

# The Japanese Declaration of Human Rights of Older Persons

(the first draft)



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Japan Senior Citizen's Council  
Japan Support Center for Activity and Research for Older Persons

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# The Preamble

All human beings are born to be free and equal in dignity and rights.

Basic human rights (human rights) are the rights without which one can not live as a human. The principle of basic human rights lies in dignity for all humans. Dignity, in its essence, means that all people are equal in value, irreplaceable, and can make decisions for themselves. Dignity can only be guaranteed if human rights are fully guaranteed.

The Constitution of Japan recognizes that all peoples of the world have the right to live in peace, free from fear and want - namely, the right to live in peace - and makes the guarantee of human rights a constituent of the basic principles with the sovereignty of the people and pacifism.

The article 97 of the Constitution stipulates that human rights are fruits of an age-old struggle of man and that the Constitution and human rights ‘shall be maintained by constant endeavor’ (the article 12 of the Constitution) of the people as their duties.

The Japanese Declaration of Human Rights of Older Persons sets forth the basic principle to create a true long-lived society where older persons and people of all ages shine and live their present and future life with hopes and dreams.

Why then do we need to have the Declaration of Human Rights of Older Persons?

The former Secretary General of the United Nations Kofi Annan said in his speech that ‘in Africa, it is said that when an old person dies, a library vanishes’ and stressed that its meaning is equally true in any culture, older persons are intermediaries between the past, present and future, their wisdom and experiences form a veritable lifeline in society. (Second World Assembly on Aging, Madrid, 2002)

All older persons must be respected as “libraries and veritable lifelines” for society even if they are senile, disabled, sick or bedridden.

In reality, however, human rights of older persons in Japan and around the world are not fully guaranteed. In Japan, human rights of older persons, including right to life, right to live, right to health, and right to culture, are more severely infringed or deprived as the government privatized and commercialized social security, with the idea that public support is only supplementary, using aging society with less children as an excuse.

In other parts of the world, particularly in developing countries, cases of infringed human rights of older persons have been confirmed, making us recognize the importance of guaranteeing human rights of older persons. Response to aging society and guaranteeing human rights of older persons has become the challenges for human kind.

The United Nations has already enacted international conventions to guarantee human rights specific to women, children and people with disabilities. Japan ratified these conventions. We are making efforts to establish an international treaty on human rights of older persons as they have been left out of those conventions.

How specifically should the human rights of each older person be guaranteed?

It is when all the human rights advocated in the Japanese Declaration of Human Rights of Older Persons

are totally and fully guaranteed that the human rights of each older person will be guaranteed.

Thoroughly guaranteeing human rights of older persons will lead to guaranteeing universal human rights for people of all ages and realization of a prosperous society.

We strongly urge the government of Japan to base its legislation and make policies on the ideas, principles and rules set forth in this Declaration of Human Rights of Older Persons, and exercise its leadership as a front runner among countries that have an aging population in establishing the UN Convention on Human Rights of Older Persons.

We hereby declare that we will uphold the Japanese Declaration of Human Rights of Older Persons as a common principle and goal in our movement of and for older persons, and act in solidarity with people of all ages around the world to guarantee human rights of older persons.

## Human rights guaranteed to older persons

Based on the Preamble, this Declaration of the Rights of Older Persons consists of four chapters.

**CHAPTER I: Basic Principles** set forth the fundamental principles for guaranteeing the human rights of older persons. **CHAPTER II: Human Rights Guaranteed to Older Persons** prescribes that all types of specific rights to be guaranteed for older persons. **CHAPTER III: Obligations of the State, Local Governments and Businesses** shows obligations and responsibilities of entities responsible for guaranteeing human rights of older persons, and **CHAPTER IV: Constant Endeavor for Realization of Human Rights of Older Persons** as the statement of determination by older persons themselves toward realization and promotion of their human rights.

### CHAPTER I : Basic Principles

The following five principles shall be the basis for guaranteeing all human rights for older persons and for planning and implementing of all systems and measures related to older persons.

**Dignity** Each person is equal in value and respected as an irreplaceable existence.

**Independence** Living a life based on self-determination, free from physical and mental control of others, with adequate services from family, community, state and local authorities.

