

HelpAge

International

FAIR **guidelines**

**Four steps towards
a UN convention on
the rights of older
people**

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About these guidelines

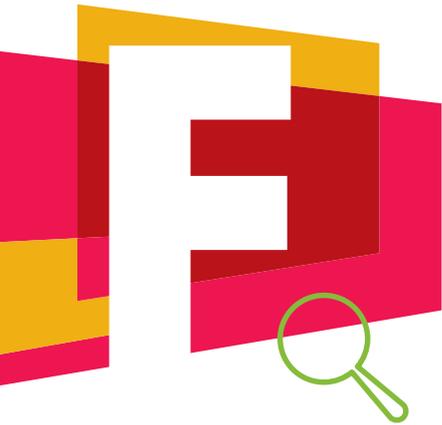
We all want to live in a fair and just society – a society where we can enjoy our human rights on an equal basis with others in our older age. For this to happen, we need a UN convention on the rights of older people.

These guidelines are for civil society organisations wishing to influence their governments to support a convention. They emphasise the importance of involving older people in your advocacy activities, both as a matter of principle, and because older people are the most effective advocates for their rights, since they speak from experience.

The guidelines are organised as four “steps” towards a new convention. Think of the word “fair” to remember the four steps:



For each step, we suggest actions you can take, and we tell you where you can find out more.



Step 1. Find out your government's position

To find out your government's position and make a plan of action:

1. Find out which ministries or departments are responsible for deciding on your government's position.
2. Find out which individuals you need to persuade.
3. Find out your government's current position.
4. Set your goals.
5. Make your plan.

1.1 Find out which ministries or departments are responsible

Find out who in your government is responsible for deciding whether to support a UN convention on the rights of older people – for example, the head of state, a government minister or a senior government official.

There are two key government ministries that are likely to be involved in making this decision:

- The ministry responsible for engagement at the UN – the Ministry of Foreign Affairs. The Ministry of Foreign Affairs runs your country's Permanent Mission to the United Nations in New York. The government's position is usually decided by government representatives based in your country's capital city, but in some cases the Permanent Mission in New York may take the lead.
- The ministry responsible for ageing and older persons, which is often the Ministry of Social Affairs (sometimes called Social Development or Civil Affairs) or Ministry of Health.

Other ministries or departments may be involved in deciding whether to support a new convention – for example, the Ministry or Department of Justice, Health, Finance, Planning or Human Rights.

1.2 Find out who you need to persuade

Next, identify the individuals in these ministries or departments who have the authority to decide your government's position and those who can influence them. These people are your "advocacy targets".

Ask people you already know in the government, your national human rights institution or other NGOs the answers to these questions:

- Who has decided, or will decide, your government's position on a new convention?
- Will they make the final decision themselves?
- Will they advise other people who will make the final decision?
- What are they interested in hearing about? For example, they may be less interested in evidence of human rights violations against older people than in how a convention would affect your country's national laws and policies or what it would cost to implement.
- Who do they need to hear it from – who inside and outside the government influences them?

- Who are your allies in government?
- Who champion older people's rights?
- Who else can you work with to influence the government? Who are your allies outside government? Who else has said they will support a new convention?
- If an election is due that might result in an opposition party coming into power, who do you need to build a relationship with in which opposition parties?
- What events on the political calendar may provide opportunities for you to draw your advocacy targets' attention to this issue?

Be aware that the people you need to influence will change over time as they move jobs or new governments are elected. Building relationships with the right people is one of the most important elements of successful advocacy.

1.3 Find out your government's current position

Your government may have made a statement about its position on a new convention – for example, at an event to celebrate the International Day of Older Persons or in the media.

- Find out if your government has done this and, if so, exactly what it said.
- Try to find out why it has taken this position so you can decide which arguments to use in your advocacy (see Step 2).

Your government may have made a statement at the Open-ended Working Group on Ageing (see box). You can find out whether it has from these sources:

- The country information sheet on your government's participation in the Open-ended Working Group on Ageing <http://bit.ly/2Tma1HN>
- "Statements" section on the different session pages of the Open-ended Working Group website <https://social.un.org/ageing-working-group>

How the Open-Ended Working Group on Ageing works

The Open-ended Working Group on Ageing was set up by the UN General Assembly in 2010 to identify possible gaps in the existing international human rights framework in relation to older people and how best to address them. It usually meets once a year.

UN Member States, Observer States, UN agencies, national human rights institutions and civil society organisations can take part in sessions. At each session, they discuss two new topics and the content of the rights related to the topics discussed at the previous session. The Open-ended Working Group has a bureau to organise its programme of work, made up of a representative of a member state from each UN region.

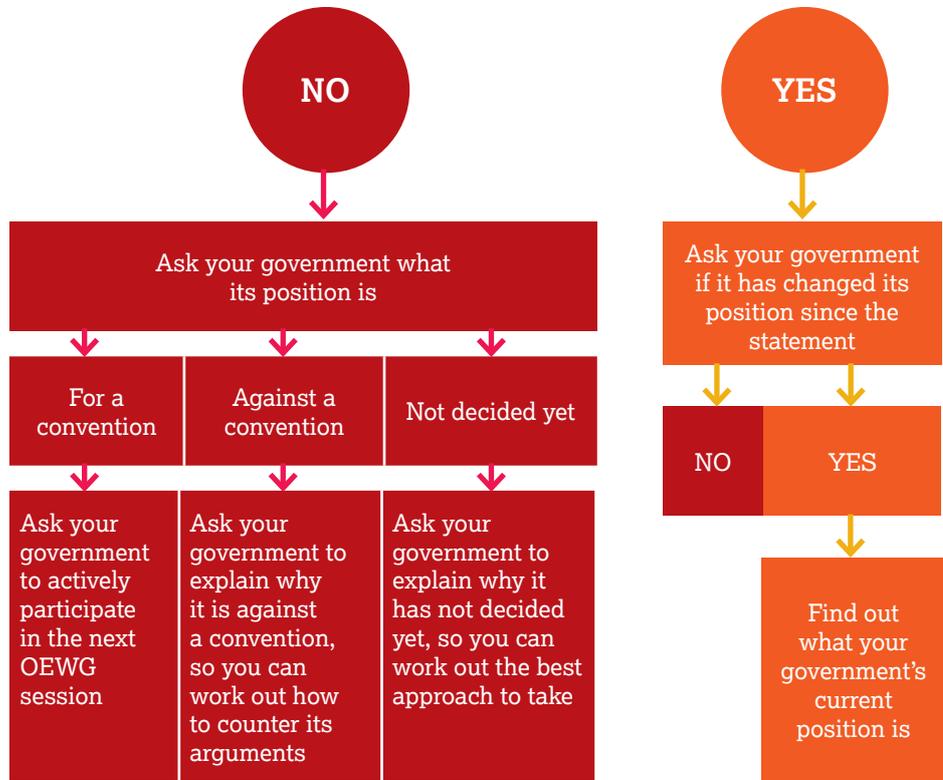
New conventions are decided on by UN Member States. They like to work by consensus. The Open-ended Working Group is now at the pre-negotiation phase of a UN convention on the rights of older people. This means it is building consensus among Member States on the need for a new convention.

