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**Follow-up to the World Summit for Social Development and  
the twenty-fourth special session of the General Assembly:  
priority theme: rethinking and strengthening social  
development in the contemporary world**

### **Statement submitted by International Federation of Associations of the Elderly, a non-governmental organization in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## Statement

### **CONVENTION ON THE RIGHTS OF OLDER PERSONS AND THE OPTIONAL PROTOCOL THERETO. DRAFT RESOLUTION ECOSOC 2016 PRESENTED BY THE INTERNATIONAL FEDERATION OF ASSOCIATIONS OF THE ELDERLY (FIAPA)**

The International Convention on the Rights of Older Persons is not meant to establish specific rights for the elderly but rather to oblige States to facilitate their access to fundamental rights in respect of which they may be victims of discrimination due to their age, vulnerability or frailty. The idea is for them to be able to take on their full share of responsibility as citizens for the proper functioning of a society that aims to enhance the well-being of everyone, regardless of age and the difficulties that may be associated with old age. It is about removing the barriers to access to rights and liberty that those advanced in age have to contend with.

This draft International Convention on the Rights of Older Persons, submitted by FIAPA (International Federation of Associations of the Elderly) was put together by a working group comprising, since September 2012, the following national and international NGOs: Commission Droits et Liberté of the Fondation Nationale de Gérontologie, International Association of Gerontology and Geriatrics, Association Francophone des Droits de l'Homme Agé, International Network for the Prevention of Elder Abuse, Fédération 3977 contre la Maltraitance, Old Up, Association A6 partenaire of the Fondation Charles Léopold Mayer pour le Progrès de l'Homme, Facultés universitaires Notre-Dame de la Paix de Namur, Perspective asbl, Société Française de Gériatrie et Gérontologie, Générations Mouvement, FIAPAM (Federación Iberoamericana de Asociaciones de Personas Adultas Mayores).

The International Convention must reaffirm access to rights for all men and women, regardless of a person's age, and irrespective of whether he or she is retired, able-bodied or with disabilities, socially active or rendered frail due to isolation, living in precarious circumstances, dependent on others, or with limited decision-making autonomy.

Two important innovations in this Convention are worth underscoring:

- Older persons play an active part in social life and therefore enjoy the same rights as anyone else;
- A right to depend on others: persons of all ages who depend on others to perform day-to-day activities must be able to benefit from appropriate assistance and care that respects their rights and their dignity. At the same time, there must be a mechanism to monitor and lend support to caregivers in order to limit their occupational risks, along with training, preparation and coaching tailored to their specific roles as professionals looking after dependent persons.

The Convention encompasses:

- Older persons' place in society

Older persons must be able to secure and take on their share of responsibility for contributing to a properly run society, advancing the well-being of a country's

inhabitants of all generations, and increasing its wealth. It is therefore necessary to promote active aging, facilitate benevolent activity, remove barriers associated with age, combat discriminatory practices against the elderly (ageism), guarantee a decent income, safeguard resources saved for retirement, and ensure a full range of retirement options.

- Acknowledgment of the frailty and vulnerability factors that may be exacerbated by old age

The convergence of disadvantage due to disability and to old age should be looked into. Indeed, offsetting a disability to enable someone to be self-sufficient should never depend on his or her age and should be assessed solely in terms of that person's capacity.

To avoid isolation, efforts will be made to maintain and enhance access to social and cultural life, sports, and other activities. Likewise, psychological counselling should enable older persons to achieve a better understanding of their situation and to take enlightened decisions on matters that concern them.

- Protection of persons with limited capacity to take decisions

Proportionate legal protection measures need to be put in place that respect older persons' well-being, dignity, and freedom. Persons in charge of protecting the elderly must be trained to perform that function, and appointed and supervised by an independent body. Furthermore, they need to know the individual concerned and their life history so as to establish a relationship based on trust. In order to avoid the risks associated with their function, a supporting and monitoring mechanism should be put in place for family and professional caregivers that includes specific training in looking after dependent persons.

Failings in that regard should be penalized, as a deterrent.

- A right to depend on others for persons who need caregivers to help them cope with day-to-day activities.

To safeguard the well-being and dignity of the person being assisted, it is essential to establish rules for caregivers. Tailored training and coaching arrangements will be established, with clearly defined objectives, allowing for progress to be made in terms of health, and the medical-social and social spheres. Whether in their homes or in an institution, older persons must be free to dispose of their resources in such a way as to maintain their dignity and allow them to participate in family and social life. Particular care shall be taken to ensure that they always have the money they need for daily necessities even in the event of a long stay in an institution, as well as the resources needed for them to remain connected with society, their family and neighbours.

Stamping out any abuse of a person's frailty is a key part of preventing mistreatment.

- The need for greater knowledge of longevity and what it means to grow old

Scientifically and ethically validated multidisciplinary research is needed. Indeed, a better grasp of the root causes of ageing would enable us all to age "better".

- Individual remedies within each State Party

Each State guarantees observance of the present Convention by adjusting domestic laws so that they conform to its provisions. Anyone whose rights and freedoms have been trampled upon has a right to reparation ordered by a judicial or administrative authority. The State guarantees older persons the right to express themselves freely in any proceeding concerning them, either directly or through a representative, and provides them with the means they need in their own defence.

- The States Parties commit to establishing international cooperation

It will combine the various forms of cooperation found among States Parties that recognize the importance of international cooperation.

- Monitoring of the Convention.

The United Nations Committee on the Rights of Older Persons in Institutions [original illegible] oversees and monitors the implementation of this Convention nationally and internationally, and helps organize cooperation among the States.

In conclusion, rather than proclaim additional or new rights, the present Convention seeks to assert the fundamental rights of older persons, so that they can fully and freely enjoy their rights as fully-fledged citizens; to strengthen the information mechanisms available for all audiences, especially the most frail and at-risk; and to deter and crack down with special force on predators and persons tempted to become one. Cracking down on abuse of frailty is a key part of enforcing these access to rights provisions.

Thus the working group advocates a shared vision of a society that is inclusive for persons of all ages, based on equal rights, and in which social and economic justice is guaranteed with and through generations.

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