**Participation** Being able to engage and influence all aspects of society as a member of society.

**Care** Adequate guarantees of health care, long-term care, income, culture, and learning necessary to maintain dignity and independence.

**Self-fulfilment** The ability to develop and pursue one's full potential throughout one's life.

## **CHAPTER II: Human Rights Guaranteed to Older Persons**

### **1 [Prohibition of discrimination based on age]**

Older persons are guaranteed to have equal rights as those of other ages. Older persons shall not be discriminated against based on their age.

In particular, older persons who are vulnerable to multiple discriminations, such as women, persons with disabilities, people cared for by others, sexual, ethnic and ideological minorities, and those living in poverty, must not be discriminated against and must be guaranteed equal rights.

### **2 [The right to life and dignity]**

Older persons have rights to life and to live with dignity throughout their lives, as those of other ages. Even after death, they shall not be treated in a way that violates their dignity.

### **3 [The right to independence and autonomy]**

Recognizing each older person as a unique individual with different personalities and abilities, self-determination of older persons over all aspects of their life shall be guaranteed, without being controlled by others.

Older persons shall be able to live independently with the guarantee of necessary food, water, housing, clothing, health, long-term care, and income.

### **4 [The right to active and full participation in society]**

Older people have the right to participate fully and actively in their society and community. In particular, substantial and effective participation of both older persons and their organizations shall be guaranteed in the processes of planning, implementation and verification of system and policies which directly relate to older people.

### **5 [The right to physical freedom and safety, freedom from any kind of violence and abuse]**

Older persons shall have the right to live in safety. Any kind of physical, mental or sexual restraint, violence or abuse, and economic exploitation toward older persons must be prohibited.



### **6 [The right not to be treated in a cruel and inhumane manner]**

Older persons have the right not to be treated in a cruel, inhumane or degrading manner.

### **7 [The right to freedom of thought and religion]**

Older persons have the right to think freely and to have their own thoughts and opinions, and the right to believe in their own religion. Religious organizations or other organizations shall not exploit

older persons of their body, mind and property.

## **8 [The right to freedom of expression and opinion, and access to information]**

Older persons have the right to freedom to express their opinions and to offer information. They also have the right to access to and be provided with the information they need.

In order for older persons to exercise these rights, information and communication devices or systems should be easy for older persons to use to respond their specific needs.

## **9 [The right to privacy and honor]**

Older persons have the right to privacy and honor, which shall not be intruded on or infringed upon. Inappropriate interference by the state or other bodies into their private life, family life, home or any means of communication must not be allowed.

Especially, the right to privacy shall be fully protected in hospitals, social welfare facilities and disaster shelters.

## **10 [The right to an adequate standard of living, the right to social security]**

Older persons have the right to an adequate standard of living for themselves and their families, securing food, clothing and shelter. That standard of living must be constantly improved in line with changes in society.

Older people have the right to receive necessary social security, including pensions, medical care, long-term care, social welfare services and public assistance, in order to maintain their dignity and to lead an autonomous and independent life. The right to social security must be guaranteed in a way that is cost-free, free from discrimination and prejudice, and easily accessible to all. It is not permissible to reduce the level of social security without reasonable cause.

## **11 [The right to the enjoyment of the highest standard of health]**

Older persons have the right to the enjoyment of the highest attainable standard of physical and mental health.

Older persons also have the right to receive medical care, including health benefits, prevention, treatment, rehabilitation and palliative care, in order to maintain and restore their health. Older persons must be guaranteed to exercise fully informed self-determination about their own health and medical care (informed consent).

## **12 [The right to receiving long-term care]**

Older persons have the right to receive long-term care which they need. The care shall be provided in the place the person wishes to be (home, institution or another home), based on their self-determination, as much as possible.

They shall also receive high-quality care that protects their dignity, independence and autonomy, as well as their privacy.

Families who care for an older person have the right to be provided with the support they need. The human rights inherent to each family member of older persons, including home caregiver, must be guaranteed.



