



INTERNATIONAL COORDINATING COMMITTEE OF
NATIONAL INSTITUTIONS FOR THE PROMOTION
AND PROTECTION OF HUMAN RIGHTS (ICC)

International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

Statement to UN Open-ended Working Group on Ageing Fourth Working Session, 12 - 15 August 2013

Introduction

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) is a network of over 100 National Human Rights Institutions (NHRIs) from across the world, 69 of which are accredited as fully in compliance with the UN Paris Principles (A status).

The ICC welcomes this opportunity to contribute to the fourth session of the UN Open-ended Working Group on Ageing (OEWG), with its revised mandate “Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons” (GA Res 67/138 of 13 February 2013).

1. NHRI input to the OEWG

Thus far, NHRIs have participated on invitation at OEWG sessions, contributed to the relevant OHCHR consultations, and promoted the strengthening of the human rights of older persons at national, regional and international conferences and workshops.

However, NHRIs have not been granted formal participation rights despite the general acceptance in most UN fora that national institutions are a natural partner of the UN given their unique independent status, creating a bridge between the international and domestic arenas.

At the 3rd OEWG session in 2012, a number of delegates and the closing statement called for the “greater involvement of national human rights institutions [...] for the improvement of the condition of older persons”. The ICC therefore recommends that A status NHRIs are formally recognised as a key stakeholder within the OEWG process and are granted formal participation rights.

2. Existing Human Rights Standards

The ICC recognises the urgency of increasing understanding and awareness as well as respect, protection and fulfilment of the human rights of older people. Across the globe, we have seen significant achievements in increasing the life expectancy of older persons, leading to fundamental demographic change. However this has led to an increase in the scale and degree of the barriers faced by older people to the full realisation of their rights and inclusion in society.

We urge the OEWG to ensure that any new binding human rights instrument on the human rights of older persons take into account existing international standards and that it must not lower these standards. To this end, we draw particular attention to the binding human rights standards

concerning persons with disabilities, as enshrined in the UN Convention on the Rights of Persons with Disabilities. We also draw attention to the human rights of older migrants.

Any new legal instrument should clarify the States' obligations to respect, protect and fulfil human rights of older people, particularly in areas where older persons are at higher risk of their human rights not being fully realised. This may be as a result of age-based discrimination or failure to adapt laws, policies and practices to the particular circumstances of older people. Although many human rights apply to older persons, they cannot be fully realized due to existing gaps in the human rights protection and barriers in society. The starting point of any effort is the inherent human dignity of older persons.

The ICC also wishes to draw the OEWG's attention to the extensive regional work that has been undertaken in this area, including on development at this stage of draft regional human rights instruments on the rights of older people.

3. Towards a New Convention

The ICC supports the development of a comprehensive international legal instrument to promote and protect the rights and dignity of older persons. A legally binding document would assist in providing the highest possible protection for older persons and its special focus would make existing rights more concrete and the group itself more visible.

To prepare for further discussions on a new legal instrument the ICC recommends that all UN Member States:

- collect meaningful data on the realisation of human rights by older persons especially in areas where older persons are at risk e.g. those in receipt of long-term care services whether at home or in institutions;
- review where the gaps in protection of the human rights of older persons exist in practice.
- seek to advance awareness and understanding of the human rights of older persons at the national and international level;
- fully implement the existing human rights standards for older persons;
- begin consultations with national and international civil society to increase States' understanding of the barriers to realisation of human rights faced by older persons;
- encourage the greater participation by all UN Member States in the OEWG in order to contribute to the clarification of the human rights of older persons; and
- disseminate information and create greater awareness at a domestic level about the on-going UN processes.

Conclusion

The ICC would welcome engagement with the OEWG on ways in which NHRIs can be provided with formal recognition and participation rights in this important UN process. Furthermore, the ICC urges the OEWG to ensure that any international legal instrument to promote and protect the rights and dignity of older persons builds upon existing human rights standards, takes account of the heterogeneity of older persons and the current realisation of their rights. We look forward to further involvement in the future deliberations of OEWG.