discussant 2: JOO, Eunsun (Professor, Department of Social Welfare, Kyonggi University) |
| | Discussant 3: OH, Keon-Ho (Chairperson, the Policy Committee, My Welfare State) |
| 5 th (Mar. 17, 2022) | Presentation 1: The Need for a New International Convention on the Human Rights of Older Persons CHUNG, Chinsung (Professor Emeritus, Department of Sociology, Seoul National University) |
| | Presentation 2: Content and Prospects of Drafting an International Convention on the Human Rights of Older Persons CHOI, Sung Jae (Professor Emeritus, Department of Social Welfare, Seoul National University) |
| | Discussant 1: CHUNG, Kyunghee (Former Senior Research Fellow, Korea Institute for Health and Social Affairs) |
| | Discussant 2: LEE, Yang-Hee (Former Vice Chairperson, the UN Committee on the Rights of the Child/ Professor Emeritus, Sungkyunkwan University) |
| | Discussant 3: JANG, Min Young (Team Lead, Global Legislative Strategy Team, Korea Legislation Research Institute) |
| 6 th (Apr. 29, 2022) | Discussant 4: LEE, Dong Woo (Deputy Director, National Human Rights Commission of Korea) |
| | Expert Dialogue on the Multifaceted Significance of Work and Labor for Older Persons (Part 1) Moderator: KIM, Giduk (Professor, Department of Social Welfare, Soonchunhyang University) Discussant: KIM, Suyoung (Professor, Department of Social Welfare, Seoul National University) LEE, Seungho (Research Fellow, Korea Labor Institute) CHUNG, Soondool (Professor, Department of Social Welfare, Ewha Womans University) |
| | |
| | |
| 7 th (July 6, 2022) | Expert Dialogue on the Multifaceted Significance of Work and Labor for Older Persons From the Perspectives of Cultural Anthropology, Psychology, and Family Studies (Part 2) Moderator: KIM, Giduk (Professor, Department of Social Welfare, Soonchunhyang University) Discussant: CHUNG, Soondool (Professor, Department of Social Welfare, Ewha Womans University) KO, Jung Eun (Professor, Department of Social Welfare, Kyung Hee Cyber University) SON, Dongki (Former Professor, Department of Liberal Arts, Honam University) CHUNG, Kyunghee (Former Senior Research Fellow, Korea Institute for Health and Social Affairs) CHUNG, Jin-Woong (Former Professor, Department of Cultural Anthropology, Duksung Women's University) |

| Session | Title and Participant |
|-------------------------------------|---|
| 8 th (Aug. 29, 2022) | Brain Health and Quality of Life in Older Persons LYOO, In Kyoon (Professor, Ewha Womans University) |
| | Discussant 1: YANG, Sun Hee (Professor, Department of Communication, Seoul National University) |
| | Discussant 2: KIM, Yujin (Professor, School of Social Welfare, Kyungpook University) |
| 9 th (Dec. 9, 2022) | Presentation: Trends in Drafting the UN Convention on the Rights of Older Persons and Collaboration Strategies With Domestic Gerontology and Geriatrics Societies RI, Seok Jun (Director, Policy and Education Bureau, National Human Rights Commission of Korea) |
| | Discussant 1: WON, Young-Hee (Professor, Department of Social Welfare, Korean Bible University) |
| | Discussant 2: ROH, Yong-Kyun (Professor, College of Medicine, Hallym University) |
| | Discussant 3: JO, Moonki (Professor, Department of Nursing and Welfare, Korea Soongsil Cyber University) |
| | Discussant 4: CHO, Hyun Se (President, HelpAge Korea) |
| 10 th (Mar. 24, 2023) | Housing Issues for Older Persons: Ensuring Their Right to Adequate Housing Moderator: CHON, Yongho (Professor, Department of Social Welfare, Incheon National University) |
| | Housing Poverty Among Older Persons and Ways for Ageing-In-Place Discussant 1: KANG, Eunna (Research Fellow, Korea Institute for Health and Social Affairs) |
| | Older Persons and Their Right to Adequate Housing Discussant 2: PARK, Misun (Research Fellow, Housing Policy Research Center, Korea Research Institute for Human Settlements) |
| | Discussant 3: SONG, Ahyoung (Associate Professor, College of Social Sciences, Gachon University) |
| | Discussant 4: CHO, Hyun Se (President, HelpAge Korea) |
| 11 th (May 4, 2023) | Limitations of the Current Long-Term Care System for Supporting Older Persons' Ageing-In-Place and Policy Reform Proposals Moderator: YOON, Hyunsook (Professor, Department of Social Welfare, Hallym University) |
| | Presentation 1: Older Persons' Health and Care for Ageing-In-Place—System Limitations and Policy Directions JANG, Soongnang (Dean, Red Cross College of Nursing, Chung-Ang University) |
| | Presentation 2: The Role of Long-Term Care Services in Supporting Older Persons' Ageing-In-Place—Insights From Japan's Community-Based Integrated Care System KIM, Jung-Eun (Professor, Department of Nursing and Welfare, Korea Soongsil Cyber University) |
| | Discussant 1: KIM, Dongsun (Chairperson, Person-Centered Care Practice Network) |
| | Discussant 2: LEE, Wan Jeong (Professor, School of Psychology, Korea University) |

