

Time has come to draft a UN Convention on the Rights of Older Persons

Joint Statement by BAGSO, the German National Association of Senior Citizens' Organisations, and HelpAge Deutschland submitted to the 11th Session of the Open-Ended Working Group on Ageing at the United Nations

1. BAGSO and HelpAge Deutschland join the International Civil Society and National Human Rights Institutions in their call for a UN convention on the rights of older persons.
2. In past sessions of the OEWG-A, notably between 2017 and 2019, protection gaps in specific areas of life have been identified. We see the following human rights protection gaps for older persons especially critical:
 - The right to autonomy and independence is not guaranteed explicitly by any international human rights treaty, although they are essential components of well-being.
 - Violence against older people has been happening in many forms – physical, psychological and emotional, sexual, financial abuse or neglect –, none of which is explicitly referred to in existing normative instruments.
 - Access to education, training and lifelong learning are crucial for societal participation. Yet, there is no comprehensive framework in relation to the right to education.
 - Technological advances such as digitalisation, robotics and artificial intelligence (AI) are gaining in importance every day. Their human rights implications have not been addressed by international human rights law at all.
3. These protection and normative gaps alone show the urgency of a convention. The fast expansion of COVID-19 has made the drafting of a UN convention even more urgent. Despite manifold efforts of governments to protect older persons, the pandemic has exposed significant human rights violations, such as ageism, age discrimination, confinement and neglect of older persons, especially in nursing homes, in many countries across all regions, including Germany, underlining the need for strengthening older persons' rights worldwide.

4. The human rights implications of the pandemic have been recognised by the UN Secretary General¹, the UN High Commissioner for Human Rights², and the Independent Expert on the Enjoyment of all Rights by Older Persons³.
5. We recognise that the EU-Council Conclusions on human rights, participation and well-being of older persons in the era of digitalisation⁴, put forward by the German Federal Government during its EU-Council Presidency last year, are a milestone towards a UN convention on the rights of older persons.
6. We also highly value the German Federal Government's call for identifying potential gaps in human rights mechanisms and, if necessary, to close them.
7. The 2021 Update to the 2012 Analytical Outcome Study prepared by the Office of the High Commissioner for Human Rights on the normative standards in international human rights law in relation to older persons, documents gaps in extant legal frameworks.⁵ It highlights the fragmented and inconsistent coverage of the human rights of older persons in law and in practice.
8. Given the evidence for the need of a convention, we urge the OEWG-A to formally decide to start drafting a UN convention on the rights of older persons now, without any further delay.

BAGSO, German National Association of Senior Citizens' Organisations,
www.bagso.de/english

HelpAge Deutschland, <https://www.helpage.de/>

12th of March, 2021

¹ United Nations, 2020, The impact of COVID-19 on older persons,
https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_covid-19_and_older_persons_1_may_2020.pdf

² Webinar organized by the NGO Committee on Ageing in Geneva, 12 May 2020,
<https://www.youtube.com/watch?v=J9Fw3J81ez0>

³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25748>, 27 March 2020

⁴ <https://data.consilium.europa.eu/doc/document/ST-11717-2020-REV-2/en/pdf>

⁵ Draft for consultations, January 2021