

Mr. Chairman,

On the issue of a possible instrument

Let me reiterate again that we fully acknowledge the serious challenges older persons face, including when it comes to the enjoyment of their human rights. Serious protection and implementation gaps as well as age-related discrimination exist.

We are convinced that an increased focus on age as a specific perspective and its mainstreaming through the work of the Commission on Social Development, human rights treaty bodies, special procedures and in particular the Universal Periodic Review is of an added value and worth of further exploring.

In the above context we have noted with interest the adoption without a vote by the Human Rights Council of Resolution 21/23 (September 2012) regarding the human rights of older persons.

With the above resolution the Council recognizes the human rights challenges that older persons face and calls upon all States to ensure the full and equal enjoyment of all human rights and fundamental freedoms for older persons, including by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to social integration and adequate health care;

In addition, relevant issues related to ageing could also be especially highlighted in the human rights system like for example General Comments drafted by treaty bodies or joint reports of the existing Special Rapporteurs.

Let me now turn Mr. Chair specifically on the issue of the new instrument

First, allow me to make a few comments on the Note Verbale submitted to Member States pursuant to resolution 67/139.

1. We were indeed able to send our contribution pursuant to resolution 67/139.
2. In our reply we emphasized that "While we strongly believe that consensus is indispensable with a view of providing solid basis for any new instrument to become meaningful and effective, the voting result, including the high number of abstentions (118) and 5 votes against, clearly indicate that the membership of the United Nations is not ready to start negotiate on a new instrument on the rights of older persons."
3. In addition, on the replies, while 177 delegations took part in the vote, there were only 27 replies from States or observers in response to the Note Verbale - therefore not providing a comprehensive picture.

Mr. Chair,

During this session, and also today, we were able to hear different views from several Member States and NGOs in favour of drafting an international instrument. Among the arguments brought here in favour of the instrument it was mentioned the fact that "since standards that protect the rights of older persons are scattered throughout various international and regional instruments we need a new instrument to bring all the provisions together".

This view in short also holds that the normative framework within the current International Human Rights Law is incomplete.

First, OP2 of 67/139 provides that:

The GA ---- 2. *Requests* the Working Group to present to the General Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection.

So the intention here is not to codify existing law, but rather regulate new areas which are not covered by existing instruments.

Second: Taken alone, the circumstance that the relevant standards are not contained in one single international treaty does not justify creating a new instrument. This situation, protection gaps in practice, would be effectively addressed only by implementing existing standards, and not by literally providing for the same rights also in a new dedicated instrument.

It would be wrong to conclude from the discussions in this group that continuing the project of codification, or re-codification can fill-in the protection gaps in practice. The source and the nature of gaps is such that it will not be removed by further codification in international human rights law.

However, we have noted with interest several proposals put forward during this session as regards relevant measures and actions at the international level to improve and strengthen the human rights protection of older persons, which in our opinion deserve further consideration, towards our common goals.

I thank you.