We want the Open-ended Working Group to move to a negotiation phase where it will start drafting and negotiating the text of a new convention. We need more governments to voice their support for a new convention to reach this phase.

More information from the Global Alliance on the Rights of Older People at www.rightsofolderpeople.org/open-ended-working-group

Then ask the following questions, depending on what you have found out:

Has your government made a statement on its position at the Open-ended Working Group on Ageing?



1.4 Set your goals

Set yourself short-term, medium-term and long-term goals. Celebrate your successes as you achieve them!

You can think of your goals as a series of steps. Each step may be small but it takes you nearer the final change you want to see. These steps might include:

- You take the opportunity to raise your issue with the government at an event or on another occasion.
- The government meets with you to discuss the Open-ended Working Group on Ageing.
- The government meets with older people, the national human rights institution and civil society organisations to discuss older people's rights and the next session of the Open-ended Working Group.
- The government consults with older people in preparation for the next session of the Open-ended Working Group.
- The government sends instructions to its diplomats in New York to attend and deliver a general statement at the next session of the Open-ended Working Group.
- The government sends a representative from one of the ministries or departments in your country's capital city to participate in the next session of the Open-ended Working Group.

- The government participates in discussions on specific rights at the next session of the Open-ended Working Group.
- The government supports a decision (or does not block a decision) at the UN General Assembly to start drafting a new convention.

Your goals will depend on the position of your government. If your government supports a new convention, you could ask it to:

- Express its support for a convention at the next session of the Open-ended Working Group.
- Consult older people to understand how they are being denied their human rights in your country.
- Participate in the discussion of the rights on the agenda at the next session of the Open-ended Working Group.
- Encourage other states in your region to support a convention.

If your government is undecided or not yet ready to express its opinion, you could ask it to:

- Consult older people to understand how they are being denied their human rights in your country.
- Attend the next session of the Open-ended Working Group so it can listen to other states' positions.
- Participate in the discussion of the rights on the agenda at the next session of the Open-ended Working Group.
- Share national experience of protecting the rights of older people in the discussions at the Open-ended Working Group to stay engaged in the process.

If your government is against a new convention, you could ask it to:

- Consult older people to understand how they are being denied their human rights in your country.
- Attend the Open-ended Working Group process so they can listen to other states' positions.
- Share national experience of protecting the rights of older people in the discussions at the Open-ended Working Group to stay engaged in the process.
- Refrain from actively blocking progress being made at the Open-ended Working Group.

1.5 Make your plan

Next, draw up a plan of action. Good planning makes for good advocacy. Your plan need not be complicated. For example:

1. Meet with the government representatives you have identified to find out what their position is.
2. Decide what you want them to do first (your short-term goals).
3. Decide on the best way to ask them to do this (see Step 3).
4. Carry out your advocacy activities.
5. Review your progress (see Step 4).
6. Decide what to do next and make a new plan.



Step 2. Argue your case

To argue your case for a convention:

1. Explain why we need a new international human rights instrument to protect the rights of older people.
2. Explain why a convention is the best option.
3. Outline what should be in a convention.
4. Show what difference a convention would make.
5. Counter arguments your government might have against a convention.

2.1 Explain why we need a new international human rights instrument to protect the rights of older people

Use the following arguments to explain why we need a new international human rights system to create a fair and just society. Use them to point out why the current system is not fair or just for older people, and how the absence of a fair, international system results in gaps and inconsistencies in regional and national laws.

A fair and just society

We all want to live in a fair and just society – a society that treats everyone as equals and has systems in place that protect and promote everyone’s human rights without discrimination. However, the reality is that we live in a society where many of us are denied our rights because of our older age.

The existing international human rights system fails to adequately protect the human rights of older people. For example, across the world, older people are being denied their rights to:

- **Freedom from violence, abuse and neglect:** In a survey of 133 countries, only 41 have national laws to prevent violence, abuse and neglect of older people that are fully enforced.¹
- **Health:** Sixty per cent of older people surveyed in low- and middle-income countries² and up to 10 per cent in high-income countries³ say they cannot obtain the healthcare they need because of the cost.
- **Social security:** Globally, 32 per cent of people over retirement age do not receive a pension. In most low-income countries, the figure is more than 80 per cent.⁴
- **Care and support for independent living:** Globally, 13.6 million more formal care workers are needed to provide the care and support that older people need.⁵

Ageism (the stereotyping of, and prejudice and discrimination against, older people) is rife in all societies.⁶ Older people are subjected to different forms of discrimination:

- age discrimination based on their known or perceived age
- intersectional discrimination based on their age combined with other characteristics, such as their sex, ability or marital status
- cumulative discrimination, when the impact of discrimination against them on a number of occasions over time accumulates.

