

DESA note on Ageing 28 March 2013
Joint response of the EU and its Member States

The EU and its Member States are fully committed to the human rights of older persons and acknowledge the serious challenges older persons face including in many instances when it comes to the enjoyment of their human rights. We identify that serious protection and implementation gaps as well as age-related discrimination exist. The EU and its Member States are addressing these gaps through several of their policy measures.

The sessions of the OEWG have been helpful in highlighting some of these deficiencies. The EU and its Member States have actively and constructively engaged in the OEWG to discuss ways and means to strengthen the protection and implementation of older persons' human rights. In light of the increasing number of older persons and their important role in our societies, we are open to continue our discussions and exchanges on ways to enhance the implementation and protection of the rights of older persons. However, we maintain that the implementation and protection gaps are not of a normative nature and a new norm-setting process is therefore not required.

We are of the view that older persons are not a homogenous group and while they face many challenges, the range of existing internationally recognized human rights standards and principles also cover and protect older persons without discrimination. Moreover, the current international framework addresses many of these issues in a comprehensive manner, namely health, social security, violence and discrimination (e.g. International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Persons with Disabilities, Convention on the Elimination of all Forms of Discrimination Against Women).

We believe we need to concentrate our international, regional and national efforts to achieve a more effective implementation of the existing standards and use of existing mechanisms, as provided for in the Madrid International Plan of Action and reaffirmed by its second review undertaken this year by the 51st Commission on Social Development.

The forthcoming meeting of the OEWG will provide a useful forum for States to discuss and consider what steps are required to ensure the implementation and protection of the rights and dignity of older persons, drawing on the recent appraisal of the Madrid International Plan of Action on Ageing. We suggest that the opportunity provided by the OEWG could be used to explore how the implementation of existing standards could be improved.

The EU and its Member States maintain that, although A/RES/67/139 was adopted by the Third Committee in December 2012, the voting results, including the high number of abstentions (Y: 53; N:3; A:109), reveal that there is not sufficient support among the membership of the UN to start to negotiate a UN Convention on the rights of older persons.

For a new legal instrument to be successful, we strongly believe that an international consensus is important in order to provide the solid basis that is required for such an instrument to become meaningful and effective.