

Ageing and Human Rights of Older Persons



Silvia Perel-Levin and Susan Somers

ILC GA, INPEA

NGO Committee on Ageing, Geneva/ NGO Committee on Ageing, New York

UNECE Regional NGO Forum on Ageing

Lisbon, 20 September 2017

International Frameworks

- *Universal Declaration of Human Rights*
- UN principles of Older Persons
- Madrid International Plan of Action
- Commission on Social Development (CSocD)
- Human Rights Mechanisms:
 - Treaty Bodies, Human Rights Council, Universal Periodic Review, Special Procedures (Ind. Expert, Special Rapp)
- Open-ended Working Group on Ageing

Independent Expert on the full enjoyment of the human rights of all older persons

- IE appointed by and reports to the Human Rights Council (HRC) in Geneva to:
- Assess the human rights implications of the implementation of the Madrid International Plan of Action on Ageing (MIPAA).
- Assess how existing international human rights instruments have been implemented in relation to older people's rights
- Identify good practice and implementation gaps

Independent Expert's mandate

- Fact-finding country visits and recommendations
- Thematic reports on specific human rights issues
- Raises awareness of the challenges older people face in realization of their rights
- Reports to HRC on an annual basis in September

The Independent Expert

In her comprehensive report of 2016 ([A/HRC/33/44](#)):

- MIPAA is **not** sufficient to protect the human rights of older persons and
- Urged Member States to consider the elaboration of a Convention on the human rights of older persons.

Open-ended Working Group

- Inter-governmental WG established by General Assembly Resolution A/67/139
 - To examine existing international framework in relation to the human rights of older people
 - To identify gaps and how best to address them
 - To consider the possibility of a new HR instrument.
 - To identify the main elements of a new legal instrument on the rights of older persons.
- Resolution 67/139, adopted in December 2012.

Three Phases of the Open-ended Working Group on Ageing

- 2011 Existing international and regional human rights framework
- 2011-16 General discussion of issues
- 2017 - Specific rights to be included in a possible instrument

Focus themes

8th OEWG session, July 2017

- Equality and non-discrimination
- Freedom from violence, abuse and neglect

9th OEWG session, 2018 tbc

- Autonomy and independence
- Long-term care and palliative care

What older people say

HelpAge

International

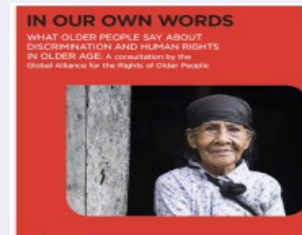
“The doctors don’t even look at us.” Moldova

“I think I will never get past second class – first because I am female and now because I am older.” USA

“I easily withdraw from society and I feel shabby.” Republic of Korea

“I am considered a spent force with nothing left to contribute to society, that I have had my turn and should give way to the youth.” Uganda

Source: *Entitled to the Same Rights*, 2017 and *In Our Own Words*, 2015



Why a Convention to Protect the Human Rights of Older Persons

- “All human beings are born free and equal in dignity and rights” (Art. 1, Universal Declaration of Human Rights)
- But older persons’ rights are largely invisible under international law.
- A specific legal framework will oblige Governments to realize the rights of all people regardless of age.
- To fight age discrimination and ageism, inequality and loss of dignity.

A new UN convention would:

- Require gathering and presentation of information
- Establish a monitoring mechanism/committee
- Lead to implementation of laws and policies that are non-discriminatory, promote equality and protect rights
- Set normative standards

A new UN convention would

- Consolidate all rights and obligations in single text
- Clarify State obligations
- Provide a powerful advocacy and education tool
- Be used in legal disputes
- Provide a way to hold governments to account, make complaints, seek redress
- Alternative to ageism: new norms and standards
- Change attitudes to older people and older age

Principles ...

- Non-discrimination
- Respect
- Dignity
- Autonomy
- Equality
- Self-fulfillment and personal development
- Full and effective participation and inclusion in society
- Respect for difference and diversity
- Accessibility
- Reasonable accommodation

Which rights?

- **Equality and non-discrimination in older age**
- **Civil, political, economic, social and cultural rights**

Which rights?

Emerging areas:

- autonomy and independence,
- long-term care and support,
- palliative care,
- age in place,
- dignified death, end of life care...

What Civil Society can do

- Provide written evidence and recommendations
- Provide information on older people's rights in the country to be visited by IE
- Meet with the IE during the country visits
- Submit written, video or oral statements at HRC and OEWGGA
- Interact with other HR mechanisms and other policy frameworks (i.e. Agenda 2030, MIPAA)
- Liaise with governments to ensure older persons are represented in intergovernmental processes

Conclusion

1. Older people are subjected to ageism and discrimination, denied their rights and deprived of their dignity
2. MIPAA and the international human rights system have failed to address this
3. A UN convention is the instrument which provides the most comprehensive and systematic response

*It is time that older persons
are seen as full citizens with full
enjoyment of human rights
and participation in
society, community, own lives*



Join **GAROP**

Add your voice to the Global
Alliance for the Rights of Older
People

www.rightsofolderpeople.org