As a result, older people say they feel invisible, obsolete, humiliated and patronised.⁷

A new international human rights instrument to protect the rights of older people is necessary to create the foundation for the fair and just society we all want to live in, where we can all enjoy our rights in older age on an equal basis with others.

How can you build evidence for this argument? Ask the experts – the older people in your community:

1. Do you think that you are treated differently or discriminated against because you are older?
2. If you do, how does this make you feel? How does it affect what you do in your daily life?
3. Why do you think older people are treated differently or discriminated against?
4. Do you think that older people are denied any of their human rights? If so, which ones?

Find out more

To find out more about what older people say about their rights, see:

In Our Own Words

Summarises consultations with more than 2,000 older people from 50 countries on how they are discriminated against, the impact this has, and the rights they feel they are being denied.

<http://bit.ly/1JQ2KZH>

Entitled to the same rights

Summarises reflections by nearly 250 older women from 19 countries on their rights to non-discrimination and equality, and to freedom from violence, abuse and neglect.

<http://bit.ly/2TnHOR0>

Freedom to decide for ourselves

Summarises discussions with 450 older people from 24 countries on their rights to autonomy, independence, long-term care and support, and palliative care.

<http://bit.ly/2R4gESF>

A fair and just international human rights system

The current international human rights system is not fair or just for older people. It fails in four ways: existing standards are scattered, inconsistent and patchy; implementation is hindered by lack of national laws; lack of disaggregated data presents an inaccurate picture; and there is no international mechanism for monitoring and accountability.

Standards

Universal human rights standards apply as much to older people as to anyone else, but these standards are spread across a number of different international human rights treaties and are very general. As the table below shows, they include very few specific references to older people's rights. As a result, there is little understanding of how to apply the existing standards to older people. Older people's rights remain largely invisible and little understood in international human rights law, in society and by older people themselves.

International human rights treaty	Article	Standard
Universal Declaration of Human Rights (1948)	25	Recognises the right of everyone to security in old age
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	11.1.e	Recognises the equal right of women to social security, including in old age
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	1.1 and 7	Prohibits discrimination based on age
Convention on the Rights of Persons with Disabilities (2006)	13.1	Recognises the need for age-appropriate accommodations to ensure disabled people's access to justice
	16.2	Requires age-sensitive measures to prevent abuse
	16.4	Requires age-sensitive recovery and rehabilitation
	23.1.b	Requires age-appropriate information on reproductive health
	25b	Requires services to be provided to minimise and prevent further disabilities, including among older people
	28.2.b	Requires older people with disabilities to have access to social protection and poverty reduction

In addition, there are areas of older people's lives where their human rights are not adequately protected by existing international human rights treaties. For example:

- Age is only explicitly prohibited as a ground for discrimination in one international human rights treaty, that on migrant workers.
- The complex nature of intersectional and cumulative discrimination (sometimes collectively referred to as multiple discrimination) in older age, is not addressed in any treaty.
- There is no specific standard on the right to freedom from violence, abuse and neglect in older age.
- There is no specific standard on the right to care and support in older age. The Convention on the Rights of Persons with Disabilities recognises the right of older persons with disabilities to live independently and be included in the community, but there is no such standard for older persons generally.
- There are no standards on the rights to palliative care, "ageing in place", end-of-life care or justice in older age.

Implementation

Some human rights and obligations that exist under international law are not being translated into national law or put into practice. For example:

- The right to non-discrimination: Very few countries have comprehensive anti-discrimination laws that protect us from discrimination in older age in every aspect of our lives.
- The right to social security: The majority of older people do not have secure incomes.⁸

Information

The lack of data broken down by age and other characteristics such as sex and ability, prevents us from obtaining an accurate picture of how we are being denied our rights in older age. This means that monitoring bodies cannot make effective recommendations for action. For example:

- The right to freedom from violence, abuse and neglect: Of the 133 countries included in the *Global Status Report on Violence Prevention 2014*, only 23 reported any survey data on violence, abuse and neglect in older age.⁹
- The right to health: Research shows that the majority of people living with dementia remain undiagnosed and, as a result, have no access to the support and healthcare they need.¹⁰

Monitoring and accountability

There is currently no specific international monitoring mechanism to check that states are meeting their human rights obligations towards older people. Treaty bodies monitoring the existing international human rights treaties have failed to adequately monitor whether states are meeting their obligations towards older people.

For example, of the recommendations made by the UN treaty monitoring bodies and within the Human Rights Council's Universal Periodic Review process up to April 2018:

- Only 106 (0.8 per cent) of the 13,200 recommendations on discrimination were about age discrimination.
- Only 61 (0.5 per cent) of the 11,000 recommendations on the right to education were about older persons.
- Only 113 (1.2 per cent) of the 9,265 recommendations on the right to health were about older persons.
- Only 69 (1.8 per cent) of the 3,930 recommendations on the right to work were about older persons.¹¹

Protecting older people's rights in your region

The lack of clear standards on older people's rights in the existing international human rights system has a negative impact on regional human rights laws. It leads to gaps and inconsistencies in regional human rights systems. Even where regional standards on the rights of older people exist, their status and the level of protection they provide varies from one region to the next.

For example, the rights of older people in the Americas are protected by the Inter-American Convention on Protecting the Human Rights of Older Persons. The rights of older people in Africa have some protection in an optional protocol to the African Charter on Human and Peoples' Rights. In Europe, the only dedicated human rights instrument on the rights of older people is a set of recommendations, CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons. There is no regional human rights system in Asia.

We therefore cannot rely on regional human rights systems to protect everyone's rights in older age. We need an international instrument to provide universal standards that can be translated into national laws in every country around the world. This way, every older person, no matter where they are, will be legally entitled to the same rights.

Protecting older people's rights in your country

National laws protecting our rights in older age vary widely from one country to the next. Our rights to equality and non-discrimination on the basis of our age, to freedom from violence, abuse and neglect, to care and support for independent living, to a secure income in older age – these and many other rights are not adequately protected under many national laws.

