



ELDERLY RIGHTS

Brief Assessment of the Implementation of the 2nd Cycle UPR Recommendations

During its 2nd UPR cycle, Thailand received one specific UPR recommendation addressing the rights of the elderly, made by Sri Lanka and which it accepted, calling on the Government to “*further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly.*” Thailand also received 11 other recommendations related to the rights of elderly people, which were all accepted by the Thai government. While Thailand is undergoing a significant and relatively fast-paced demographic transition, with a population share of the elderly projected to increase to around 30% by 2035, the government faces extreme challenges in mitigating against impacts this may have on the elderly’s human rights. Although the Thai government has taken some positive steps to recognize the rights of the elderly, through the adoption of an Elderly Person Operational Plan (2020-2022) focusing on preparation for old age, promotion of elderly person’s careers, and the development of professional careers, their rights have not been enhanced and they continue to face severe challenges.

REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1: The Thai government lacks effective legislation to uphold elderly’s rights, including their right to extensive and fair provision of monthly old-age pension

Despite the fact that employees have the legal right to retire at the age of 60, they are frequently unable to do so due to a lack of adequate savings, access to retirement plans and pension schemes, forcing them to continue working. In 2018, the Labour Force Survey found that 37% of elderly Thais are still employed, accounting for 4.4 million people out of the total elderly population of 12 million.

The elderly receive insufficient allowances and pension schemes

Whereas Section 11(11) of the 2003 Elderly Person Act states that the elderly have the right to a comprehensive and equitable monthly old-age pension, Thailand’s welfare system is inadequate, and the elderly receive insufficient allowances and pensions to make ends meet. According to statistics, nearly half of the population does not have a retirement pension, and just 35.8% of the elderly have savings.

Depending on ages, the old-age pension is paid at a progressive rate from 600 to 1,000 THB, which is clearly an insufficient amount of money. However, not having sufficient financial resources to meet their living expenses and basic needs, one out of three elder people live in poverty.

In February 2021, the Prime Minister rejected five legislation proposals to increase the retirement pension payout to the poverty line level in Thailand, amounting to about 3,000 baht per month.



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Challenge 2: Elderly do not have access to adequate senior care, and they face barriers in accessing public environment

Traditionally, family members have cared for the elderly at home. Nonetheless, this care system is no longer viable, and elderly people require proper public care. However, in many cases, inaccessible and expensive public transportation is a barrier to access adequate care services.

According to a study, 40 percent of elderly care is provided by the family, and only a few receive fee-based care in facilities specialised in senior care. The Department of Social Welfare oversees a total of 20 elderly residential institutions, with more than 50 hospitals providing private elderly care. However, the vast majority of amenities are expensive and only available in urban areas, making them inaccessible to elderly people living in rural areas.

The inaccessibility of public transportation limits elderly's access to public services

Particularly in rural areas, elderly's access to public services, such as healthcare facilities, is hampered by the lack of accessible public transportation. Besides, notably in Bangkok, sidewalks are uneven and generally narrow, with congested pavements, and roads are often to be crossed by cross-overs which only have stairs. As well, Bangkok's public transport system is not wholly accessible for elderly or those committing with wheelchairs: only some parts of BTS stations have lifts, ramps, and escalators.

Challenge 3: Elderly people face physical and mental abuse

Problematically, Thailand does not have a legislation that prevents abuse and violence against elderly from occurring. Notwithstanding Section 71 of the 2017 Constitution asserting the state's obligation to provide assistance to the elderly, they face violence and abuses.

Elderly in Thailand are most at risk of abuse from family members or people close to them. The most common form of abuse of elderly persons is abandonment, which is followed by physical assault. A study found an alarming increase in cases of rape and sexual harassment of elderly women. Such acts were generally committed by family members under the influence of alcohol.

Elderly are also subject to financial theft, including physical robberies, online theft, and phishing, in which scammers steal personal and bank account information. According to the Royal Thai Police, the number of cases in which the elderly have been defrauded increased over the past five years. When elderly people are abused, they face severe challenges accessing justice and effective remedies. Due to lack of confidence, distrust of the legal system, and fearing social stigma and discrimination, they are often reluctant to complain about issues affecting them.

Challenge 4: Elderly are discriminated against in employment, and senior women are disproportionately affected

Elderly face severe discrimination in employment. While Thailand has laws in place to protect the rights of workers, such as the Labour Protection Act, this Act is not inclusive of elderly workers. Since many of them lack a formal education and have limited career prospects, they are compelled to work in menial jobs that are inadequate for their age and physical abilities.

