



The United States Mission to the United Nations
799 UN Plaza, New York, NY 10017

May 6, 2013

Dear Ms. Lane,

In its March 28, 2013 letter, the Department of Economic and Social Affairs invited member states to submit elements for an international legal instrument to promote and protect the rights of older persons by May 1. UNGA Resolution 67/139 – entitled “Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons” and adopted on December 20, 2012 – gave the Open-Ended Working Group on Ageing a mandate to consider proposals for a new international legal instrument on the rights of older persons.

The United States thinks a new legal instrument on the rights of older persons is not needed. Many other countries share this view. The positions expressed during the three Open-Ended Working Group sessions held so far clearly demonstrate that UN member states disagree on whether a new instrument is the best way to protect older persons and advance their well-being. The large number of abstentions during the Third Committee and UNGA votes on Resolution 67/139 underscores that most nations are not ready to endorse the resolution’s main objective of negotiating a new instrument.

Older persons face critical challenges involving violence and abuse, economic security, and health and nutrition needs. Older persons, however, already have the same human rights as everyone else under existing human rights law. A new international instrument such as a convention would not necessarily provide additional protections, and even after a convention came into force, it would not be binding upon member states that do not ratify it.

There are actions that can be taken in the short term that should be considered before prioritizing a treaty negotiation process. Provisions in existing treaties applicable to older persons should be fully implemented. States Parties’ reports to existing treaty bodies could include specific information on implementation of their provisions with regard to older persons. Existing Special Rapporteurs could examine ageing issues within their mandates. And member states and non-governmental organizations can continue to discuss and disseminate best practices concerning the rights of older persons.

Moreover, negotiating a legal instrument would require new human and monetary resources. Member states would need to provide expert teams for a labor-intensive and expensive multi-year negotiating process, in order to arrive at a document that would enjoy broad support. Considering the budget constraints that the UN, member states, and civil society

organizations currently face, embarking upon this course of action would inevitably divert resources from addressing the more immediate and concrete needs of older persons. Rather than financing a negotiating process, scarce resources should be devoted to implementing the Madrid Plan of Action on Ageing, which offers a balanced, pragmatic approach to improving the situations and circumstances of older persons. The Open-Ended Working Group on Ageing provides a forum for this approach.

Thank you for the opportunity to comment.

Very truly yours,

Laurie Shestack Phipps

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