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## DPI/NGO Briefing

### *“A Call for a Convention on the Rights of Older Persons”*

2 October 2008

#### Summary

The Briefing was held in recognition of the **International Day of Older Persons**, which is observed each year on 1 October since the General Assembly passed resolution 45/106 on 14 December 1990. The day was an opportunity to celebrate the contribution of older persons within their respective societies and to evaluate their current situation in light of General Assembly resolution 46/91, which encourages Governments to incorporate the principles of independence, participation, care, self-fulfillment and dignity into their national programmes

As 2008 marks the **60th anniversary year of the Universal Declaration of Human Rights**, the NGO Relations Cluster of the Department of Public Information, in consultation with the NGO Committee on Ageing, in New York, decided to focus the 18th observance of the International Day of Older Persons (IDOP) on a process that will lead to the development and acceptance of a Convention on the Rights of Older Persons. Despite the fact that older persons comprise 11 percent of the global population, they remain largely marginalized and invisible in society. With this idea in mind, the Committee, in collaboration with the NGO Relations Cluster, agreed on this year's theme: “A Call for a Convention on the Rights of Older Persons.”

The briefing began with a montage of photos of older persons from different regions of the world. **Mr. Eric Falt**, Director of the Outreach Division in the Department of Public Information, opened the briefing by explaining the significance of the Day. He stressed the need to bridge the gap between the philosophy of the Madrid Plan of Action and real commitment reflected in national plans. He looked forward to hearing the exchange of views of the speakers on the need for a new convention on older persons. Mr. Falt also read the message for the Day of UN Secretary-General **Mr. Ban Ki-moon**. The Secretary-General noted that despite the commitment of member States to the Madrid International Plan of Action on Ageing, in many parts of the world the rights of older persons were violated on a daily basis. He said much more needed to be done at the national level to support older persons, promote their income security and social protection and ensure quality health care, as well as long-term care services. He suggested that the International Day provided an opportunity to stimulate discussion on promoting the rights of older persons and strengthening partnerships aimed at securing their full participation in society. He called for a redoubling of efforts to achieve the rights of older

persons and make the dream of a society for all ages a reality. **H.E. Norman Miranda**, Chef de Cabinet of the Office of the President of the 63rd General Assembly spoke on behalf of Father Miguel d'Escoto Brockmann, President of the 62<sup>nd</sup> General Assembly. Father Miguel, in his message, noted that as a senior citizen himself he was proud to have been entrusted with the presidency of the General Assembly at the age of 75, and hoped that the NGOs shared that sense of pride with him. He said older persons had the time, the expertise and resources to make a big difference in society. He called for NGOs to push the envelope of human rights to protect the rights of older persons to safety nets such as social security and pension plans, as well as the benefits of health, nutrition and psychological well-being. He said the United Nations can assist governments and specialized agencies in making these generational changes through sharing with them information contained in its data bases, and through its networks of experts on policies and rights that can guide national efforts. He suggested that he would like to be able to recommend to the General Assembly for its consideration the call by some member states and NGOs for a convention on the rights of older persons. He urged the NGOs to provide the momentum to mobilize awareness regarding the rights of older persons. **Jose Miguel Guzman**, Chief, Population and Development Branch of the UN Population Fund said his organization was pleased to have made possible the participation of speakers from the developing countries in the Briefing. He reiterated the significance of Article 19 of the Political Declaration, adopted at the Second World Assembly, in Madrid, which called on people from all regions of the world to work towards a shared vision of equality for persons of all ages. In that spirit, he expressed his hope that the day's meeting would mark the beginning of a process which would pave the way for the development and acceptance of a Convention on the Rights of the Older Persons. **Florence Denmark**, Chair of the Committee on Ageing, New York thanked all who cooperated with the NGO Relations and the Committee on Ageing in planning the Day's programme, and gave an overview of the events organized.

The first segment included presentations by two keynote speakers: **His Excellency Minister Paulo de Tarso Vannuchi**, Secretário Especial dos Direitos Humanos (Special Secretary of Human Rights) of Brazil; and **Mr. Sergei Zelenev**, Chief, Social Integration Branch, Division for Social Policy and Development, Department of Economic and Social Affairs. The second segment of the programme featured speakers from around the world. They discussed human rights issues relevant to older persons in each of the United Nations economic regions, and focused on their specific regional action plans. The speakers included **Professor Nana Araba Apt** from Ghana; **Dr. Lia Daichman** from Argentina; **Dr. Nabil Kronfol** from Lebanon; **Her Excellency Minister Dzamila Stehlikova** from the Czech Republic; and **Mr. Manohar Upreti** from Nepal.