Only 9.9 percent of working elderly are employed in jobs that offer legal protections. The rest of elderly are mostly employed in agriculture or work as assistants in smaller shops. Also, when people enter older age in Thailand, they face challenges finding employment due to age discrimination of employers. For instance, factories are unlikely to hire personnel over 50 years of age.

While there is a socioeconomic disparity between elderly men and women, Thailand's government policies do not target issues specifically faced by women. Since women outlive their husbands, they are more likely to be left alone, lacking the support and resources they need. Approximately 31% of senior Thais, particularly women, lack a formal education, making it difficult for them to find means to sustain themselves financially.



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Furthermore, studies have shown that women are expected to retire from the labour market earlier than men, around the age of 45, owing to their care-giver role in the society. As a result, elderly women bear a disproportionate share of the burden of an aging society, making them more vulnerable than men.

Challenge 5: During COVID-19 pandemic, elderly people have been the most affected group

COVID-19's pandemic highlighted inequalities in elderly people's access to social protection and government solutions. Besides, the health preventive measures to mitigate the negative impact of COVID-19 have significantly affected the elderly. Despite of being a high-risk category for COVID-19 infections, over 80% of elderly engaged in the informal labour sector have been forced to work in order to sustain their livelihoods. Also, as the UN stressed, the COVID-19 has the seeds of a major mental health crisis, especially for vulnerable groups, including the elderly.

Approximately 40% of old persons relied on old-age pension prior to COVID-19. However, due to unemployment and lower-income during the COVID-19 outbreak, reliance on assistance rose to 56%.

According to FOPDEV, the elderly, particularly those employed in the service industry, were among the first groups to be discharged from their jobs, and the last group to be hired back. In addition, the government's complex compensation procedures had imposed hardships upon the elderly communities, unfamiliar with new technology systems, and unable to purchase electronic devices and internet services. As a result, a great number of elderly had given up on the compensations they were entitled to.

As Thailand continues to grapple with the COVID-19 crisis, ensuring the economic security of elder people necessitates a multi-pronged policy approach, one that takes into account the elderly's necessity to work.

RECOMMENDATIONS

- 1. On challenge 1: The Thai government lacks effective legislation to uphold elderly's rights, including their right to extensive and fair provision of monthly old-age pension**
 - 1.1.** Take all necessary measures to further reduce poverty, paying special attention to disadvantaged and marginalised individuals and groups, including older persons, as recommended by the CESCR Concluding Observations (2015) to Thailand.
 - 1.2.** Take all necessary measures to uphold the rights of the elderly, including setting elderly pensions to 3,000 baht per person per month. If this is not feasible at the moment, a minimum of 1,000 baht per month should be provided until the government can meet the 3,000-baht minimum standard by 2023.
- 2. On challenge 2: Elderly do not have access to adequate senior care, and they face barriers in accessing public environment**
 - 2.1.** Intensify efforts to address the obstacles in access to the universal health care scheme, in particular for disadvantaged and marginalized individuals and groups, and ensure good quality health care, in line with the CESCR Concluding Observations (2015) to Thailand.
 - 2.2.** Promote and invest in age-friendly and universal design in urban and rural planning, infrastructure and public transport scheme to ensure that the transportation needs of older persons are met in line with recommendation 22 of the Vienna International Plan of Action on Ageing and with the 1991 General Assembly's Principles for Older Persons.
- 3. On challenge 3: Elderly people face physical and mental abuse**
 - 3.1.** Amend existing national legislation concerning physical, mental and financial abuse, so as to specifically refer to "older persons" and to address abusive relationships between individuals.



RECOMMENDATIONS

3.2. Empower older persons to be able to access information and justice in line with Article 8 of the UDHR, Article 2 and Article 14 of the ICCPR.

4. Elderly are discriminated against in employment, and senior women are disproportionately affected

- 4.1. Abolish discriminatory practices, strengthen and amend existing labour protection laws, and establish new regulations to ensure that elderly people's rights in the workplace are protected in line with CESC General Comment No. 6 and Article 7 of the ICESCR.
- 4.2. Ensure the equal right of women to social security, including in old age, their participation in development policy design to ensure their unique needs are met.

5. On challenge 5: During COVID-19 pandemic, elderly people have been the most affected group

- 5.1. Provide alternative channels for those who do not have access to internet or devices required; disclose knowledge on digital payment methods and financial technologies in order that older persons are able to navigate the system to access their welfare allowances and pensions with ease.
- 5.2. Ensure appropriate administration of kits for older persons that contain essential drugs, equipment, and essential hygiene and sanitation items.



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