Many national laws, policies and practices continue to limit older people's autonomy, increase their dependency and deprive them of their dignity. For example, pension laws and policies that set the value of the pension too low, mandatory retirement ages and upper age limits on healthcare and financial services make older people more dependent on others. Filial maintenance laws that oblige adult children or children-in-law to provide financial support to their older relatives also make older people financially dependent on their families.

Realising the rights of older people requires a fundamental shift away from laws, policies and practices that foster dependency to ones that promote autonomy, dignity, equality, non-discrimination and independence in older age. A new international set of human rights standards could bring about such a shift.

You can start to build the case for a new international system by finding out whether existing human rights standards have been integrated into the laws, policies and practices of your country:

- Does the law, policy, or practice foster older people's dependency on others?
- Does the law, policy, or practice have a negative impact on older people?
- Does the law, policy, or practice exclude or discriminate against any older people?

If the answer is yes, then the law, policy or practice is not in line with international human rights standards.

2.2 Explain why a convention is the best option

A number of options have been suggested to better protect and promote the rights of older people. However, the strengths of a convention far outweigh those of the other options:

Option	Strengths	Limitations
Update the 1991 UN Principles for Older Persons	They would raise awareness of older people's issues.	<p>They would not be legally binding, so there would be little incentive for governments to implement them.</p> <p>They would not make states' obligations on the rights of older people any clearer.</p> <p>There would be no mechanism to monitor how states are implementing them.</p>
Include older people's rights in reporting on existing human rights treaties	States can include older people's rights in their reports on implementation of the international human rights treaties they have ratified.	<p>This would not cover all older people's rights because of gaps in standards on the rights of older people in existing treaties.</p> <p>Recent streamlining of the UN human rights reporting system has made it more difficult for states to report on anything that is not explicitly mentioned in each treaty.</p> <p>This would not provide any more clarity on what states' obligations are or how the rights in existing treaties apply to older people.</p> <p>Reporting would be fragmented, covering different treaties at different times.</p>
A UN declaration on the rights of older people	It would raise awareness of older people's rights.	<p>It would not be legally binding, so there would be no incentive for states to implement it.</p> <p>It would not provide any more clarity on what states' obligations are.</p> <p>It would not provide states with specific guidance on how to apply it.</p> <p>There would be no mechanism to monitor how states are implementing it.</p>
New general comments and recommendations from UN treaty bodies	<p>These would provide short explanations of how specific rights in existing treaties apply to older people.</p> <p>They would result in more requests for data on older people's rights from reporting states.</p> <p>They would sensitise treaty body members to older people's rights.</p>	<p>They are not considered legally binding by all states.</p> <p>They would not oblige states to report on the recommendations within them.</p> <p>They would not cover the full range of older people's rights.</p> <p>They would only apply to individual treaties.</p> <p>They would not guarantee that older people's rights would be included in other human rights treaties.</p> <p>They would be dispersed across the international human rights system.</p> <p>They would not guarantee systematic monitoring or reporting.</p>

<p>An optional protocol on the rights of older people</p>	<p>It would be legally binding on states that ratify it.</p>	<p>It would only apply to one international human rights treaty. An optional protocol to every international human rights treaty, except that on the rights of the child, would be needed to cover the full range of older people's rights.</p>
<p>A UN convention on the rights of older people</p>	<p>It would be legally binding on states that ratify it.</p> <p>It would consolidate all the rights of older people into one treaty.</p> <p>It would clarify state obligations.</p> <p>It would provide a framework and guidance for state action.</p> <p>It would provide a powerful advocacy and education tool.</p> <p>It would be a legal tool to help resolve legal disputes.</p> <p>It would establish reporting, monitoring and accountability mechanisms.</p>	<p>To make a difference to the lives of older people, it would require governments to ratify it and possess the political will to implement its provisions.</p>

In addition, only a new convention could address all four gaps in the existing international human rights system:

- **Standards** A new convention would explain how existing human rights standards apply to older people. It would include areas of life that are currently not adequately provided for. It would bring the protection of all older people's rights into one instrument.
- **Implementation** States would have to make sure that all their laws, policies and programmes promote older people's equality, dignity and autonomy, and that none discriminate against older people.
- **Information** States would have to collect, disaggregate, analyse and disseminate information on how older people's rights are being protected or denied.
- **Monitoring and accountability** Accountability mechanisms would be put in place at international and national levels to monitor how far states are implementing the rights set out in the convention.

2.3 Outline what should be in a convention

There are five things we want to see in a new convention: a comprehensive purpose and scope; cross-cutting human rights principles; general obligations, including on mandatory equality assessments; a comprehensive range of rights; and robust mechanisms for implementation, monitoring and accountability.

Purpose and scope

The purpose of the convention should be to protect and ensure the full and equal enjoyment of all human rights in older age. To do this, its scope (who it applies to) must cover everyone who may be subjected to ageism, discrimination, and denied their rights in their older age.

What defines someone as “older” may vary from one context to another. There is no single chronological age when older age starts. Ageism, including age discrimination, can be based on perceived older age or characteristics associated with older age. A definition of an older person based on chronological age, such as someone over 60 or 65 years, should not therefore define the scope of the convention because it would exclude people below this age who may be subjected to ageism or denied their rights based on their older age.

Principles

Cross-cutting human rights principles that would apply to every article in the convention should include non-discrimination, respect, dignity, autonomy, equality, self-fulfilment and personal development, full and effective participation and inclusion in society, respect for difference and diversity, accessibility and reasonable accommodation.

General obligations

General obligations for states should include an obligation to conduct mandatory equality assessments on the impact on older people of all legislation, policy and budget decisions, in particular, on age-related policies.

Rights

The convention should prohibit all forms of discrimination based on older age, whether alone or in combination with other factors. It should cover a comprehensive range of political, civil, economic, social and cultural rights.

Implementation, monitoring and accountability

Systems for implementation, monitoring and accountability must be as robust as those for other human rights treaties. Implementation mechanisms should include national coordinating mechanisms, government focal points and capacity building of states parties (states that ratify a convention). Independent national monitoring bodies should include older people and civil society organisations. They should set up enforceable individual complaint mechanisms. There should be an independent treaty body to monitor implementation. The treaty should be open to signature and ratification and/or accession by regional integration bodies.

