**OHCHR’s Multi-Stakeholder Meeting on the Human Rights of Older Persons**

**Session 2: Adequacy of existing human rights mechanisms in responding to the challenges**

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Ladies and gentlemen, can I first begin by thanking the Office of the UN High Commissioner for the opportunity to join you here today to discuss issues relating to the adequacy of existing human rights mechanisms in responding to the challenges that older persons’ face.

While in principle, the core human rights instruments apply equally to older persons, the rights of older persons have not received the same consideration in international human rights law as other groups. The Convention on the Rights of Persons with Disabilities (CRPD) is one of the few treaties that includes references to age and older persons. For instance, the difficult conditions faced by persons with disabilities owing to multiple and aggravated forms of discrimination, including on the basis of age, are recognized in the preamble; the obligation to combat stereotypes, prejudices and harmful practices, including those based on age, is set out in article 8 (Awareness-raising). Article 19 provides further guidance on measures that should be adopted to facilitate independent living and the full inclusion and participation of older persons with disabilities in the community. Older persons are referred to explicitly in relation to health services to minimize and prevent further impairments and to be provided with the same range, quality and standard of free or affordable health care and programmes, as provided to other persons on article 25 on (Health). States are also called upon to ensure access by older persons with disabilities to social protection programmes and poverty reduction programmes in article 28 (Adequate standard of living and social protection).

In addition, the CRPD Committee has considered issues relating to older age in its general comments and concluding observations to States parties. For example, in its general comment No. 3, it highlighted the multiple discrimination older women with disabilities face in the enjoyment of the right to live independently in the community. Pointing out that age and impairment, separately or jointly, can increase their risk of institutionalization. Furthermore, in its general comment No. 6 (2018) on equality and non-discrimination, the CRPD Committee recommended that States adopt specific measures for older persons with disabilities.

However, despite these many areas of overlap and intersection I have mentioned, the Convention does not single out the challenges at the intersection between ageing and disability like it has done with women with disabilities or children with disabilities. Further, as discussed in the High Commissioner for Human Rights report to the 49th Session of the Human Rights Council earlier this year, the CRPD Committee has included only one reference (at least) to older persons in one third of our concluding observations. This I agree is not nearly enough.

While the provisions above and their interpretation make the CRPD a unique entry point for dealing with the intersection between ageing and disability from a rights-based perspective, the CRPD is drafted in a way that specifically reflects the needs of people with disabilities. In other words, older persons with disabilities will be the only category that can fully utilise these protections, but age and disability are not synonymous. In effect, our committee, much like, the existing treaty body framework will not be able to provide comprehensive protection for older people due to their conceptual limitations. There is more to ageing than disability and more to disability than ageing for example. This inadvertently makes it difficult to clarify the obligations of States with respect to older persons in general.

Medical definitions and approaches continue to dominate international discussions on ageing, and older persons are still largely perceived as mere beneficiaries of care and welfare. A shift in attitudes as seismic as the one, which we campaigned for within the disability rights movement, is needed here too and I believe a dedicated convention on the rights of older persons together with its own committee oversight would be an enormous step forward in this regard. A convention on the human rights of older persons will ensure a human rights-based approach and discourse on ageing. In addition, it will ensure the peculiar challenges older persons face, such as in relation to accessing long term care services including external support in the areas of social life activities related to self-care, domestic life and mobility, psychological health and palliative care. For instance, evidence shows that people over the age of 85 years are less likely to have access to external support in the area of social life activities than younger individuals, with older persons with conditions including dementia, being particularly at risk.

It will also provide a focused framework for legislative and policy development for governments that is tailored to the specific human rights involved. Lastly a dedicated convention brings into international (and national) focus the beneficiaries. This is critical, given the invisibility of older persons and the ongoing age discrimination.

What the CRPD and the Committee has been enormously helpful in doing, is helping to bring about a much-needed paradigm shift. From a situation where persons with disabilities are viewed as objects of charity and medical treatment, towards viewing persons with disabilities as rights-holders who are capable of claiming those rights and making decisions for their own lives based on their free and informed consent as well as being active members of society.

This is what the adoption of a specific convention on the human rights of older persons can achieve. It will set the international standard against which society should view and treat older persons and how older persons should expect to be viewed and treated by individuals and society wherever in the world they may live. It is as much about changing attitudes and challenging stigma as about tangible change. A specific convention on older persons will subsequently lead to an overlap of work with existing conventions, including the CRPD, ensuring that other mechanisms become more aware of and sensitive to intersectional issues. This affords us the ability and expertise to include the latest key issues of older persons in our work and encourage states to do more in upholding the rights of older persons.

Attitudes as well as laws in relation to older people need to change everywhere. In my view, setting the international standard through a dedicated UN Convention can help to do both. I feel enormously privileged to have this opportunity to be able to share my perspective with you today and I look forward to working with you to make the rights of older people a reality to the benefit of us all. Thank you very much chair.