His Excellency Minister Paulo de Tarso Vannuchi began by stressing that the world's ageing population was a challenge and an issue that the international community needed to address. This was particularly the case in Latin America. He said the first international conference on older persons that took place in May 2006 opened opportunities for the global society to engage in discussion on this issues. The conference, he noted, had also revealed that significant challenges needed to be addressed. Minister de Tarso Vannuchi pointed to the importance of the 1991 Madrid Plan of Action on Ageing which outlined the principals for older persons including independence, participation, care, self-fulfillment and dignity. However, he said that further work was necessary; and in March 2008 several countries had declared their support for a convention on the rights of the elderly. The Minister also described Brazil's work in this area, noting that 1October 2008 marked the five year anniversary of his country's federal act for people over 60 years of age. This act promotes public health, culture, sports and recreation for older persons

Minister Vannuchi reiterated that international diplomacy was vital and that patience and persuasion were important to advancing the case for a convention on the rights of older persons. He affirmed that Brazil was committed to international dialogue and consensus and in his capacity as the Special Secretary of Human Rights he would present an idea of solidarity, in particular monitoring of the fulfillment of obligations, to the mission of Geneva later this year. Minister Vannuchi noted that this year being the 60<sup>th</sup> Anniversary of the Universal Declaration of Human Rights had helped focus attention on the rights of older persons. This was important because “a country that did not look after its older people did not have a soul.”

Mr. Sergei Zelenev began by noting that the International Day of Older Persons was an opportunity to not only draw attention to the range of issues affecting older persons, but also to celebrate their contribution to society. He paid tribute to the numerous roles that older persons play in contemporary society, among them, their role in family and in community –particularly women, as care givers. Focusing on the issue of the rights of older persons, particularly in light of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights he noted that unfortunately the rights of this group were often overlooked at both the national and international levels. Addressing the issue of the call for a Convention on the Rights of Older Persons, Mr. Zelenev speaking in his personal capacity said that when talking about the rights of older persons and the need to buttress them, there was a need to take account of the fact that in many cases older persons were suffering from structural disadvantages in society. These disadvantages he stressed could not be addressed through ad hoc solutions reflected in national legislation, on issues such as age discrimination and elder abuse. Developing a Convention, he suggested, would therefore signify an entirely different level of social protection for older persons. However, he noted that a Convention would not be an easy job; and further, would require not only a convergence of efforts by many partners, but above all “a clearly expressed political will” of Member States. There were many reasons why a convention for older persons was needed, he said. One of the major ones being the fact that this particular socio-demographic group remains vulnerable to many risks, including frailty, discrimination, neglect, and even harassment; and does need special protection no matter where they live in the world. Vulnerability of older persons, he stressed, “is an obvious factor of concern, providing moral, ethical and political grounds for the calls for existence of better legal instruments to protect this particular segment of the population.” Mr. Zelenev cited the issue of participation and inclusion as another important reason for calling for a Convention. He said “not everywhere at the national level can the voice of older persons be heard;” and he stressed there was a need for older persons to be able to effectively articulate their concerns and claim their rights, which was not possible without clear legal norms. In this context he raised the issue of the Madrid Plan of Action which he said, though a comprehensive document regarding age-specific policies, was not however, legally binding. The existence of a legally binding Convention, he suggested, could give leverage to those whom the Convention may serve, and add some “teeth” to the implementation of the Madrid Plan of Action. One of the arguments used by skeptics who question the need for a Convention on the rights of older persons, he said, was the fact that these were already covered under the Covenants on civil and political rights together with the International Covenant on economic, social and cultural rights. Though this was a valid argument, Mr. Zelenev stressed that a counter-argument was the fact that the existence of these Covenants were not considered by Member States as an obstacle for creating at least four separate legal instruments specifying rights for children, women, persons with disabilities and indigenous peoples. Citing the success of the recently established Convention on the Rights of Persons with Disabilities, Mr. Zelenev expressed the view that there were important lessons to be learnt from that process. One, he suggested, was the need to create a platform of shared interests and find possible solutions to potential disputes. Another was ensuring that the process was dynamic from its inception; and that a commitment regarding a Convention was clearly expressed by several Member States from the beginning of the process.

In addition, he emphasized that critical to success was the building of partnerships and strategic alliances between governments, the United Nations system, civil society and the private sector. He also stressed the importance of linking the issue of ageing with the development agenda, which he noted was also an important lesson learned from the process which led to the Convention on the Rights of Persons with Disabilities.