| Session | Title and Participant |
|------------------------------------|---|
| 12 th (Sep. 6, 2023) | The Right of Older Persons Not to Be Lonely Moderator: LEE, Joo-Young (Research Professor, Seoul National University Human Rights Center) |
| | Presentation 1: Exploring Key Issues for Institutional Support of Diverse Intimacy and Care Relationships in an Ageing Society SONG, Hyo Jean (Research Fellow, Korean Women's Development Institute) |
| | Presentation 2: Right Not to Be Lonely—Legal Frameworks for Co-Habitation Partners: Neither Alone Nor Married HWANG, Doo-Young (Former Presidential Administrative Officer) |
| | Discussant 1: JEON, Yoonjeong (Legislative Research Officer, Health, Welfare, and Gender Equality Team, National Assembly Research Service) |
| | Discussant 2: YOON, Min-Suk (Research Fellow, The Seoul Institute) |
| 13 th (Oct. 5, 2023) | Ageism and Old Age Poverty (The 13th World Human Rights Cities Forum in Gwangju) Moderator: PARK, Yeong Ran (Professor, Department of Senior Industry, Kangnam University) |
| | Presentation 1: Old Age Poverty and Strategies for Addressing It KIM, Taewan (Senior Research Fellow, Korea Institute for Health and Social Affairs) |
| | Presentation 2: Ageism and Health Inequality LEE, Haena (Assistant Professor, Department of Sociology, Sungkyunkwan University) |
| | Discussant 1: JUCH, Myong-Yong (Chairperson, Korean Association of Retired Persons) |
| | Discussant 2: CHO, Hyun Se (President, HelpAge Korea) |
| | Discussant 3: SO, Jun Chol (Research Associate, Ewha Institute of Age Integration Research) |
| 14 th (Dec. 4, 2023) | Dignified Death for Older Persons Moderator: CHUNG, Kyunghee (Former Senior Research Fellow, Korea Institute for Health and Social Affairs) |
| | Presentation 1: The Final Stage of Life—Autonomy KOH, Yoonsuck (Professor, College of Medicine, University of Ulsan) |
| | Presentation 2: Issues and Challenges Surrounding a Dignified Death SUH, Yi-Jong (Professor, Department of Sociology, Seoul National University) |
| | Discussant 1: HAN, Sooyeon (Adjunct Professor, Department of Gerontology, Inha University Graduate School of Policy Studies) |
| | Discussant 2: LEE, Hwa-Seon (Professor, Department of Social Welfare, Seoul Digital University) |
| | Discussant 3: LEE, Jung Hyo (Chief Advisor to Rep. Kyu-Baek Ahn) |



ASEM

The Asia-Europe Meeting (ASEM) is an intergovernmental process established in 1996 to foster dialogue and cooperation between Asia and Europe.