### **13 [The Right to work]**

Older persons have the right to rewarding, dignified and decent work and to equal treatment and pay on the same terms with workers of other ages.

### **14 [The Right to Education]**

Older persons have the right to education and to develop their potential throughout their lives. In particular, opportunities for learning in the following areas must be guaranteed.

- Vocational education and training enabling older persons to continue to work even in old age.
- Education on information, science and technology to enable older persons to use new science and technology, and new information and communication technologies (ICTs).
- Education on the right to receive necessary supports including social security, health care and long-term care.
- Education on systems and methods for exercising one's rights.

### **15 [The Right to enjoyment of the benefits of culture and science]**

Older persons have the right to enjoy culture and arts, and to contribute to creation and development of culture and arts. They also have the right to enjoy the benefits of scientific and technological progress.

### **16 [The Right to recreation, leisure and sports]**

Older people have the right to enjoy recreation, sports, and leisure, as to improve their health and quality of life. Older people who need care or have financial difficulties shall have equal access to these opportunities.

### **17 [The Right to housing and a healthy environment]**

Older persons have the right to live in housing and environments that are healthy, comfortable and of the adequate standard. Older persons have the right to continue to live in a familiar home and community of their choice for as long as they wish.

Housing, which is a human right, shall be available to everyone with physical and economic conditions that are accessible to all.

### **18 [The Right to transportation, freedom of movement, and accessibility to buildings]**

Older people have the right to transportation and freedom of movement. All roads, transportation, facilities/buildings and services shall be accessible for older persons taking into account the particular needs of older persons.

### **19 [The Right to property]**

Older persons have the right to own and use their property, regardless of the amount of said property. Economic exploitation and deprivation against older persons shall not be allowed. In particular, property that is necessary for older people to live in dignity shall never be deprived of.

## **20 [The right to political participation, administrative participation, judicial participation and social participation]**

Older persons and their organizations shall have the right to express their opinions and their views must be respected in all the decision-making processes that concern them at every level (at national and local governments and community level).

Older persons have the right to participate in politics through their political activities, including the right to vote.

Older persons shall be able to participate in all the process of planning, decision-making, implementation and verification of administrative policies.

Older persons shall also have the right to access to and participation in justice including the right to a fair trial.

Older persons shall be able to participate in all aspects of social life, including community activities such as neighborhood associations, volunteer activities, sports and cultural activities.

## **21 [The right to freedom of association and assembly]**

Older persons have the right to associate and to freely form their own organizations and associations.

Free activities by older people and older person's organizations, such as assemblies, demonstrations and negotiations with governments and others, shall be respected.

## **22 [The Rights in situations of disasters and emergencies]**

In situations of emergencies, including natural disasters, human disasters such as a nuclear accident or any other emergency, the specific needs of the older persons shall be guaranteed.

## **23 [The right to request a review and access to court]**

Older persons have the right to reinstate rights through filing a lawsuit at court and requesting a review at administrative complaint bodies, whenever their rights have been violated.

The system for remedying their rights should be simple, affordable and accessible taking into account the specific needs of older persons, so that even those with inadequate judgement capability can easily access them.

# **CHAPTER III: Obligations of the State, Local Governments and Businesses**

**1** The State has the ultimate obligation and responsibility for ensuring the human rights of older persons.

**2** The national and local governments shall aim for the realization of this Declaration, as the basis of their policies.

All companies also have a responsibility to act on the basis of this Declaration.

**3** The financial resources for the guarantees of human rights for older persons shall, in principle, be borne by the state, local governments and businesses. It is unacceptable to impose high costs on older persons that prevent them from living in dignity.

## CHAPTER IV: Constant Endeavor for Realization of Human Rights of Older Persons

- 1** Older persons will develop and pursue their fullest potential throughout their lives.
- 2** Older persons will, keeping in mind that all the rights stipulated in this Declaration are "fruits of the age-old struggle of man to be free" and "shall be maintained by the constant endeavor", make constant efforts for widely spreading and realization of these rights.
- 3** Older persons will, in solidarity with persons of all ages, strive to correct the politics and trends that belittle older people and strive to create a peaceful and prosperous long-lived society in which human rights for people of all ages are guaranteed.
- 4** Older persons will, in solidarity with people in Asian countries and the world, strive to create a peaceful and prosperous international society where the dignity of persons of all ages is guaranteed, with the aim of realizing peace, democracy and guaranteeing human rights.



