

Strengthening the Rights of Older People

A Side Event at the 47th Session of the Commission for Social Development, 9 February 2009

Introduction

The promotion and protection of the human rights of older persons is a principal goal of many NGOs and government departments dealing with ageing issues, as well as individuals in the field of ageing. Many believe that the time has come to advocate vigorously and systematically for a new human rights instrument to protect the rights of all older persons.

A number of NGOs and others working on ageing met in Montreal at the September 2009 International Federation on Ageing Global Conference to begin to explore how they could more effectively work together on the rights of older people. This side event at the 47th CSD was an outcome of that meeting in Montreal.

The aim of the side event was to explore the process towards developing new rights instruments¹. It was hosted by the International Federation on Ageing, HelpAge International & the International Association Gerontology and Geriatrics, in collaboration with the Mission of Brazil to the UN, the International Association of Home and Services for the Ageing, Age Concern England, Help the Aged, European Platform for Older People, ILC-USA, and AARP.

This summary report attempts to capture the essence of the discussion, highlighting key issues and challenges raised. It does not attempt to make exhaustive arguments but to reflect the points raised in discussion in the hour and half session.

Multi-sectoral panel

In order to learn from the experience of a range of sectors, six speakers were invited from civil society (ageing and disability), academia, the UN, government and the legal profession. These were: Irene Hoskins, International Federation on Ageing; Jonathan Kaufman, Disability Works; Robert Butler, ILC-USA; Sergei Zelenev, UNDESA; Cesar Bonamigo, Brazilian Mission to the UN and Ron Risdon, Schulte Roth & Zabel.

Participants

Participation was mainly from the NGO sector (ageing, disability, youth), with the UN (UNDESA, UNESCO), the African Union and some Member State presence (Austria, Czech Republic, Finland, Zambia).

Discussion

1. Why we need a convention on the rights of older people

Unprecedented demographic ageing and the extent of age discrimination and prejudice is creating an urgency to promote and protect the rights of older people. Existing human rights instruments do not translate the distinct features of ageing nor changing situation of people as they age into adequate rights protection. Although there are a number of "soft law" instruments dealing with the rights of older people, only an international, legally binding convention would create the necessary global level of accountability. The UN Principles on Older Persons provide an important grounding on which a new legal framework could be built. The importance of jointly created (i.e. through Member State negotiation at the UN) legal instruments should not be diminished. Initiatives taken at the UN level can create a push for action at national level, where national governments are responsible for translating UN recommendations and international legal provisions into national policies and action.

¹ The merits of different human rights instruments were not discussed but the three main options are:

1. special rapporteur on the rights of older people – an independent expert with limited
2. a declaration – a non-legally binding statement indicating political and moral commitment
3. a convention – an international treaty that is legally binding on those member States who ratify it

2. Support from Member States

Existing resolutions adopted by the General Assembly and the Commission for Social Development point to a degree of existing political will amongst Member States to better implement the recommendations of MIPAA and protect the rights of older people.

A new convention would be the result of negotiated efforts by Member States and clearly expressed political will. Champion countries from different regions are imperative to building support for an international convention.

There is growing support from Latin American states. This was expressed in 2007 in the Brasilia Declaration where they called for both a special rapporteur and an international convention on the rights of older people. Progress is being made at a regional level with the commitment to develop a convention for the Latin America/Caribbean region.

3. Missing evidence

There has been never been such united support from NGOs on this issue as there is now. However unless more evidence is gathered and arguments making the case for a new convention or special rapporteur are sharpened, this support will not translate into anything concrete. We need to make:

- The legal case: why do we need a legally binding convention on ageing?
- The societal case: is society prepared to accept older people's rights, population ageing and its implications as an issue that is urgent and pressing?
- The political case: why is population ageing and a new convention important for governments? And why are they resistant?
- The impact case: what difference would a new convention make?

4. Political resistance

No UN resolution has been adopted specifically on a new special rapporteur or convention. The reality is that there is political resistance to the idea of new instruments to protect the rights of older people. This resistance is being expressed by Member States within the UN system. It is based on a variety of reasons. In some countries the priority is to concentrate on overcoming existing difficulties with providing services to younger populations where they make up a larger percentage of the total population. There is a belief that in many countries older people are well treated and their rights already protected. There is a lack of awareness about the levels of abuse and other rights violations that older women and men experience.

5. What needs to happen next

The important role that NGOs have to play alongside Member States in this process was recognised. The following were identified as needing immediate attention:

- Sharpen arguments to counter the view that older people are a threat or a burden.
- Gather evidence on specific vulnerabilities of older people that are not adequately protected under existing international law, thereby building the legal and normative case for a new convention.
- Bring others into the debate: youth, disabled people, the women's movement to ensure a truly intergenerational approach
- Harness new technologies to create political action groups no longer limited by geographic boundaries.
- A paradigm shift is needed from the often held view of older people as objects of welfare to subjects of their own development and rights holders.

Conclusion

In the CSD's final resolution on the review and appraisal of MIPAA (E/CN.5/2009/L.6) adopted after this side event took place, the CSD requested "*the Secretary General to seek the views of member States regarding possible mechanisms to improve the implementation of the Madrid Plan of Action*". Although Member States had not been able to agree on specific text around a new special rapporteur in their negotiations, this request has left the door open for further discussion. A broad, inclusive coalition of older people, NGOs and others is

needed, now more than ever, to help foster Member State support to take this agenda forward.