2.4 Show what difference a convention would make

A UN convention would transform older people's lives and enable more older people to live with dignity. It would:

- ✓ Increase the visibility of older people, and draw attention to ageism, including age discrimination.
- ✓ Help us change our attitudes towards older people and see older age as a time when we can continue to flourish and develop.
- ✓ Provide a framework for policy and decision-making.
- ✓ Clarify states' human rights obligations and responsibilities towards older people.
- ✓ Improve accountability.
- ✓ Be a powerful advocacy tool for older people to claim their rights.
- ✓ Provide the basis for capacity building, public awareness and education on the rights of older people.
- ✓ Make the implementation of recommendations in ageing and development policies, such as the Madrid International Plan of Action on Ageing and the Sustainable Development Goals, more likely. If states have a legal obligation to protect the rights of older people, understand what their obligations are and know what steps they must take to fulfil these, and if they have to report regularly on how they are doing this, they are more likely to implement the recommendations in ageing and development policies, in line with human rights standards.
- ✓ Generate financial and other resources for programmes and interventions to support older people.
- ✓ Put older people's human rights on the agendas of donors, civil society, the media and the private sector.

To show how a new convention could improve the lives of older people in your country, think about:

- Which laws would need to be introduced or revised to guarantee older people their human rights?
- Which policies would be implemented in a different way, so that older people could enjoy their rights on an equal basis with others?
- What new data would need to be collected and how would this be used?
- What monitoring systems or ways for older people to claim their rights would make a difference?
- Which negative attitudes, stereotypes, behaviours or practices towards older people would be challenged?

2.5 Counter arguments your government might have against a convention

Here are some arguments that your government might use against a convention and ways you can counter them.

“Older people’s rights are already covered under existing human rights treaties, so we just need to implement the existing treaties better.”

States have had the opportunity to implement provisions to protect older people’s rights in existing treaties since 1966, when the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were adopted, but have failed to do this adequately. There is no reason to think they will start doing so without a dedicated, legally binding convention.

Even if the provisions for protecting older people’s rights in existing treaties were better implemented, there are three reasons why these would still not be enough:

- The general nature of the rights in existing treaties means they are not adequately understood in the unique context of older age.
- The rights protecting older people are scattered across a number of different treaties, so there is no systematic or comprehensive framework to address every aspect of older people’s lives.
- There are areas of older people’s lives that are not adequately covered.

“Ageing is not a human rights issue.”

We all have the right not to be discriminated against because of who we are. This includes who we are in our older age. There is ample evidence that people are discriminated against on the basis of their actual or perceived older age. The state has just as much duty to protect us from this form of discrimination as from other forms of discrimination, such as discrimination based on sex or ability.

There is also ample evidence that people are denied their rights in older age. The state has just as much duty to promote and protect our rights in older age as at other times in our lives.

“Ageing should be dealt with through social and development policies.”

Responding to ageing issues only through social and development policies would not adequately address the ageism, discrimination and denial of rights we are subjected to in older age. A social or development approach could not guarantee our rights in law or in practice. Nor would it grant us the right to hold the state accountable for its actions towards us and for us to have access to remedies and redress when our rights are denied.

A rights-based response to ageing would also ensure that in our older age, we are treated as rights holders with autonomy and agency. Too often, development or social policy approaches treat older people as passive objects and recipients of welfare and charity. A shift away from welfare and charity approaches towards a response that promotes autonomy and rights is essential if we are to bring an end to ageism.

“Older people’s lives are very different around the world, so we should take a regional approach.”

Ageism, discrimination and denial of human rights in older age are common experiences around the world, regardless of economic, social, cultural or political contexts. As such, they require a universal response.

Not every region has its own human rights system. Taking only a regional approach would mean denying millions of people in some regions the human rights guarantees that are granted to people in other regions. Given the inconsistencies in the regional human rights systems, establishing universal human rights standards and adopting an international human rights treaty would be the best way to protect every older person's rights.

Also, why rely on regional frameworks alone to protect the rights of older people when universal instruments have been deemed necessary to protect the rights of women, children and persons with disabilities?¹² It would not only be inconsistent but it would also be at odds with the basic tenet of human rights, which is that all human beings are born free and equal in dignity and rights.

“Developing and implementing a new convention would cost too much money.”

A weak national economy is not a legitimate reason for a state to shy away from its responsibility to protect and promote the human rights of any sector of society. It is no more legitimate to postpone the introduction of measures to protect older people's rights because of the financial situation, than it would be to postpone the adoption of international conventions to protect the rights of women, children or persons with disabilities.

Implementing the standards in a convention on the rights of older people would, of course, incur some costs. Some states may have to implement only the minimum core obligations at first. For other states that already have legislative, policy and budgetary frameworks in place to protect the rights of older people, the costs of improving these and bringing them fully in line with the standards in a new convention would not be excessive.

“If we have another convention, the already overloaded international human rights reporting system will break down completely.”

It is certainly the case that state parties would have to report on what they are doing to put the rights within the convention into effect.

All the existing international human rights treaties are supported by treaty bodies that require states to provide periodic reports. Periodic reporting can be seen as a burden by states, but any perceived burden is far outweighed by the benefits of being able to take stock of progress towards implementation of the treaty at the national level.

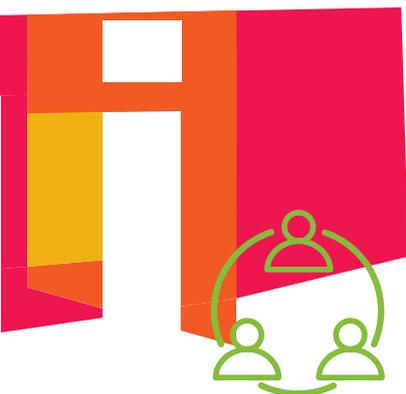
Besides monitoring state parties' compliance with their treaty, treaty bodies may also conduct country fact-finding visits, hear individual complaints and develop advisory documents on what the rights within their treaty mean and what needs to be done to realise them.