## 【Appendix】

# In preparation for The Japanese Declaration of Human Rights of Older Persons —Why human rights now?—

June 8, 2020 **Japan Senior Citizens' Council**

### *I. Evolving from the Japan Older Persons Charter into The Japanese Declaration of Human Rights of Older Persons —Raising the Flag for Human Rights.*

The Japan Older Persons Charter was established in 1988 as the fruit of older persons' movement in Japan. 30 years later, we are preparing The Japanese Declaration of Human Rights of Older Persons.

Why do we need the Declaration of Human Rights now?

#### **1. Heightened anxiety about life in older age**

During the past 30 years, concerns about life in older age has increased more than ever. People are seriously worried about how “to live a healthy life without suffering towards the end of their life” and “the need to save 20 million yen to feel financially secure as they age”.

#### **2. Selection of lives - prevalence of ‘granny dumping’ idea**

Behind these anxieties lies the growing idea of selecting lives which has taken root in the Japanese society. Such ideas are represented by eugenics, the less eligibility principle, and the myth of the lazy poor, all of which deny guaranteeing human rights. One could say that these are the modern version of ‘granny dumping’ practice which existed in Japan centuries ago.

COVID-19 is disproportionately affecting older persons. 90% of COVID-19 deaths in Tokyo were among older people. The pandemic exacerbates situations where human rights of older persons are infringed upon and deprived of.

#### **3. The need to shift discriminatory policies that violate human rights to the ones that guarantee human rights.**

The national government has missions to remove prejudice and eradicate discriminations against older people, and relieve anxiety so that senior citizens will feel secure. To fulfill the missions, the government must guarantee human rights for all people not limited to the elderly.

In reality, however, the Japanese government opportunistically incites intergenerational conflicts to push forward policies violating and depriving human rights of older people. They are actually “creating and promoting” social bias and discrimination against older persons. Now is the time to advocate human rights to fight against the bad politics and irresponsibility of the government and to make them fulfill



their responsibilities to guarantee human rights.

#### **4. Significance of guaranteeing human rights**

What is the significance of guaranteeing human rights? Here are the main points with the details to be discussed later.

- 1) Human rights used to be regarded as mere charity, then seen as rights and finally as the highest right.
- 2) One can file a suit to exercise the right to judicial review when human rights are infringed upon or deprived of.
- 3) Human rights are not meant for “public help” nor “support”, but shall be “guaranteed” by the government.
- 4) A nation’s budget must be spent on guaranteeing human rights.
- 5) Human rights are the fruits of struggles.

The Japanese Declaration of Human Rights of Older Persons is the fruit of the struggles of older people’s rights movement in Japan and is the first step of our new campaign to answer the call from the Constitution to make “constant endeavor” to defend human rights.

It’s now or never to hoist the flag of human rights high, raise awareness of people for human rights, make our government guarantee human rights to leap onto the center stage where we will build a true long-living society for all to celebrate longevity.

## ***II. The History and the Significance of the Guarantee of Human Rights***

### **1. The history of the guarantee of human rights**

The modern era of basic human rights (human rights) began with the principle of human dignity as a result of serious reflection on the tragic and brutal consequences of World War II. The United Nations adopted the Universal Declaration of Human Rights in 1948 to hold world peace as a guiding principle in the post-war era by upholding and ensuring the guarantee of human rights. In 1946, the Constitution of Japan was promulgated with the three basic principles of sovereignty of the people, pacifism and the guarantee of basic human rights. The Constitution was appreciated not only as the most advanced constitution by the people of Japan but by the world who had aspired for peace.

In 1966, International Covenants on Human Rights was enacted as the “universal human rights” treaty that guarantees human rights for all people. Other treaties on races (1965), women (1979), children (1989) and people with disabilities (2006) were also enacted to guarantee “inherent human rights” for those with specific needs. While both the contents and the standards of these treaties were enriched and raised, the treaty on the human rights of older persons was left unrealized.

