

Multi-stakeholder meeting on the human rights of older persons 29-30 August 2022
Room XVII, Palais des Nations, Geneva and online platform (Zoom)

Question and Statement by Community Legal Centres Australia

Session 4

Community Legal Centres Australia seeks to intervene by way of asking the question stated and makes the following written statement.

NOTE: the written statement is not intended for oral presentation.

QUESTION:

We begin by commending the work of the Independent Expert on the Enjoyment of all Human Rights by Older Persons and the Programme on Ageing Section within Department of Economic and Social Affairs (DESA). Both have proven to be central and critical system roles for older persons' human rights.

CLCs Australia asserts that the drafting of a new Convention must be prioritised so older-person specific human rights issues like ageism and elder abuse are recognized and elevated within the UN system and across the world.

Only then can older persons live their lives under the surety that a binding guarantee brings.

Older persons have been calling for that promise of inherency and inalienability to apply equally to them, not only for them themselves to become visible, but for all their necessary rights to be truly indivisible.

At this point we need to cooperate and collaborate, applying processes to our common purpose, across sessions, organizations, mandates, and forums.

CLCs Australia recognise the sensitive timing of events following this consultation, including the report of this meeting, the meeting of the Cross-Regional Core Group in September 2022, the annual resolution on Ageing in December 2022, the 52nd Session of the Human Rights Council in March 2023 and the 13th Working Session of the OEWSGA in April 2023.

Accordingly, we must ensure a deliberate and thoughtful process moving forward that captures and carries momentum through each of those processes, making sure they connect with and build upon each other's work and resolutions.

CLCs Australia is willing and able to contribute to any or all these processes to begin to make the rhetoric a reality.

We ask, how can this meeting and the forthcoming Council resolution foster this critical continuum?

What key criteria are needed to ensure that Geneva and New York work together moving forward?

How can civil society be guaranteed a seat at the table?

STATEMENT:

1. Community Legal Centres Australia¹ (CLCs Australia) is a non-governmental organization in special consultative status with the Economic and Social Council.
2. CLCs Australia thanks the Chair for the opportunity to participate in this Multi-stakeholder Meeting.
3. We congratulate the Human Rights Council (the HRC) on its historic resolution² requesting the Office of the High Commissioner for Human Rights (the OHCHR) convene this meeting and provide a summary report addressing possible gaps and the dispersiveness of international human rights law with regard to older persons.
4. The objective of this session is to develop proposals and recommendations for strengthening legal frameworks at both the national and the international levels to protect the human rights of older persons for further consideration by the Council and other relevant bodies, including the ongoing work of the Open-ended Working Group on Ageing.

Recommended Inclusions in Summary Report of Multi-stakeholder Meeting

A New Instrument is Urgently Needed

5. Recognizing that many specific rights issues and underlying concepts (such as ageism, age-discrimination, long-term care, palliative care, social isolation, social development, economic security, and elder abuse) are not covered by existing treaties and treaty body processes, a new Convention is the obvious and necessary solution to address these underlying unique conceptual and contextual gaps.

Extend the mandate of the Independent Expert

6. It is critical to appreciate that the Independent Expert is currently the only special procedure within the UN Human Rights system with a specific focus on the human rights of older persons. This mandate must be extended.
7. CLCs Australia commends the excellent work of previous and current mandate holders including raising awareness about older persons' human rights, including in unique and emerging areas, providing further analysis of the gaps in the system, and providing specialist guidance for implementation of best practices in human rights protections for older persons.

Guarantees of cooperation

8. CLCs Australia recommends that there must be clear guarantees of cooperation between the Council, its relevant Special Procedures, and the General Assembly's Open-ended Working Group on Ageing.

Moving forwards not backwards

9. The report of this meeting and the Council's resolution should reflect the need for action that takes processes forward and should not countenance or facilitate any retrograde steps.

¹ List of non-governmental organizations in consultative status with the Economic and Social Council as of 1 September 2018* E/2018/INF/5 as "National Association of Community Legal Centres (2003)".

² A/HRC/RES/48/3.

10. This includes not re-hashing the work of OEWGA, the Independent Expert or other Bodies or Special Procedures.
11. Further, the report of this meeting and the Council's resolution should reflect actions that support progress on the expeditious satisfaction of OEWGA's continuing mandates at the 13th Working Session.

Reflecting what we already know

12. The report of this meeting and the Council's resolution should reflect the significant work and achievements of the OHCHR including the findings of the 2012 Analytical Outcome Paper, the 2021 Update to the 2012 Analytical Outcome Paper and the 2022 Report on Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons.
13. The report of this meeting and the Council's resolution should reflect the significant work and achievements of the Independent Expert on the Enjoyment of all Human Rights by Older Persons including Presentations and Reports.
14. The report of this meeting and the Council's resolution should reflect the significant work and achievements of the OEWGA over ten+ years including Chair's Reports, Panel Presentations, and crucially the findings of the Collations of Substantive Inputs and Collations of Normative Inputs.
15. In summary, the OHCHR, the Independent Expert and OEWGA have offered a comprehensive suite of analytical work that deserves consolidation in the process of drafting a new Convention howsoever that occurs and whatever forum.

Support civil society participation

16. Further, the report of this meeting and the Council's resolution should reflect the need to ensure active and meaningful participation and contribution of all stakeholders, including civil society, NHRIs, older persons themselves and their representative organizations within work of HRC and OEWGA.
17. It is essential that civil society are engaged in all processes in order to ensure the lived-experience of older persons resonates through the stages of collation, consolidation, negotiation and drafting.