Professor Nana Araba Apt said that the ageing population presented Africa with a significant problem. Urgent attention was needed, especially in the area of education. Professor Apt noted that improvement in the quality of life for older persons could only be achieved if they are treated as development partners. In this context she recommended that giving older persons financial support and access to labor markets, would allow them to participate in their own poverty reduction. Professor Apt noted that the role of civil society was essential in raising awareness of the need to improve the quality of life for older persons and further, that NGOs had contributed to putting this issue on the agenda of the African Union. Although awareness had been increasing, she stressed, further work was necessary to ensure that appropriate resources and legislation were put in place.

Dr. Lia Daichman noted that the UN Principles for Older Persons had provided Latin America with a working framework. However, millions of older persons are still denied their rights as they have limited access to health, education and legal services. Moreover, many older persons have significantly low incomes and are forced to work beyond their physical capacity. Dr. Daichman suggested that treatment and prevention were required to reduce the vulnerability of older persons. In particular, “societal abuse” could be reduced if the protection of their human rights was enforced. In recent years, Argentina has created initiatives to address these abuses by increasing investment in social capacity and introducing new policies to educate older persons on their rights. Dr. Daichman urged governments to work with the international community to address the rights of older persons. However, she believed that this should be viewed not only as a challenge, but also as a potential gain.

Dr. Nabil Kronfol talked about ageing in the Arab countries and focused his attention on two main aspects— independence and care. He said that the Middle East region had the largest growing ageing population. This had resulted in greater demands and challenges for the region compared to other developed countries. Dr. Kronfol said independence of older persons needed to be promoted and care increased. He suggested that the overarching enemy of older persons was the lack of social policies which enhanced independence. He indicated that the level of care in old peoples’ homes was sub-standard because they lacked specialized geriatric services. He further noted that social and economic support to caregivers was also needed. Older persons he advocated were merely recipients of support services but did not participate in the decision-making process regarding their care. Social policies, he insisted, had to be articulated in a more cohesive manner which would allow older persons to have a voice in how they are cared for. He suggested that increasing the independence of older persons required economic development and increased equitable pension and social plans. The current healthcare system needed to be overhauled and funding increased for improvements to geriatric care and nursing homes. Geriatric wards he noted were missing from most hospitals. In addition he put forward the view that greater emphasis should be put on among other things, mobile units. Dr. Kronfol stressed that to achieve progress in promoting the independence of older persons and improving care, a “multi-sector” approach was needed, where governments should work with civil society to raise awareness and advocacy of human rights. He said the goal should be promoting the rights of older persons “as they age rather than when they age.”

Minister Dзамila Stehlikova highlighted the importance of facilitating dialogue to ensure that issues concerning older persons are adequately addressed. Older persons should be seen as the future, not the past, but she noted this depended on how governments rose to meet the challenge of addressing their needs. She shared with the audience a number of important initiatives that the Czech Republic had taken to establish an ageing management plan. These plans included supporting family and improving social services, creating an age-friendly environment, improving the health and health services for seniors, promoting their participation and protecting the dignity and rights of seniors. These plans, she stressed, outlined national priorities, have provisions for monitoring outcomes and offer strong legal protection. Minister Stehlikova noted that equality of legal rights for older persons was currently inadequate in the European Union (EU) since the EU offered equal legal protection of working rights regardless of age, but did not extend these to the areas of education, social security and healthcare. She noted however that there are current proposals to address this inadequacy. Minister Stehlikova announced that Prague would host the 2009 conference on the dignity and endangerment of elderly people, which she hoped would further promote the rights of older persons.

Mr. Manohar Upreti said that lack of progress in the areas of education and healthcare was a growing issue in Nepal because of the increase in the ageing population and the rise in migration. Mr. Upreti said that initiatives in the area of economic independence were crucial because it would allow older persons to be financially independent and fulfill their economic potential. In this regard, Mr. Upreti outlined a successful animal husbandry project that had led to improvements in the economic well-being and health of older persons. He believed that these projects where skills and interests of older persons were identified, training given and resources loaned at low interest, provided positive benefits to older persons. This in turn improved their economic wellbeing and their status within the community. The challenge for Nepal he suggested was to increase committed resources for similar projects and to make older persons a priority. Improvements in geriatric healthcare and establishing social groups to allow older people to be more engaged within their communities, Mr. Upreti stressed, would also be essential to enhancing the well-being of older persons in his country

A number of questions were addressed to the both panels during the Briefing many of which centered on the process of getting a convention on the rights of older persons and the issues of elder abuse and the need for training of primary health care physicians in geriatrics.

The briefing was attended by about 300 representatives of NGOs, United Nations and Permanent Mission staff.

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