

Joint NGO statement on the Report of the Independent Expert on the enjoyment of all human rights by older persons, A/HRC/33/44

33rd Session of the Human Rights Council
13th – 30th September 2016

1. As non-governmental organisations committed to strengthening the rights of older persons, we welcome the conclusions in the report of the Independent Expert (A/HRC/33/44) that older people face a number of particular challenges in the enjoyment of a wide range of their human rights; that the implementation of existing law raises a set of protection concerns; and that the Madrid International Plan of Action on Ageing (hereafter the Madrid Plan) is not sufficient to ensure the full protection of older people's rights.

2. The Independent Expert's report addresses a key area of discussion at the UN Open-ended Working Group on Ageing [hereafter the Working Group], namely whether the implementation of the Madrid Plan and existing laws can adequately address the unique human rights challenges that older people face across many aspects of their lives.

3. The Independent Expert acknowledges several good or promising practices. However, based on the information provided to her as part of her mandate by Member States, civil society organisations, national human rights institutions and other stakeholders, she has concluded that neither the Madrid Plan nor existing laws are sufficient to address current gaps in the protection of the rights of older people.

4. The Independent Expert's finding on the Madrid Plan confirms similar findings in the first and second review and appraisal of the plan in 2007 and 2012 respectively, as well as discussion in Working Group sessions to date. The Independent Expert is unequivocal in her finding that better implementation of the Madrid Plan will not be sufficient to address the human rights protection gaps that older people experience. Continued assertions, therefore, by Member States that it will be sufficient can no longer be sustained.

5. With regard to the implementation of existing law, the Independent Expert's findings affirm that implementation of existing law is inadequate to fully protect older people's rights. As human rights law has evolved, decisions to adopt new human rights treaties have been based on a similar recognition that the implementation of existing general human rights standards has failed to protect people from particular forms of discrimination and rights violations. The fact that there is a difference of opinion among Member States on whether there is a normative gap can no longer be used as a reason to prevent or delay the elaboration of the contents of a new convention on the rights of older people.

6. We therefore welcome the Independent Expert's emphasis on the need for Member States to step up their efforts and act urgently to overcome their differences as millions of older people continue to be subjected to ageism, discrimination and denied their human rights.

7. We fully support the Independent Expert's recommendation that the Working Group fulfil its existing mandate by presenting a proposal on the main elements of an international legal instrument to the UN General Assembly, as it was requested to do by the General Assembly in 2012. The failure of the UN Working Group to fulfil this mandate given to it four years ago is unacceptable and the elaboration of the contents of a new convention can no longer be delayed.

8. We also call on Member States to support a resolution at the Human Rights Council that contributes to the substantive understanding on how human rights standards, and States' human rights obligations in relation to them, apply to older people and in the context of older age.

9. We trust that the mandate of the Independent Expert will be renewed for a further term. We are concerned that the experience of older people and the particular context of older age is still not being sufficiently addressed or understood from a human rights perspective. Setting the mandate of the Independent Expert for a second term provides the opportunity to empower the mandate holder to apply this perspective, for example through a critical analysis of the extent to which existing international and national laws guarantee the rights of older people and the challenges older people face in the realisation of their rights within these systems.

10. Older people themselves must be part of the discussion on the protection of their human rights and a new convention must reflect their lived experience. We therefore call on Member States to take immediate action after this Human Rights Council session and meet with older people, civil society and the national human rights institution in their country to discuss the findings of the Independent Expert's report and what this means to older people for the contents of a new convention.

11. Finally, we call on Member States to adopt a resolution at the UN General Assembly that supports the establishment and elaboration of a new convention on the rights of older people and to participate constructively in the 7th session of the Working Group in December 2016. This includes supporting the Working Group Bureau to adopt an agenda that allows for discussion between Member States on the contents of a new convention; consulting with older people before the Working Group session; including older people on their delegations; and coming to the 7th Working Group session prepared to discuss what the contents of a new convention should be.

Signatories

1. 50plus Hellas, Greece
2. AARP
3. Abiodun Adebayo Welfare Foundation, Nigeria
4. Action on Ageing, Ghana
5. Active Ageing and Research Center, Dhaka, Bangladesh
6. Age Action Ireland
7. Age International
8. Aged Care and Service Centre, Zambia
9. Aged Support Home in Bangladesh
10. Ageing Nepal
11. Alzheimer's and Related Dementia Society Nepal
12. AMDA – The Society for Post-Acute and Long-Term Care Medicine, USA
13. Asmi- Group Working for Empowered Age, Nepal
14. Association Camerounaise pour la Prise en Charge des Personnes Âgées (ACAMAGE)
15. Association Nationale d'Évaluation Environnementale
16. Australian Seniors Computer Clubs Association (ACCSA), the National Peak Body for Seniors and Technology
17. Bilal Charity Foundation, Cameroon
18. Care Rights, Republic of Korea
19. Center for Community Advancement and Family Empowerment (CECAFE), Liberia
20. Centre for Disability Law and Policy, life course Policy Institute, National University of Ireland (Galway)

21. Centre for Human Rights and Development, Mongolia
22. Coalition of Caregivers and Advocates for the Elderly in Liberia (COCAEL)
23. Dave Omokaro Foundation, Nigeria
24. Dharma Foundation of India
25. DIS-MOI (Droits Humains- Ocean Indien), Mauritius
26. Elders Concern Uganda
27. Empower And Care Organization (EACO), Uganda
28. Ethiopian Elderly and Pensioners National Association
29. Forum de Terceira Idade (FTI)
30. Fundacion HelpAge International Espana
31. Fundación ISALUD
32. Gramin Vikas Vigyan Samiti (GRAVIS), India
33. Gray Panthers
34. Health Nest Uganda
35. HelpAge Germany
36. HelpAge International
37. Human Health Aid, Burundi
38. HumanaS network, Serbia
39. International Association for Homes and Services for the Ageing
40. International Association of Gerontology and Geriatrics
41. International Longevity Centre- Global Alliance
42. International Network for the Prevention of Elder Abuse
43. Kwa Wazee, Switzerland
44. Malawi Network for Older Person's Organisation (MANEPO)
45. National Age Network of Zimbabwe (NANZ)
46. National Association of Community Legal Centres Inc., The
47. National Senior Citizen Federation, Nepal
48. Phoebe Education Fund for Orphans and Vulnerable Children (PEFO), Uganda
49. Reach One Touch One Ministries (ROTOM), Uganda
50. Regional Public Foundation Assistance for the Elderly "Dobroe Delo", Russian Federation
51. Réseau FADOQ, Canada
52. Resource Centre for Elderly, Kyrgyzstan
53. Saidia Wazee Karagwe (SAWAKA),Tanzania
54. Senior Citizens Association of Zambia
55. Silver Innings Foundation, India
56. Sir William Beveridge Foundation
57. Tanzania Older People`s Platform
58. The Association of Law in the Service of the Elderly, Israel
59. Vanhus- ja lähimmäispalvelun liitto ry, Valli (The Union for Senior Services), Finland
60. Voice of Nigeria Broadcasting House Ikoyi Lagos, Nigeria
61. Water Health Education & Environmental League (WHEEL), Pakistan
62. Yayasan Emong Lansia, Indonesia
63. Zivot 90, Czech Republic