

**Statement to UN Open Ended Working Group on Ageing
Sixth Working Session
14 - 16 July 2015**

Introduction

ENNHRI welcomes and continues to support the work of the Open Ended Working Group on Ageing to protect and promote the rights of all older persons globally. It reiterates its earlier call for the OEWG to pursue the development of a comprehensive international legal instrument to promote and protect the rights of older persons.

Given NHRIs' understanding of the human rights of older persons and expertise on the national implementation of all internationally recognised human rights, ENNHRI strongly reiterates its call to grant participation rights to NHRIs at the OEWG's future meetings. Indeed, ENNHRI is currently carrying out a project on the human rights of older persons and long-term care in Europe. Without participation rights, sharing these findings with the OEWG is more challenging.

About ENNHRI

The European Network of National Human Rights Institutions ("ENNHRI") comprises National Human Rights Institutions ("NHRIs") from across wider Europe. NHRIs are state funded institutions, independent of government, with a broad legislative or constitutional mandate to promote and protect human rights. They are accredited by reference to the UN Paris Principles to ensure their independence, plurality, impartiality and effectiveness. ENNHRI is one of four regional networks that make up the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), supported by the OHCHR. It works to enhance the promotion and protection of human rights in wider Europe through the establishment, accreditation and support of NHRIs. It supports its members through information exchange; capacity building; engagement with international and regional human rights mechanisms; and interventions in policy development and strategic litigation in Europe.

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New Convention on the Rights of Older Persons

As previously noted by ICC,¹ the OEWG was requested to present a proposal Pursuant to General Assembly Resolution 67/139 containing: “*the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons...*”

ENNHRI supports the development of a comprehensive international legal instrument to:

- promote and protect the rights of older persons;
- ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons;
- promote respect for their inherent dignity;
- recognise that ageing is a natural and universal process that is experienced differently by different people;
- create a paradigm shift from perceptions of older persons as welfare recipients and a burden to society to older people as rights holders and active contributors to society.

ENNHRI Expertise on the Human Rights of Older Persons

Almost all members of ENNHRI have carried out activities to promote and protect the human rights of older persons in recent years using a variety of methods and approaches, including working with individual older persons, carrying out monitoring and investigations, undertaking research, providing training, advising state actors and raising awareness. Many have also carried out work specifically on the area of older people and long-term care; almost half have conducted monitoring inquiries. This work has played a significant role in raising awareness of older persons’ rights at national level throughout Europe and highlights the rich expertise NHRIs have in this area.

ENNHRI is currently in the process of carrying out a project, the *Human Rights of Older Persons and Long-term Care in Europe* (‘the Project’), operating from January 2015 until June 2017. Funded by the European Commission, the Project seeks to increase awareness of the human rights of older persons and to embed a human rights based approach in the care of older persons in Europe, in particular in the current context of socio-economic crisis – a growing concern of international treaty bodies and special procedures. The Project has three stages:

1. desk-based research to identify the human rights standards relevant to older persons as set out in international and regional conventions and treaties and to establish a methodology for monitoring the human rights of

¹ ICC Statement to the UN Open-ended Working Group on Ageing Fifth Working Session, (http://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/PDF-Dateien/Stellungnahmen/ICC_Statement_to_the_UN_Open_ended_Working_Group_on_Ageing_Fifth_Working_Session_2014.pdf)

older persons in care at national level, as already tested by individual NHRIs.

2. A representative pilot group of six ENNHRI members will monitor the human rights of older persons in long-term care within their jurisdictions, with reference to the human rights standards and methodologies identified by the desk-based study.
3. The third phase of the Project will seek to raise awareness of the findings, and the benefits of a human-rights based approach, amongst all relevant stakeholders in the area of long-term care. ENNHRI looks forward to sharing results of the project with the OEWG over the course of the next two years.

Role of NHRIs in protecting and promoting older persons human rights

NHRIs provide a unique insight into the implementation of the existing international framework of the human rights of older persons and any gaps arising. They have crucial knowledge of human rights at the individual and national level, as they work with individual rights holders, through complaints handling or monitoring, and also address structural issues through investigatory and advisory functions. They have particular knowledge of the challenges arising out of the current socio-economic crisis. NHRIs are also an important link between national stakeholders and the UN system. They are recognised in the international human rights sphere, being granted speaking rights at the Human Rights Council and participating in the negotiations on the CRPD in New York and other OHCHR consultations.

The UN Secretary General has committed to strengthening NHRIs' engagement with UN processes. The UNSG will publish a report on the relationship between NHRIs and the UN in September 2015, which will be presented to the General Assembly (GA) at its 70th session for consideration in the context of its next resolution on NHRIs.² The GA will have an important opportunity to send out another clear indication that NHRIs are welcome to contribute in those areas of UN work that would benefit from their specific independent human rights expertise.

However, NHRIs have not been granted formal participation rights at the OEWG on Ageing in spite of repeated calls since its establishment in 2010. In recognition of NHRIs' valuable expertise and knowledge, ENNHRI strongly reiterates previous calls³ made by ENNHRI and the ICC to grant participation rights to NHRIs at the OEWG's meetings.

² Resolution adopted by the General Assembly on 18 December 2013, 68/171, National institutions for the promotion and protection of human rights:

http://nhri.ohchr.org/EN/AboutUs/Governance/Resolutions/A_RES_68_171_EN.pdf

³ ENNHRI Statement to UN Open Ended Working Group on Ageing Fourth Working Session, (<http://social.un.org/ageing-working-group/documents/EuropeanGroupStatementOEWG.pdf>), ICC Statement to UN Open Ended Working Group on Ageing Fourth Working Session (<http://social.un.org/ageing-working-group/documents/EuropeanGroupStatementOEWG.pdf>, see Annex), ICC Statement to the UN Open-ended Working Group on Ageing Fifth Working Session, op cit.