ASEM addresses political, economic, financial, social, cultural, and educational issues of common interest in a spirit of mutual respect and equal partnership. Its foremost event, the ASEM summit, is a biennial meeting between the heads of state and government, the president of the European Council, the president of the European Commission, and the secretary-general of ASEAN. In addition, ASEM ministers and senior officials also meet in their respective sectoral dialogues.

The initial ASEM partnership in 1996 consisted of 15 EU member states, 7 ASEAN member states, China, Japan, Korea, and the European Commission. Today, ASEM comprises 53 partners: 30 European and 21 Asian countries, the European Union, and the ASEAN secretariat.

Through its informal process based on equal partnership and enhancing mutual understanding, ASEM facilitates and stimulates progress but does not seek to duplicate bilateral and other multilateral relationships between Asia and Europe.

For more information, visit the ASEM Info Board website (www.aseminfboard.org).

ASEM PARTNERS

Partner Organisations



ASEAN Secretariat
Joined 2008



European Union
Joined 1996

Partner Countries



Australia
Joined 2010



Austria
Joined 1996



Bangladesh
Joined 2012



Belgium
Joined 1996



Brunei Darussalam
Joined 1996



Bulgaria
Joined 2008



Cambodia
Joined 2004



China
Joined 1996



Croatia
Joined 2014



Cyprus
Joined 2004



Czech Republic
Joined 2004



Denmark
Joined 1996



Estonia
Joined 2004



Finland
Joined 1996



France
Joined 1996



Germany
Joined 1996



Greece
Joined 1996



Hungary
Joined 2004



India
Joined 2008



Indonesia
Joined 1996



Ireland
Joined 1996



Italy
Joined 1996



Japan
Joined 1996



Kazakhstan
Joined 2014



Korea
Joined 1996



Lao PDR
Joined 2004



Latvia
Joined 2004



Lithuania
Joined 2004



Luxembourg
Joined 1996



Malaysia
Joined 1996



Malta
Joined 2004



Mongolia
Joined 2008



Myanmar
Joined 2004



Netherlands
Joined 1996



New Zealand
Joined 2010



Norway
Joined 2012



Pakistan
Joined 2008



Philippines
Joined 1996



Poland
Joined 2004



Portugal
Joined 1996



Romania
Joined 2008



Russian Federation
Joined 2010



Singapore
Joined 1996



Slovakia
Joined 2004



Slovenia
Joined 2004



Spain
Joined 1996



Sweden
Joined 1996



Switzerland
Joined 2012



Thailand
Joined 1996



United Kingdom
Joined 1996



Viet Nam
Joined 1996



ASEM GLOBAL AGEING CENTER (AGAC)

ASEM Global Ageing Center (AGAC) is a specialized international institution based in Seoul that operates as a global hub for coordinating a wide variety of agendas surrounding the human rights of older persons for ASEM partners. The center aims to address various issues confronted by ASEM partners regarding the human rights of older persons and ultimately contribute to the promotion and protection of human rights of older persons through policy research, cooperation, awareness-raising and education, and information-sharing.

ISSUE FOCUS SPECIAL EDITION

AGAC Issue Focus is a biannual periodical that aims to address ageing and human rights issues in a timely fashion. The publication introduces relevant ASEM partner policies and responses to a wider audience in order to promote information-sharing and awareness-raising and ultimately enhance ASEM partner cooperation. Each report focuses on a distinct theme that highlights current major concerns to do with ageing and the human rights of older persons in Asia and Europe.

The theme of the 2024 AGAC Issue Focus Special Edition is Korea's Framework Act on the Human Rights of Older Persons: Why It Is Needed, and a Legislative Draft. Claudia Mahler, the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons, has highlighted the necessity for individual countries to establish laws and systems that promote the human rights of older persons in order to facilitate the adoption of a UN convention. In keeping with this trend, the ASEM Global Ageing Center (AGAC) has prepared this special edition to promote the enactment of the Framework Act in Korea.

For more information, visit the AGAC website (www.asemgac.org).

