



**Statement of Mr. Craig Mokhiber**  
**Office of the United Nations High Commissioner for Human Rights**

**Open-ended Working Group on the**  
**Human Rights of Older Persons (GA res. 65/182)**  
**First substantive session, New York, 18-21 April**

**PANEL ONE: Setting the scene, Existing international framework**

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Excellencies, distinguished delegates and experts, dear colleagues,

Today's panels will consider the existing international human rights framework and how it has been applied by United Nations human rights mechanisms to the protection of older men and women. In looking at the practice of existing human rights mechanisms in this field, we will also consider a number of protection gaps.

Of course, all of the core international human rights treaties apply to situation of older persons. None impose an upper age limit to the enumerated entitlements and protections contained therein. Several have been explicitly interpreted and applied to the situation of older persons by the expert bodies established to monitor their implementation. And a few have developed specific standards on this issue, on the basis of generally recognized rights and principles. Among these are the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, both of which will be represented on today's panel.

Our research, and that of other institutions working in this field, paints a picture of a large and growing sector of society confronted by a broad range of human rights challenges, marked by official and familial neglect, physical and mental abuse, political exclusion, social marginalization and economic deprivation. Almost 700 million people are now over the age of 60. By 2050, 2 billion people-- over 20% of the world's population-- will be 60 or older. By 2045, for the first time in history, there will be older persons than children in the world. In some countries, as many as 1 in 3 of elders have already suffered some form of violence. The picture for older women may be even worse, as data on violence against women in many countries is collected and disaggregated only until age 49. In some countries, two in three complaints on inheritance and land rights were brought by older women. The number of older people in IDP and refugee camps is often disproportionately high, as is the number of those remaining for extended periods of time. And, in times of humanitarian crises, older persons are often among the hardest hit, the most vulnerable, and the least protected.

And yet, in the absence of a concentrated protection regime at the international level, the attention of existing mechanism has been, at best, spotty. Where international human rights mechanisms have directed their attention to the situation of older persons, the emphasis has been more frequently on a narrow range of economic, social and cultural rights, notably the rights to social security, to health and to adequate housing, with considerably less attention to equally pressing matters of civil and political rights, such as inhuman or degrading treatment in care institutions, limited access to effective judicial remedies, or safeguards to ensure recognition of legal capacity.

Similarly, and even in the face of clear evidence of global trends of ageism and age-based discrimination, and while several treaties prohibit discrimination on "other status" or "other grounds", explicit references to older persons or to age as a ground of impermissible discrimination are scarce in existing international human rights instruments. In fact, only two instruments- CRPD and ICMW - make such a reference.

Of course, older persons are not a homogenous group, and the challenges they face in exercising their human rights vary greatly according to their particular circumstances. Thus, when addressing the human rights of older persons, multiple discrimination presents itself as an essential component of any complete analysis, particularly given the intersection in the lives of many older persons between age on the one hand, and sex, socio-economic status, ethnicity, and health status on the other. This underscores the importance of access to disaggregated data on persons over the age of 60, which, nevertheless, is not often readily available. Simply put, informed and rights-respectful public policy making cannot be assured without such data. UN human rights mechanisms, including the Human Rights Committee (ICCPR), CEDAW and the Special Rapporteur on Torture have, on occasion, highlighted these complex connections. But, in the absence of a dedicated protection regime or age-focused mechanism, the phenomenon of multiple discrimination against older persons remains inadequately addressed.

An understanding of the complex nexus between aging and disability is also essential to a complete framework of human rights protection. Aging cannot be equated with disability, not all older persons are confronted with disabilities, and many of the human rights challenges of older persons are entirely unrelated to disability. But it remains equally true that many older persons do have disabilities. As such, the still nascent Convention on the Rights of Persons with Disabilities, and its expert Committee (the CRPD), hold important potential for expanding key human rights notions that can positively impact on the protection of older persons' rights. As the work of the CRPD progresses, the rights of older persons may have much to gain from its focus on accessibility, legal capacity, special age-related or mobility-related measures and mechanisms for inclusion and respect for diversity in social life. The Convention, and its Committee, are, however, still quite new, and have thus not yet been in a position to develop much practice and jurisprudence in these areas.

Also encouraging, of late, is recent action by the independent special procedures mandated by the Human Rights Council. Last year, the Independent Expert on Human Rights and Extreme Poverty devoted a report to the analysis of non-contributory or social pensions of older persons, as an important dimension of social security systems. Magdalena Sepulveda's report stressed the low coverage of contributory pension schemes and highlighted that "non-contributory pensions can significantly reduce poverty and vulnerability among old people, in particular women, who live longer and are less likely to benefit from contributory systems". It also provides recommendations to ensure that non-contributory pensions comply with core human rights standards. And, in the coming months, a dedicated report by the Special Rapporteur on the right to health, Anand Grover, will focus on the situation of older persons and health. Several delegations and other stakeholders have contributed to this report, which will be shared in the August session of the working group.

Overall, the international human rights framework encompasses a range of rights and measures of vital importance to older persons. Human rights standards for equality and non-discrimination, an adequate standard of living, the right to health, to the enjoyment of scientific progress, to work, to social security, to education, to privacy, to liberty and security of the person, to take part in public affairs, to equality before the law and access to effective remedies, and to protection of family life, are all of particular relevance. A human rights approach guarantees each of these to older persons as the holders of rights, rather than merely the subjects of charity. It insists on the free, active and meaningful participation of older persons in society, and in decisions that affect them, in the accountability of duty-bearers for these rights, in non-discrimination in the implementation of these rights, in the political and economic empowerment of older persons, and in an explicit linkage between public policy and programming on the one hand, and international human rights obligations on the other.

Older persons represent a large and growing human rights constituency, with protection and empowerment needs thus far not adequately met by existing international structures. In spite of the many important applicable provisions of existing UN human rights treaties and mechanisms, and of the helpful declaratory social development and social protection provisions of policy documents like the Madrid International Plan of Action on Aging, the absence of a dedicated international protection regime for older persons continues to hinder the full realization of their human rights. Considering ways to fill this critical protection gap is one of the solemn responsibilities entrusted to this working group by the General Assembly. For millions of older persons around the world, nothing could be more important. As High Commissioner for Human Rights Navi Pillay said in Geneva last year, "we must all accept the inevitability of ageing. What we ... must not accept is that old age brings with it lesser access to and enjoyment of the full range of human rights."

I thank you.