

Global Alliance for the Rights of Older People Joint Position for the 9th session of the Open-Ended Working Group on Ageing, 23rd – 26th July 2018

This statement is made on behalf of the 266 members of the Global Alliance for the Rights of Older People, a global network united to strengthen and promote the rights of older persons.

We welcome the shift of the Open-ended Working Group on Ageing [hereafter the Working Group] towards a more substantive debate. We support effective and productive discussions that will advance the collective understanding of the human rights of older persons and lead to concrete outcomes that strengthen the promotion, protection and enforcement of those rights. We note, however, that the mandates given to the Working Group by the General Assembly have yet to be fulfilled.¹

This 9th session of the Working Group must significantly add to fulfilling these mandates and to concrete outcomes in three ways.

Firstly, by recognising autonomy and independence as a right that applies to every aspect of older persons' lives. This is fundamental to changing the laws, policies, social norms, and traditional and cultural values, beliefs and practices that currently prevent older persons from making their own decisions and living their lives according to their own will and preferences.

Secondly, by recognising care and support as a right that is not limited to assistance with daily activities but also includes support for older persons' empowerment and participation in society and to preserve their dignity, autonomy and independence.

Thirdly, by recognising that all older persons should have access to quality palliative care without discrimination as a right.

With regard to concrete outcomes, the content and principles from the normative discussion on the rights to equality and non-discrimination and to freedom from violence, abuse and neglect must be used as foundations for the future drafting of new international standards in these areas.

These principles must include that the right to equality and non-discrimination applies to every aspect of an older person's life, without exception, and covers all forms of discrimination, including multiple discrimination. The right to freedom from violence, abuse and neglect includes all forms of violence, abuse and neglect and applies in both public and private settings and to public and private actors.

This session of the Working Group must acknowledge the diversity of older persons and recognise that all older persons should enjoy all human rights without discrimination on any

¹ See UN General Assembly Resolutions 65/182 (2010), 67/139 (2012), 69/146 (2014) and 70/164 (2015)

ground or combination of grounds. These include, but are not limited to age, sex, disability, sexual orientation, gender identity or gender expression, religious, cultural or other conviction, political or other opinion, physical, mental or cognitive health, degree of care and assistance required, HIV status, marital and family status, birth, social status, economic status, migrant status, refugee status, indigenous, ethnic, racial, minority, national or linguistic status, citizenship, nationality, property, being homeless, being deprived of liberty, geographical location, access to technology, or any other condition or status.

Looking ahead to the 10th session, we believe the Working Group should address areas of rights that have not been sufficiently discussed or understood as they apply to older persons. We call attention to the fact that civil society was not given the opportunity to comment on the topics to be proposed in advance of this session.

With each session of the Working Group, the case for a new international instrument is further legitimised through strong evidence. However, this debate cannot go on indefinitely without a concrete outcome.

The Working Group has already heard ample and convincing evidence of significant failures of existing human rights instruments and procedures to devote adequate attention to the human rights of older persons, including adequate enforcement. We consider a legally binding UN convention on the human rights of older persons necessary to effectively address the nature, range and scope of the issues relating to the human rights of older persons.

The proposed WHO Decade of Healthy Ageing in 2020 provides the ideal time to commence drafting. At this point the fundamental framing elements of a convention, as discussed at the 8th, 9th and 10th sessions of the Working Group, will have normative shape. There can be no further delay.

About GAROP

The Global Alliance for the Rights of Older People (GAROP) is a network of over 260 civil society organisations from 75 countries working together so that all older people can live free from discrimination and are able to fully enjoy their rights. We believe a UN convention on the rights of older persons is essential for older people to fully enjoy their rights.