The UN has introduced ways to make its reporting system more efficient in future. So the reporting process for a convention on the rights of older people would be more efficient from the start.

“A new convention would stigmatise older people.”

A new convention would not label older people as weak or vulnerable. In fact, it would do the exact opposite. It would recognise their inherent dignity and equality and help change attitudes towards them. It would make discriminatory practices and attitudes towards older people both morally and legally unacceptable.

Having universal human rights standards is about ensuring that everyone can live with dignity, free from discrimination. There are many older people around the world who already enjoy such a life and who do not need to turn to the human rights system to demand their rights. The existence of a new convention would not stigmatise them, but would enable the millions of older people who do not enjoy their human rights to claim them.



Step 3. Involve older people

Involving the people who will be most affected by the changes you aim to bring about is an underlying principle of all human rights advocacy. This principle is captured in the disability rights movement's slogan: "Nothing about us without us".

Older people have the right to participate in discussions about their rights. When we advocate for the rights of older people, we have an obligation to support older people to take on leadership roles, represent themselves and advocate on their own behalf.

Older people are the most effective advocates for their rights. They speak from experience. Their voice can be very powerful. Their legitimacy and authenticity can impress those we are trying to influence. Politicians are more likely to be persuaded by your arguments if they know you have a mandate from older people.

To involve older people in your advocacy activities:

1. Decide which approach to take.
2. Work out which tactics to use.

3.1 Decide which approach to take

There is no single best way to advocate for a UN convention on the rights of older people. There are lots of different approaches you could take. These are sometimes divided into "insider" and "outsider" approaches:

- An insider approach is where you build relationships of trust with those you are trying to influence.
- An outsider approach is where you put pressure on those you are trying to influence.

Using a combination of insider and outsider approaches in collaboration with other civil society organisations can be very effective.

The approach you choose will depend on a number of things, such as how older people wish to advocate for their rights, what sort of organisation you work for, how much scope you have to influence your government, what your government's position on a UN convention is, and how well your government understands the issues. It will also depend on what the attitudes towards older people and human rights are in your country, and what the advocacy culture and legal position on campaigning is.

To help you decide on the best approach, ask yourself:

- Do older people know what rights they have? What can I do if they find it difficult to articulate their problems in terms of their human rights?
- How can I support older people to take a lead in advocating for a convention?
- Do I need to work with other civil society organisations or the national human rights institution?
- What are the best approaches to influencing my advocacy targets in the government?
- What do these people need to hear? Who do they need to hear it from?
- How can I make sure they receive my message? How can I make sure they will act on it?

3.2 Work out which tactics to use

Once you have decided on your approach, you can work out which tactics to use. You will need tactics for building your case, working with older people's organisations, participating in the Open-ended Working Group on Ageing process, facilitating discussion between older people, government and national human rights institutions, and identifying who in your government can bring about change. You will also need tactics for engaging with parliamentarians.

Identifying who in your government can bring about change

An important tactic is to identify and target the individuals in your government who have the power to decide or influence your government's position on a UN convention (see Section 1).

HelpAge Global Network member the Vietnam Association of the Elderly looked for where the power lay in the government for deciding whether to support a UN convention. They found that it lay with the Prime Minister. So the next question was: who could influence the Prime Minister?

The answer led them to ask the Vietnam National Committee on Ageing to ask the Ministry of Labour, Invalids and Social Affairs to request the Deputy Prime Minister to ask the Ministry of Foreign Affairs to participate in a session of the Open-Ended Working Group on Ageing and express its support for a convention.

It may seem like a long and indirect route but it worked. In 2015, a delegation from the Vietnamese Permanent Mission to the UN in New York attended the sixth session of the Open-Ended Working Group and made a strong statement in support of a convention.

Building your case

We have already looked at ways to involve older people in building your case for a UN convention in Step 2:

- Consult older people about their experience of ageism, discrimination and denial of their rights.

Working with older people's organisations

If your organisation does not focus specifically on ageing or work directly with older people, a good way to involve older people is by building alliances with older people's organisations. Possible partners include:

- National and local pensioners' associations
- Community-based older people's associations or older people's groups.

HelpAge Global Network member Slovene Philanthropy partnered with the Slovene Federation of Pensioners' Associations to advocate for a convention. Slovene Philanthropy arranged a meeting with representatives of the pensioners' federation in 2012. The representatives had not previously heard of the Open-ended Working Group on Ageing.

After the meeting, they contacted various ministries. They found that the Minister of Foreign Affairs, who was president of the Democratic Party of Pensioners, was keen to establish Slovenia as a leader on human rights at the international level.

They took this opportunity to start examining older people's issues from a human rights perspective. They mobilised their members to support a convention. Their president attended the fourth session of the Open-ended Working Group in 2013, where the Government of Slovenia made its first statement in favour of a UN convention. At the fifth session in 2014, the Minister of Foreign Affairs expressed his government's full support for a convention.

Facilitating discussion between older people, government and national human rights institutions

The Open-ended Working Group is open to Member State governments, national human rights institutions and civil society organisations. Bringing older people together with government and national human rights institution representatives at regular tripartite (three-way) meetings throughout the year can be an effective advocacy tactic at the national level.

At these meetings:

- Older people can tell representatives of government and national human rights institutions what prevents them from enjoying their human rights and what they want to see changed.
- National human rights institutions can bring their experience of human rights law and practice to the meetings. They often act as a bridge between civil society and the government.
- Government representatives can consult older people and explain the government's position.

You can find out what your country's national human rights institution is from the Directory of National Human Rights Institutions at <http://bit.ly/2GS8ZBZ>

To find out about organising tripartite meetings, see <http://bit.ly/2F2V0YA>

In 2012, the Coalition of Services for the Elderly (COSE), a HelpAge Global Network member in the Philippines, met with the Confederation of Older Persons Associations of the Philippines (COPAP) and representatives of different government departments and the Commission on Human Rights.

