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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Alliance Defense Fund, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Rights of Older Persons

The Alliance is a not-for-profit international legal alliance of more than 2,200 lawyers dedicated to the protection of fundamental human rights. It has been involved in over 500 cases before national and international forums, including the Supreme Courts of the United States of America, Argentina, Honduras, Mexico, Peru, India and the Inter American Court of Human Rights and the European Court of Human Rights. It also has provided expert testimony before several European parliaments, as well as the European Parliament and the United States Congress. It has accreditation with the Economic and Social Council of the UN, as well as the Organization of American States, the Organization for Security and Cooperation in Europe and the European Union (the European Union Agency for Fundamental Rights and the European Parliament).

We call on States to safeguard the rights of older persons with a special attention to the right to life and the highest attainable standard of health. In addition to protecting the fundamental rights of the elderly, it is imperative that the United Nations encourages the empowerment of older persons so that they may lead self-determined lives and make positive contributions to society. As noted in Article 10 of the Madrid International Plan of Action on Ageing, "the potential of older persons is a powerful basis for future development. This enables society to rely increasingly on the skills, experience and wisdom of older persons, not only to take the lead in their own betterment but also to participate actively in that of society as a whole." The invaluable knowledge and wisdom of older persons is a crucial resource for States and efforts must be made to affirm the vital role of the elderly.

Older persons play a critical role in the family. Older relatives may contribute to the well being of the family in a variety of ways ranging from caring for grandchildren and assisting with household tasks to imparting knowledge and advising the family on important decisions. Given that strong families are the foundation of flourishing societies, it is evident that older persons have a key function in contributing to social development. Because governments are dependent on the family to produce the next generation and to educate and form youth, it is in the interest of the state to protect and promote stable family units. As noted in Article 10.1 of the International Covenant on Economic, Social and Cultural rights, "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children." Securing the rights of older persons is an essential component of the state's duty to protect the family.

An authentic understanding of human rights necessarily entails the recognition that all people hold the same fundamental rights, which stem from our shared humanity and the innate dignity that each person possesses. The right to life is one such right to which every person is entitled; however, older persons increasingly are being deprived of this core right. Proponents of euthanasia claim the existence of a "right to die" that is implied by other rights, such as the right to privacy. No international human rights treaty supports such claims, and they run contrary to the clear and strong protections for the right to life enshrined in international law. Euthanasia and assisted suicide practices violate the inherent right to life of every person, and constitute an abuse to the person and a tremendous disservice to society.

The Netherlands was the first country to legalize assisted suicide and euthanasia in 2001. Proponents of the law argued that it would not lead to widespread physician induced deaths due to the numerous safeguards designed to limit the practice only to the few that qualified. Five regional review committees were installed to assess every case and determine compliance with the law. Contrary to the predictions, the practice of euthanasia has grown exponentially in the Netherlands since the adoption of the law. Professor Theo Boer, a former member of the regional review committee and one-time euthanasia supporter, highlights the following findings: "Beginning in 2008, the numbers of these deaths show an increase of 15% annually, year after year. The annual report of the committees for 2012 recorded 4,188 cases in 2012 (compared with 1,882 in 2002). 2013 saw a continuation of this trend and I expect the 6,000 line to be crossed this year or the next. Euthanasia is on the way to become a 'default' mode of dying for cancer patients." Professor Boer's analysis of the escalation of euthanasia deaths reveals the dangers of legalizing euthanasia for the individual and for society at large.

Whether active or wheelchair bound, all older persons by virtue of their humanity possess an inalienable value and

dignity and as such are a vital resource for society. We urge Member States to oppose language in UN documents that could have detrimental consequences for the protection of human life, and call on States to reaffirm their commitment to providing the best care and support for the elderly.

Conclusion

The contributions of the elderly are essential for development, and at the same time, a developed society must be guided by the understanding that every person, regardless of age, merits protection and care. It is critical that States contribute to the empowerment of the elderly by fostering intergenerational partnerships and solidarity among generations through opportunities for interaction between young people and older persons in the family, the workplace, and the community. Most importantly, States must protect the rights of older persons, and cease the abuse of the fundamental right to life.