Human rights guarantee has developed into the present state through various efforts. What we see today is the “fruits of the age-old struggle of man to be free” stated in Article 97 of the Constitution.

Efforts made by our predecessors in Japan and abroad, in other words, “struggles for human rights” have laid the foundation for human rights today.

To strengthen the foundation, and substantiate and ensure our human rights, the Constitution strongly demands the people to make this “constant endeavor” (Article 12). Developing human rights guarantee for older people will help raise the level of human rights guarantees for all people in society.

Internationally, efforts of formulating a human rights treaty on older persons began with the First World Assembly on Aging (Vienna, 1982), followed by the United Nations Principles for Older Persons (1991), the International Year of Older Persons (1999), and the Second World Assembly on Aging (Madrid, 2002). In 2010, the UN General Assembly made a resolution to set up “the UN Working Group on Aging”. The Working Group has already held ten general meetings to create the treaty on older persons. In 2015, the Organization of American States, consisting of 35 countries in the North and South Americas, adopted the Inter-American Convention on Protecting the Human Rights of Older Persons, and momentum for the enactment of the United Nations Convention on the Rights of Older Persons is rapidly increasing around the world.

To respond to the move, the First National Conference of Japan Older Persons was organized in 1987 in Japan. In the following Second National Conference of Japan Older Persons, “Japan Charter of Older Persons” (1988) was adopted. Since then, efforts have been made to instill the UN Principles for Older Persons in Japanese society, and the movement for enacting the treaty on human rights of older persons has continued to this date through holding conferences of older persons and taking other actions such as helping municipal governments draft the declarations on respecting older persons.

Japan Older Persons’ Movement Council and the Japan NGOs Federation for Older Persons was established in 1992 and 1998 to work toward the International Year of Older Persons (1999) and the Second World Assembly on Aging (2002). Since 2014, organizations and individuals, such as Japan Older Persons’ Movement Council (that changed the name into Japan Senior Citizens’ Council in 2016) and Japan Support Center for Activity and Research for Older Persons, have attended UN conferences to address the issues surrounding guarantee of human rights of older persons.

## **2. The significance of guarantee of human rights**

While international communities have made great advances in guaranteeing human rights, awareness among Japanese people of human rights remains low. Particularly, the Abe Administration strikingly lacks sensitivity to human rights, allowing the policies for guaranteeing human rights to stay obsolete. Let us reaffirm the significance of guaranteeing human rights, particularly rights to social security.

### **1) Social security as human rights — from charity to rights, and to the highest right —**

Let’s take a look at the right to social security, which are at the core of life in older age. The right to social security evolved from being to a right and then to the human right over the course of time. During the pre-war era, when social security was regarded as something given from a monarch, the people did not and were not allowed to make complaints or file grievances.

In the post-war era, social security came to be guaranteed as a right. However, the national government has consistently maintained has



consistently maintained that public assistance shall be provided by Public Assistance Act, and therefore, the government has authority to decide eligibility of recipients and criteria for the standard of living (administrative discretion).

In addition, the right to long-term care can only be obtained by a contract, namely by Long-term Care Insurance Act. Since it is a contract, one must pay the premium and service fee in exchange for receiving the care services. In short, those without money to buy such services have no access to long-term care.

On the contrary, being a human is the only prerequisite for human rights to be guaranteed. Human rights are at the utmost importance of all rights guaranteed by the Constitution, the supreme law of the nation. With or without money, resources including personnel, goods, or money (basic necessities of life) needed to live as a human being shall be guaranteed for any persons.

## **2) Entitled to the right to constitutional review**

On the ground that human rights stand at the highest of all rights, the greatest significance of guaranteeing human rights is the entitlement to exercise the right to access to the courts (Article 32 of the Constitution) and the right to constitutional review (Article 98 of the Constitution), when human rights are infringed upon and/or deprived of by the national or municipal governments, corporations, organizations or others, in order to judge the legislative, executive and judicial powers to invalidate unconstitutional laws, administrations and judicial decisions so that human rights will be recovered and guaranteed.

