

HelpAge International Intervention for Item 5, 16th July 2015

6th Session of the Open-ended Working Group on Ageing UN Headquarters, New York, 2015

Interactive dialogue with civil society: the way forward

Throughout this 6th session, the consensus in the Working Group on implementation and protection gaps has been reaffirmed. We welcome this consensus and see it as the basis for the way forward.

The fact that there is no consensus among Member States on whether there is a normative gap should not be used as a reason to prevent discussion on the contents of a new legally binding instrument.

As human rights law has evolved, decisions to adopt new human rights treaties have not been based on the need to fill a normative gap.

Instead, issue-specific human rights treaties have been adopted when it has been recognised that the norms in existing human rights instruments are not being implemented with equal attention in particularly neglected, hidden or little understood situations of discrimination and rights abuse.

The Working Group has reached consensus on such an implementation gap and so spending more time deliberating on whether gaps are of a normative nature is unnecessary.

With regard to alternatives to a new convention proposed at this 6th session, the comprehensive compilation suggested by the European Union would be an extremely useful output of the Working Group between now and its next session in 2016 if developed in the context of the Working Group's mandate.

In relation to better use of existing human rights mechanisms, a review HelpAge conducted of the two Universal Periodic Review cycles to date showed that only 113 out of 38,298 recommendations, that is 0.3%, have referred to older people. And only four of those recommendations were specifically on the elimination of discrimination in older age.¹

There have also only been 115 specific recommendations on the rights of older people across all the Special Procedures and Treaty Bodies since 1999 and there is no sign of an increase in attention over time. Even the adoption of the CEDAW general recommendation on the rights of older women in 2010 has not resulted in an increase in recommendations on older women's rights.²

The two review and appraisals of the Madrid Plan and discussion here in the Working Group, have shown that better implementation of this action plan will also not address the human rights implementation and protection gaps.

¹ UPR Database, Search under key words: *older persons, elderly, old age, older people*, <http://www.upr-info.org/database/> Visited 30th June 2015

² Universal Human Rights Index search for older persons (a listed affected group). <http://uhri.ohchr.org/search/annotations> Visited 1st July 2015

Check Against Delivery

We therefore remain firm in our belief that a new convention is the most effective way to address the implementation and protection gaps that the Working Group has reached consensus on.

Mr Chair, many Member States and NGOs stated at the end of the 5th session last year that the Working Group had spent sufficient time on analysis and must now move forward in order to fulfil its mandate in its entirety.

Despite this, a mere sixty minutes has been dedicated to discussing the concrete proposals submitted under resolution 69/146 at this session. The majority of time has been dedicated to a broad discussion of issues related to ageing which, though interesting, has often strayed from the mandate of the Working Group.

We believe that little can be gained from another Working Group session of general discussion and that covers the same ground and rehearses the same arguments without moving towards working on the text of a new convention. This is the way forward.

Thank you.