The group developed into a technical working group to discuss how to promote older people's rights and advocate for a UN convention. The technical working group evolved into the Coalition of Advocates for the Rights of the Elderly (CARE).

The coalition has continued to meet regularly. It has conducted joint pieces of work, including a report on the human rights situation of older people in the Philippines and a publicity campaign on elder abuse. It has influenced the government to support a UN convention and set up the Committee for the Older Persons, a multi-stakeholder group to lead work on a UN convention.

Engaging with parliamentarians

Parliamentarians have a unique role to play in strengthening the rights of their older constituents and contributing to the debate around a convention. Parliamentarians have considerable influence over their government's position.

Older people can:

- Meet their local member of parliament.
- Share reports on older people's rights with parliamentarians, such as Freedom to decide for ourselves (see page 9).
- Write letters to their local member of parliament.
- Ask their local member of parliament to raise questions in parliament about your country's participation in the Open-ended Working Group process.
- Ask their member of parliament to lead parliamentary debates on older people and human rights.
- Ask their member of parliament to write directly to the Minister of Foreign Affairs and other ministers responsible for ageing issues regarding the government's engagement with the Open-ended Working Group process.

You can also:

- Organise events at which older people can meet parliamentarians to discuss their rights.
- Ask parliamentarians to help you set up a meeting with government officials.

- Ask parliamentarians to establish a cross-party parliamentary group on ageing and the rights of older people, if one does not already exist.
- Ask cross-party parliamentary groups to carry out an enquiry into the rights of older people and consult older people as part of this enquiry.

HelpAge Global Network member Age International worked closely with the UK All-Party Parliamentary Group for Ageing and Older People to support its enquiry into human rights and older people.

The All-Party Parliamentary Group received written submissions and heard evidence of human rights abuses from older people's organisations, other civil society organisations, academics, the Equality and Human Rights Commission and local government authorities at meetings in 2017 and 2018.

The enquiry concluded with a recommendation that the UK government should support the creation of an international convention on the rights of older people.

Participating in the Open-ended Working Group process

Participating in the Open-ended Working Group process itself is an important way to complement your advocacy activities at the national level. Any civil society organisation that works with older people or on ageing issues can apply for accreditation to the Open-ended Working Group. This allows you, if you wish, to attend and speak at sessions, register older people from your community to attend, organise side events during sessions, submit documents to the Open-ended Working Group website and take part in Open-ended Working Group consultations.

A number of HelpAge Global Network members are accredited to the Open-ended Working Group. Some have arranged for older people from the communities they work in to attend sessions. Older people have addressed sessions, spoken at side events, met their country's permanent representative to the UN, given media interviews, and posted messages on social media before, during and after the session.

HelpAge Global Network member Uganda Reach the Aged Association (URAA) has been advocating for a UN convention and supporting older people-led advocacy through the Age Demands Action campaign.

In 2014, a representative of URAA attended the fifth session of the Open-ended Working Group in New York. The Ugandan government had told Age Demands Action campaigners that it supported a convention. However, it had not yet expressed its support at the Open-ended Working Group.

Noticing that no government representative was present at the session, the older spokesperson from URAA visited the Ugandan Permanent Mission in New York to ask them to attend the session and make a statement in support of a convention. The next day, a representative of the Ugandan government took their seat and publicly expressed the government's support.

Find out more

ADA campaign training manual

Provides practical guidance for older people to strengthen their knowledge, skills and confidence as campaigners.

<http://bit.ly/2AsqPWA>

GAROP guidelines

These suggest actions and approaches for amplifying older people's voices and engaging effectively in the Open-ended Working Group on Ageing process.

Guidelines I – National level advocacy around the OEWG

Guidelines II – Engaging in a substantive debate

Guidelines III – Preparing oral statements for OEWG sessions

www.rightsofolderpeople.org/garop-advocacy-tools



Step 4. Review your progress

It is important to take stock of progress from time to time. It can be encouraging to see how far you have come, and helpful to see if you are on the right track or whether you need to adjust your plans.

To review your progress:

1. Track things that happen.
2. Assess progress towards your goals.
3. Plan your next steps.

4.1 Track things that happen

Reviewing progress means tracking events that have taken place over time. It is almost impossible to prove that a particular advocacy activity has led directly to a change in government position or policy. Your time is better spent keeping a record of things that have happened, so you can make a general assessment of how far your activities have contributed to the changes you want to bring about.

For each of your goals, you could use a simple table to track things that happen. All you need are two or three indicators to track progress towards each of your goals. For example, you might include statements from the government, meetings that take place, changes in your government's position, or media coverage. Here is an example:

Goal: Your government sends a representative from a ministry or department based in the capital city to participate in the next session of the Open-ended Working Group on Ageing

Indicator	Event	Date	Comment
1. Meetings with government to discuss its participation in the next session of the Open-ended Working Group	Meeting with Minister of Social Affairs	January	
	Meeting with Minister of Social Affairs	February	
	Letter to the Ministry of Foreign Affairs to ask it to support the attendance of the Minister for Social Affairs	February	
	Tripartite meeting between government, national human rights institution and older people	March	
2. Commitments made by government about attending the Open-ended Working Group	Letter from the Ministry of Social Affairs saying a representative will attend	March	
3. Government attendance at the Open-ended Working Group	Head of Social Welfare from the Ministry of Social Affairs attends the tenth session of the Open-ended Working Group.	April	

4.2 Assess progress towards your goals

You need to assess your progress periodically. The best times for this are at key moments in the Open-ended Working Group and national political processes:

- After each call for submissions from the chair of the Open-ended Working Group.
- After each Open-ended Working Group session.
- After adoption of resolutions on ageing by the UN General Assembly.
- At relevant national-level moments and events, such as elections or debates in parliament.