## **3) “Guarantee”, neither “public help” nor “support”, by the national government**

It is important that caregivers should respect, watch over and be considerate of older persons with a sincere heart. Individuals, families, and communities have made efforts to sustain the life of old people.

But such self-help or mutual help alone can no longer ensure the rights of older persons as the situation surrounding our older population has deteriorated. The national and local governments must guarantee human rights first before they count on care givers’ sincerity.

Human rights are not just about “public help” nor “support” by governments.

“Guarantee” means that the people have rights and the government has duties and should be held responsible if the duties are not fulfilled. Accordingly, in the government’s response to COVID-19, they must prioritize guarantee of human rights. Providing support without compensation is limited.

Medical and long-term care for older persons must be fully “guaranteed” first by the government. Only then, can families afford to show love and care for older members of their families.

Concurrently, let us reiterate that human rights of each member of all families, and public officials, health and welfare service staff, who are working at the forefront of caregiving field to ensure that human rights of older persons are guaranteed, must be guaranteed first.



#### **4) The nation's budget must be spent on guaranteeing human rights, not for military.**

Since the Constitution of Japan sets forth guarantee of human rights along with the sovereignty of the people and pacifism as the three basic principles, the national and local governments have duties to guarantee human rights of the people, the bearer of sovereign rights. Therefore, the budgets must be spent on guaranteeing human rights.

The Preamble of the Constitution stipulates that all people of the world have the right to live in peace, free from fear (wars and terrorisms) and want (famines and poverty), namely the right to live in peace. Article 9 renounces war, denies armaments and the right of belligerency. Article 25 guarantees the right to live.

This all means that tax money paid by the people must be spent on building a true and peaceful society where human rights, including the right to live in peace, are fully guaranteed. Provide butter to the people, not missiles or fighter aircrafts. Spending money not on military, but on guaranteeing human rights, particularly on social security to protect lives, daily necessities and the health of all people, must be prioritized.

#### **5) Human rights are the fruits of struggles**

Let us stress again that Article 97 of the Constitution stipulates that the true nature of human rights is “the fruits of age-old struggles of man to be free”. Article 12 calls for duty of the people to make “the constant endeavor” to maintain human rights and the Constitution.

But in Japan, despite the fact that human rights of older persons, including the right to life, the right to the minimum standard of living, the right to health, the right to



culture, the right to work, the right to education, are infringed upon or deprived of, we must admit that people tend to engage in emotionally charged arguments, such as feeling sorry or pity for or sympathizing with older persons, but choose to accept the reality as such and choose to cope with the situation on their own.

We must not forget that human rights are not a matter of charity given by a monarch or government authorities, but something which people have fought for and won as Article 97 recognizes. We must remember that the Constitution gives us an endorsement to fight for human rights through political, labor, social movements and courts when rights are violated or deprived of. In this connection, we must note here that the whole clause of Article 97 was deleted in the ruling Liberal Democratic Party's draft to revise the Constitution.

Let us stress once again that human rights shall be “guaranteed” by the government. They go beyond simply being respected, supported or assisted.

### ***III. The Policy Trend for Older Persons*** **(mainly about social security policies from 1980' s and onward)**

While efforts have been made domestically and internationally to enrich the content of human rights guaranteed for older persons, the social security policy trend in Japan shows severer and more inhumane conditions for its older population.

The government has continued to lay out plans that curb or cut spending on social security since the 1980' s. The basic idea of social security was transformed to put more emphasis on self-responsibility and mutual help among the citizens. Privatization of social security, in other words commercialization driven by market economy, was promoted.

Such an idea is based on “the Theory of the Japanese Style Welfare Society” described in “The New Economic and Social Seven-year Plan” that the Cabinet approved on in 1979. According to that theory, self and mutual help comes to the forefront in social security while the government' s support (public help) recedes as the last resort. In that theory, “the efficient government concentrates on appropriate public welfare to the most needing of society”, and social security became the focused area in the “administrative reform” in the 1980' s which was laid out by the Ad Hoc Commission on Administrative Reform. The government carried out the stricter policy for public assistance and cut social security benefits, based on the aforementioned theory.

