

HelpAge International Intervention: Interactive dialogue with NGOs

7th Session of the Open-ended Working Group on Ageing

UN Headquarters, New York, 15th December 2016

We would like to propose two areas for the Working Group to explore in its discussion on elements of a multi-lateral instrument at its eighth session next year.

The first is non-discrimination and equality.

Ageism is a key driver of discrimination and denial of rights in older age. Failure to reflect older people's lived reality of ageism in a new convention will result in an instrument which is not fit for purpose.

The prohibition on discrimination in older age needs to protect against individual instances of discrimination, including intersectional and cumulative discrimination and it must apply in every aspect of older people's lives. It must also recognise ageism as a harmful social norm and commit states to taking concrete measures to eliminate wider systemic and structural ageism.

Special measures are necessary to ensure equality and non-discrimination of older people in practice. And older people everywhere must be guaranteed access to effective and appropriate remedies and sanctions that reflect, rather than dilute, the seriousness of discrimination in older age.

The second area is autonomy.

Ageism results in the denial of older people's right to make decisions in many areas of their lives. Effective guarantees of autonomy in older age need to include the right to make decisions in all aspects of life including support and long term care for independent living, property, income, living arrangements, personal relationships, health care and medical

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treatment and leisure activities. Autonomy in older age also includes the right to make advance decisions, for example on the preferred type of care and support. It also includes the right to free and informed consent for medical treatment and the right to refuse treatment or to withdraw consent.

We believe that the most effective way to ensure the detailed and substantive discussion required at this stage on these elements is for there to be an agreed outcome document at the end of the eighth Working Group session.

To conclude, the elements in a convention need to be comprehensive. The current bias towards economic and social rights at the expense of political, civil and cultural ones reinforces ageist and welfare-based attitudes towards older people and limits the areas of life to which human rights are considered to apply in older age.

The growing numbers of older people is not in and of itself the reason why we need a convention. It is because of the widespread, often ignored and deeply dehumanising ageism present at every level of society and across every aspect of life. The elements of a convention must respond directly to this if it is to be effective.