

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 3

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:

The recent ‘Report on the Asia-Pacific Intergovernmental Meeting on the Fourth Review and Appraisal of the Madrid International Plan of Action on Ageing’ noted “measures for safeguarding the human rights of older persons should be taken and welfare-based models should give way to rights-based approaches that could include the development of a convention on the rights of older persons.”¹

The Report also noted that “[A] convention on the rights of older persons could comprehensively and better ensure the human rights of older persons and help drive action at the national and international levels.”²

CLCs Australia have long asserted that MIPAA cannot alone remedy the legions of abuses and violations that older persons face. MIPAA has not reduced the invisibility and isolation of older persons, nor has it eliminated entrenched aspects of age discrimination and ageism, now overwhelmingly prevalent in our communities and in older persons’ lives.

CLCs Australia suggests that a new Convention would not only complement MIPAA but would drive and strengthen the Plan’s international, regional, and national impact.

We ask whether a new Convention would also complement, bolster, and strengthen other frameworks including the WHO’s “Tackling abuse of older people: five priorities for the UN Decade of Healthy Ageing (2021–2030)” and its Global Campaign to Combat Ageism.

STATEMENT:

1. Community Legal Centres Australia³ (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.

¹ ESCAP/MIPAA/IGM.3/2022/3 at para 15.

² ESCAP/MIPAA/IGM.3/2022/3 at para 37.

³ 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)”.

3. CLCs Australia notes that this session will discuss the social and legal construction of “older age”, ageism and the implications of these for equality and non-discrimination on the ground of (older) age and identify how a strong human rights protection system can strengthen synergies and joint actions across global and regional networks and initiatives on ageing to integrate and promote the human rights of older persons.
4. CLCs Australia contends that a new instrument on the human rights of older persons would complement and strengthen existing frameworks and that a dedicated instrument would provide a unique and significant stimulus to a more effective protection of the human rights of older persons at the international and national levels.
5. CLCs Australia now provides brief reflections on relevant frameworks.

2030 Agenda for Sustainable Development

6. CLCs Australia notes that the 2030 Agenda for Sustainable Development and the Sustainable Development Goals⁴ are expressly grounded in human rights and emphasise that the goals should be implemented in a manner that is consistent with the rights and obligations of states under international law.
7. CLCs Australia contends that a new Convention would add to 2030 Agenda’s ability to enhance older persons’ lives.
8. Furthermore, CLCs Australia notes the issue of older persons’ right to sustainable development is an emerging issue, including on OEWGA’s agenda, as a substantive at its 12th Working Session and for description within a normative context at the pending 13th Working Session.
9. Linked to this, but not yet considered by OEWGA is the question of how older persons might enjoy the human right to a clean, healthy and sustainable environment,⁵ which recognizes that:

...while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples, children, **older persons** and persons with disabilities... (Emphasis added)

Madrid International Plan of Action on Ageing

10. The recent ‘Report on the Asia-Pacific Intergovernmental Meeting on the Fourth Review and Appraisal of the Madrid International Plan of Action on Ageing’ noted “measures for safeguarding the human rights of older persons should be taken and welfare-based models should give way to rights-based approaches that could include the development of a convention on the rights of older persons.”⁶
11. It also noted that “[A] convention on the rights of older persons could comprehensively and better ensure the human rights of older persons and help drive action at the national and international levels.”⁷

⁴ Specific references to older persons or ageing are in Sustainable Development Goals 1, 3, 4, 5, 8, 10, 11.

⁵ A/76/L.75.

⁶ ESCAP/MIPAA/IGM.3/2022/3 at para 15.

⁷ ESCAP/MIPAA/IGM.3/2022/3 at para 37.

12. The Madrid International Plan of Action on Ageing – a social development process – cannot alone remedy the legions of abuses and violations older persons face. It has not reduced the invisibility and isolation of older persons, nor has it eliminated entrenched aspects of age discrimination and ageism, now overwhelmingly prevalent in our communities and in older persons’ lives.
13. MIPAA itself recognises that human rights and social development are complementary. They are not at odds with each other. They are mutually reinforcing, and in that sense, both essential parts of the global policy landscape and the rule of law. Older persons need both to be guaranteed healthy, safe, and fulfilling lives.
14. MIPAA recognises its own complementarity with human rights standards and relies on human rights to be successful in achieving its objectives; a central theme of the MIPAA includes, “[E]nsuring the full enjoyment of economic, social and cultural rights, and civil and political rights of persons and the elimination of all forms of violence and discrimination against older persons...”⁸

The UN Decade of Healthy Ageing

15. The UN Decade of Healthy Ageing, includes the specific plan for “Tackling abuse of older people: five priorities for the UN Decade of Healthy Ageing (2021–2030)”.
16. The WHO has noted, “[D]ual framing of abuse of older people as an issue of human rights and public health has dominated the field, and potential synergies in the dual framing have not been investigated.”⁹
17. Further, CLCs Australia note that the WHO have observed:

Although abuse of older people has been framed in different ways in different countries over the years – e.g. as a social problem, a medical problem, an ageing issue, a criminal justice issue, and so forth, a dual framing has dominated at the global level: the human rights and the public health framings. These two framings have so far existed side-by-side. Their potential to work synergistically to boost the issue of abuse of older people has so far not been exploited. Related to the human rights framing is the debate about the role of a global Convention on the Rights of Older Persons in increasing the priority of the issue of abuse of older people.¹⁰

18. Eradication of violence, abuse and neglect of older persons will likely be an underlying conceptual framing of any new Convention.
19. CLCs Australia suggest that a new Convention would provide a framework for international, regional, and national measures to combat violence, abuse, and neglect of older persons including the WHO’s planned priorities.

The Global Campaign to Combat Ageism

20. The World Health Organization’s Global Campaign to Combat Ageism seeks to address the impacts of the global, high prevalence of ageism.

⁸ MIPAA Part I, paragraph 12(e).

⁹ World Health Organization, Tackling abuse of older people: five priorities for the United Nations Decade of Healthy Ageing (2021–2030), WHO 2022, page 4.

¹⁰ World Health Organization, Tackling abuse of older people: five priorities for the United Nations Decade of Healthy Ageing (2021–2030), WHO 2022, page 22.

21. CLCs Australia suggest that a new Convention would provide a framework for international, regional, and national measures to combat ageism, including the WHO's global campaign. Ageism will likely be an underlying conceptual framing of any new Convention.

Recommended Inclusions in Summary Report of Multi-stakeholder Meeting

A New Instrument is Urgently Needed

22. Recognizing that UN and other frameworks depend on human rights to succeed in their goals and aspirations and that they are soft-law and not binding, CLCs Australia contends that a new Convention is an essential instrument to support, bolster and reinforce those other frameworks.

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