

Statement of William B. T. Mock  
American Bar Association Liaison to the  
to the Sixth Session of the  
United Nations Open-Ended Working Group on Ageing  
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The American Bar Association (ABA) is one of the world's largest independent professional associations, with nearly 400,000 members, many of whom are directly involved in assuring rights and protections for older persons, both domestically and worldwide. I offer these remarks as the ABA Liaison to the Open-Ended Working Group on Ageing.

The ABA supports the work of the OEWG, including the very important work of the Independent Expert, and further supports initiatives under way to move towards the drafting of a comprehensive convention on the human rights of older persons. We note the worldwide demographic shift towards aging populations, as well as the increasing political and economic importance of older persons. At the same time, we are concerned about gaps in focus and gaps in the particularity of protections, reporting mechanisms, and enforcement mechanisms in existing human rights instruments. Only by drafting and adopting an international convention will it be possible to focus existing but broad norms upon the specific issues facing older persons, as well as to extend those norms in

directions specific to the human rights challenges faced by older persons.

But a convention on human rights for older persons must be about more than just compiling and specifying rights. It must also change the social paradigm of aging. All too often, older persons are still seen as a vulnerable and no-longer-productive group making unwarranted claims on public resources, rather than as legitimate, productive, and important rights holders in an aging world. All too often, being older is conflated with being disabled, a needless confusion that reinforces rather than eliminates harmful stereotypes. In this context, the role of a convention is both substantive and fundamentally symbolic.

The ABA notes with great satisfaction the recently adopted Inter-American Convention on Protecting the Human Rights of Older Persons, which provides proof that an international convention is possible, and which provides a clear foundation for wider international adoption of a document growing out of the OEWG process. In addition, the ABA notes the work of the international group that prepared the Chicago Declaration on the Rights of Older Persons, whose work is ongoing, particularly in investigating appropriate reporting and enforcement mechanisms that might be utilized to support an international convention.

The ABA recognizes that better implementing existing human rights documents, enhanced reporting of instances of discrimination and abuse of older persons, and other initiatives that have been proposed by those who would prefer not to adopt a new human rights convention are, in themselves, positive developments. However, it would be a mistake to view progress under existing initiatives and instruments such as the Madrid

Plan of Action on Ageing as somehow pre-empting efforts to draft a comprehensive convention. In truth, these actions are complementary, not mutually exclusive. We can and should do both. Illustrating this by analogy, efforts to protect women under the Universal Declaration of Human Rights and other instruments did not eliminate the need to draft a Convention on the Elimination of Discrimination Against Women.

In an ideal world, we would only need to say something once. Everyone would listen and realize the implications of what was said. Unfortunately, parents, teachers, and diplomats all have reason to know better. We know that there is value in restating and clarifying norms, and in extending them with specific reference to the problems that may arise in the contexts of particular populations. There is no reason to let improvement in enforcement of existing standards block improvement in the standards themselves. Similarly, there is no reason to allow successful implementation of human rights for older persons in some countries to serve as a barrier to creation of a convention that will advance those rights throughout the world. Thus, the ABA supports efforts within the international community, including within the OEWG, to draft a comprehensive international convention that focuses with particularity on the human rights of older persons.

Thank you.