The 1995 Recommendation by the Council on Social Security System defined social security as “something built and to be maintained by all for all”, which made the government' s responsibility, namely public responsibility, unclear. It largely changed the 1950 Recommendation that clearly defined the government' s responsibility to guarantee the right to the minimum standards of wholesome and cultured living stated in Article 25 of the Constitution.

Although the social security system should be established and maintained at the responsibility of national and municipal governments, various private sectors including stock companies have been encouraged to join the field since the Long-term Care Insurance System was enforced in 2000. The said system was placed as the first step in marketizing, commercializing and monetizing social security.

The Social Security System Reform Promotion Act (2012) made it clear that social security is based on self, mutual and public help.

The Act virtually weakened the clause that guarantees the right to minimum standards of living stipulated in Article 25 of the Constitution. Social security was downgraded from rights to mere support or assistance by the government who no longer has to be held responsible for it.



## *IV. Situations Surrounding the Rights of Older Persons and Social Security for All Generations*

Under such circumstances, older persons are put in harsh conditions. Everyday, in some place in Japan, we are seeing “kodokushi /koritsushi – solitary death” of older persons who lived an isolated life away from society; physical restraint, abuse, injuring and killing of the elderly in families or institutions; homicides and murder–suicide of the elderly by family caregivers, who were worn out both mentally and physically by shouldering most of the burden of caring for their loved one.

It is obvious that the situation surrounding older persons will not be improved simply by demanding more responsibility on individuals, and mutual help among neighbors and families. Since long–term care services are packaged as commodities, that created a gap in availability of services between the haves and the have–nots. In addition, cost that individuals must pay to receive care services is ever increasing.

Public pension is important to guarantee income for the elderly. But since 2004, benefits have been curtailed, the premium rate has been increased and the age at which pension is awarded was delayed. The amount of pension benefits had already been set low, but it was reduced even further. At the same time, the government kept lowering the standard amount for public assistance and continued to discourage people who needed help from applying for the assistance to save money. What’s more, the elderly, including those aged 75 and older, are being targeted to shoulder more burden of out–of–pocket medical expenses.

The government took various measures to trim spending on social security. Consequently, the basic idea of social security was transformed, the government’s responsibility set back, and human rights have been trivialized. These situations are making the poor poorer and widening and fixing the gap and inequality between the rich and the poor.

With this background, the government is now converging all the social security measures that have been taken up to date into the Reform of Social Security System Oriented to All Generations. The reform focused on (1) employment and labor of the elderly, (2) prevention of diseases and promoting health, and (3) social security reform in an era where more people living up to 100 years old and beyond.

The specifics of the reform are (1) do not depend on the government, (2) do not get sick, (3) do not fall into the category of the “cared for” individuals, and (4) keep working until 70 years old (possibly until you die). These are the government’s countermeasures to cover labor shortages caused by the dwindling population. The plan reveals this government’s true intention that they dare judge the value of an individual just by labor power and forces their citizens into unstable conditions with their rights not guaranteed.

Some people, of course, would want to work throughout their lives. People would not disagree to a policy that emphasizes disease prevention and health promotion. However, the government sugarcoats their true intention with less offensive wording in their scheme.

Subsequently, the age at which public pension benefit is awarded will be raised from the current 65 years old to 70 years old. Without a pension, older persons will have no choice but to work. Even with a pension, the benefit remains small and will come even smaller. Older people will be virtually forced to work under such a circumstance.

A single–minded view on how to live life in older age is imposed on the people. If the society does not



embrace diverse views, including a choice not to work, such a society would not guarantee human rights of its people. There is a risk for anyone to get sick and need to receive medical attention and long-term care.

To sum it up, the government has been taking measures to restrain and cut expenditures on social security, demanding the people to take personal responsibility and help each other while the government abandons their public responsibility. In fact, this is equal to “the entire work reform” with older people joining the labor population. Disease prevention and health promotion is designed to be linked with marketization, industrialization and commercialization of social security.

With the reform of this kind, how could human rights for all people, not only older persons but also children and the young, be fully guaranteed?

