

## **An Open Letter to the United Nations General Assembly's Open-Ended Working Group on Ageing for the Purpose of Strengthening the Protection of the Human Rights of Older Persons (OEWGA)**

### **Background**

As human rights advocates from different backgrounds and regions of the world, we want a world where we can all age with rights, dignity and respect. The OEWGA can help to make this vision a reality by fulfilling its mandate to consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons and to present to the UN General Assembly a proposal containing the main elements of such instrument.

Since its creation in 2010, the OEWGA has held 11 working sessions. Throughout these discussions, the OEWGA has seen a wealth of evidence confirming the glaring deficiencies in the international human rights system as it relates to the human rights of older persons. This material has been presented by older persons themselves, experts from the UN system, civil society organizations, academia, governments, and national human rights institutions, who are also calling for the adoption of a convention to address these shortcomings.

The study launched by the UN Office of the High Commissioner for Human Rights in the 11<sup>th</sup> session confirms that the development of more specific norms and standards within a new dedicated international instrument is required to ensure that no older person, regardless of circumstance, is left behind.

Despite this evidence in support of a UN convention and the further impact of the COVID-19 pandemic, the OEWGA has made little concrete progress towards identifying the elements of a possible new instrument and has not yet fulfilled its mandate in this regard. While there are many Member States which have actively supported a convention, the lack of consensus has prevented clear outcomes from the OEWGA.

While we recognize the importance of consensus and the need to continue to build this in the OEWGA, we also note that 146 States formally supported the Secretary General's Policy Brief on the impact of COVID-19 on older persons and committed to fully promoting and respecting the dignity and rights of older persons. This is a strong foundation from which the OEWGA must now seek to move forward.

A new UN convention would explicitly and unambiguously recognize older persons as rights holders and strengthen our understanding of human rights in older age. It would provide valuable guidance for governments and others to ensure that age discrimination is prohibited in the law, services uphold the dignity of older persons, and attitudes and behaviors towards older persons are respectful.

The OEWGA Bureau, chaired by the Permanent Mission of Argentina since the OEWGA's first session, is in a pivotal position to drive progress in this work. Thus, we call on the Bureau to take concrete steps to progress the work of the OEWGA in the inter-sessional period between the 11<sup>th</sup> and 12<sup>th</sup> sessions of OEWGA and we call on Member States to support the Bureau in taking those steps.

## Recommendations for next steps

**We support the proposal made by Argentina in the 11<sup>th</sup> session to establish an inter-sessional group to advance the work of the OEWGA. This group should be composed of experts from member states, civil society organizations, and national human rights institutions, with the involvement of the UN Independent Expert on the enjoyment of all human rights by older persons as well as other relevant experts among the UN human rights mechanisms and special procedures mandate holders. This group should be tasked to commence the drafting of the main normative elements of an international legal instrument during the inter-sessional period.**

We believe that the OEWGA will greatly benefit from commencing the drafting of a proposed binding instrument without delay in an open and inclusive platform that places the participation of older persons, their knowledge, expertise and experiences at the centre of discussions.

The 12<sup>th</sup> session of OEWGA presents the Bureau with opportunities to take concrete steps. **To advance a critical discussion of the adequacy of the normative framework of the international human rights system and its implementation mechanisms for the promotion and protection of the rights of older persons, the Bureau should include in the agenda of the 12<sup>th</sup> session a substantive discussion of the OHCHR's analytical paper. Also, in moving forward, the Bureau should present a proposal containing a program and the modalities for the drafting of a new instrument to start no later than six months after 12th session of OEWGA.**

We call on the Bureau to take up these recommendations and urge Member States, particularly the members of the Group of Friends of Older Persons, to engage actively in with the process to bring about these outcomes.

It has been a decade since the OEWGA commenced its work. The need to fulfill the OEWGA's mandate has never been more urgent if we want to build the just and equal world we need for older persons today and for all generations to come.

We submit this open letter to the Bureau and to Member States of the UN as an expression of our steadfast commitment to assist in the fulfillment of OEWGA's mandate. In this inter-sessional period leading to the 12<sup>th</sup> session of OEWGA, we will continue to seek and build opportunities for formal and informal spaces for constructive discourse, including following up on these recommendations and call to action.