## *V. In Preparation for the Japanese Declaration on Human Rights of Older Persons*

The right to continue to live in the community of their choice is the fundamental right stipulated not only in the Constitution but also in the Universal Declaration of Human Rights and the International Covenants of Human Rights, and the United Nations Principles that have evolved from the aforementioned two.

The human rights of people living in society at an older age must be guaranteed wherever they live. A society should not be formed in the way that self and mutual help is stressed and that older persons are virtually forced to work. Self determination, freedom of choice and the right to enjoy the highest attainable standard of health must be guaranteed for older persons. Income must be fully guaranteed, not at the bare minimal level. Anyone, at anytime and anywhere, must have access to health care and long-term care, be able to enjoy sports and culture, and be connected with others. Social security should be guaranteed for human dignity of all people. Everyone deserves that.

The family should not be sacrificed for the sake of older members of the family. Human rights of older persons can be fully guaranteed only if human rights for each member of the family are guaranteed.

Equally, it is important to guarantee human rights for those taking care of older persons, including health care workers, caregivers, and those working in social welfare institutions as they are playing a vital role in guaranteeing human rights of older persons. Without it, guaranteeing human rights of older persons is not possible.

We pledge that we will strengthen and enrich the foundation of human rights built through struggles by people who came before us not only in Japan but from countries around the world. We pledge to work together to make a “constant endeavor” to substantiate the content of human rights to be guaranteed for older persons. We present here the draft for the Japanese Declaration of Human Rights of Older Persons.

We announce the Japanese Declaration of Human Rights of Older Persons as the guiding principles to identify the demands and goals for the movements for older people. At the same time, we believe that it will symbolize the solidarity among all people who work to protect and strengthen the Japanese Constitution that advocates sovereignty of the people, democracy and guarantee of human rights, and pacifism.

## *National Conference of Japan Older Persons*

Towards a society where the human rights of older persons are protected  
34 years with the slogan "Let's get rid of older persons alone"

### *History*

In 1986, following the Health and Medical Services Act for the Aged, 33 activists and researchers announced the appeal of the Elderly people large movement appeal, "For a peaceful and rich tomorrow." Democratic organizations, club of the aged and trade unions around the country agreed. The first National Conference of Japan Older Persons was held in Kyoto on September 1 and 2, 1987, as a subjective democratic National Conference of Japan Older Persons.

Since then, National Conference of Japan Older Persons have been held all over the country every year, and this year is the 34th meeting.

### *Create a longevity society that is comfortable to live in*

Japan is the world's longest-lived society. How can everyone be able to bless longevity, eliminate loneliness, and make the longevity society easier to live in?

National Conference of Japan Older Persons, in such a thought, medical care, nursing care, pension, culture, and life, is a place to exchange learning and problem of the Constitution and peace.

We can also gain various wisdom and tips by exchanging activities nationwide for better local communities and community development.

The problem of old age is a problem for all generations

involved in the present and the future. National Conference of Japan Older Persons, the elderly and the working generation, young people have joined in solidarity. Then, it is the meeting of the healthy elderly are said to be "overwhelmed by older persons power" from young people.



National Conference of Japan Older Persons is full of a variety of vibrant and fun projects, including lectures and cultural events at the plenary session, lectures and subcommittees to study the history and culture of the venue.

Currently, in order to fulfill the needs of the elderly, it is necessary to speak and act as a party. National Conference of Japan Older Persons is an independent campaign in which older persons participate and operate. And it is Japan's largest National Conference of Japan Older Persons with a history of more than 30 years and significant significance.

National Conference of Japan Older Persons is held every year in different regions. In addition, National Conference of Japan Older Persons of each prefecture has also been held.

**Operated jointly by the National Executive Committee and the Local Executive Committee**

The operation is co-hosted by the National Executive Committee and the Local Executive Committee. The Executive Committee plans and manages National Conference of Japan Older Persons. The finances will be covered by the entry fee and the cost of advertising and advertising. The executive committee of the venue calls for participation while forming a regional executive committee for each municipality and expanding joint movements.



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Japan Senior Citizen's Council

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The Japanese Declaration of Human Rights of Older Persons

(the first draft)