You can check if you have achieved your goals in different ways:

- Ask the people you are trying to influence if they have done what they said they would do.
- Check the Open-ended Working Group website for government submissions before each session.
- Follow your government's participation in the Open-ended Working Group process by watching the Open-ended Working Group sessions, either live or on UN TV at <http://webtv.un.org> (search for Open-ended Working Group on Ageing).
- Check the country information sheet <http://bit.ly/2Tma1HN>. These are updated once a year after each Open-ended Working Group session.
- Check national media and other information sources, such as your government's websites, for national-level events related to your advocacy goals.

4.3 Plan your next steps

If you have achieved your first set of goals, well done! Celebrate! Then decide what your next set of goals should be. Consider whether you will need to use different advocacy tactics to achieve these, and whether you will need to identify new allies to work with.

If you are not making enough progress towards your goals, try to find out why. Then you can review your tactics. For example:

- Ask the people in government you are trying to influence:
 - Why they have not done what they said they would do.
 - What they need from you and when, and what format they prefer to have it in.
- Ask the older people you are working with:
 - What they need from you and when, and how they prefer to receive this information (for example, face-to-face at a meeting, in a report or by email).
- Ask other organisations, such as other HelpAge Global Network members or members of the Global Alliance for the Rights of Older People:
 - What they are doing and if they are having an impact.
 - What they have learnt from their advocacy activities.
 - Consider whether you would have more impact if you worked together with other organisations.
- Decide whether your original goals were the right ones:
 - If they were, what have you learnt? What do you need to do differently?
 - If you think they were not (perhaps they were too ambitious or perhaps the external environment has changed), reset your goals. What do you think you can achieve in the short term? Consider whether you will need to use different advocacy tactics for your new set of goals and whether you will need to identify new allies to work with.

Find out more

Advocacy Evaluation Mini-Toolkit: Tips and Tools for Busy Organizations

Provides practical guidance on how to monitor and evaluate your advocacy activities.

Published by Learning for Action.

<http://bit.ly/2R1uJQB>

Glossary

Human rights has its own vocabulary. Here are some terms used in the discussions on a convention on the rights of older people and in these guidelines:

advocacy target

The person, group of people or organisation you want to influence.

age discrimination

Treating people differently based directly or indirectly on their known or perceived age with the intention or result of denying them their human rights on an equal basis with others.

ageing in place

Continuing to live in our chosen community, maintaining relationships that matter to us and having our voices heard as we age.

ageism

The stereotypes (how we think), prejudice (how we feel) and discrimination (how we behave) towards older people and older age, including our own.

capital city

The central government of your country is based in your capital city. There are also government diplomats based in cities around the world, including at the UN in New York. Decisions about government policy and positions are made by the central government in the capital city (sometimes shortened to “in capital”). Diplomats take their instructions from the government in capital.

characteristics

We all have different characteristics such as our age, sex, nationality, ethnic origin and political beliefs. Discrimination based on these characteristics is prohibited under international human rights law.

convention

Another word for a treaty, for example, the Convention on the Rights of Persons with Disabilities.

cumulative discrimination

Discrimination that happens more than once over a period of time, or on a number of single occasions based on different characteristics, which has a cumulative impact. It is sometimes called “additive” discrimination.

dignity

The sense that you have of your own worth, and of other people’s respect for you. Human rights are designed to support and sustain our dignity. If a person’s rights are taken away, then they are not being treated with dignity.

discrimination

Treating people differently based directly or indirectly on any characteristic, such as age, sex or ability, with the intention or result of denying them their human rights on an equal basis with others.

human rights

The rights people have because they are human. They cannot be taken away. They are set out and protected in international, regional and national human rights laws.

human rights instruments

Documents related to human rights. Some, such as treaties, are laws. Some, such as declarations, are statements of political intent. Others, such as recommendations, provide advice and guidance.

human rights mechanisms

Institutions, such as the UN Human Rights Council, and people, such as the Independent Expert on the enjoyment of all human rights by older persons, who monitor and provide guidance on human rights.

human rights standards

Each human right sets a standard, which is set out in international human rights law. This standard is the minimum level of how all humans should be treated, regardless of their situation, or where they live. Human rights standards are like a floor, not a ceiling: they define the bottom level, not the top. If these standards are met, people should be able to live a life of dignity.

human rights treaty

A legal agreement between states. Once a state has agreed to be a party to a treaty they must obey the rules within it. Other names for human rights treaties include “covenant” and “convention”. Human rights treaties are “multilateral” because they are between several states.

international human rights law

International human rights law is made up of the Universal Declaration of Human Rights and nine international human rights treaties. These laws set out what states must do (their obligations) to protect, respect and fulfil everyone’s human rights.

international human rights system

The international human rights system is made up of international human rights instruments and the institutions that monitor their implementation.

intersectional discrimination

Discrimination based on a combination of two or more different characteristics, for example, age, sex or ability. The combination creates a unique form of discrimination.

legally binding

A legal phrase meaning that an agreement has been made, and certain actions are now either required or prohibited. For example, a treaty is legally binding. When a state ratifies it, the state must implement its provisions.

multiple discrimination

Discrimination can be complex. Sometimes it is based on a single characteristic such as age. It can also be based on more than one characteristic (intersectional discrimination) or take place on more than one occasion over time (cumulative discrimination). These are both examples of multiple discrimination.

on an equal basis with others

Everyone has the same human rights. Calling for a new convention on the rights of older people is not about giving older people more or different rights. It is about making sure they can enjoy their human rights, just as other people can enjoy their human rights, that is, on an equal basis with others.

protocol

This is a supplement to a treaty. Protocols can add extra rights or state obligations. Usually a state must ratify the main treaty before ratifying the protocol. Ratifying a protocol is optional.

provision

A statement in a human rights treaty that something must happen. For example, under the right to freedom from exploitation, violence and abuse in the Convention on the Rights of Persons with Disabilities, there is a provision that says states must put in place age-sensitive measures to prevent abuse.

ratify

When a state ratifies a treaty or an optional protocol, it officially agrees to implement, and be monitored on how it implements, the provisions in the treaty or optional protocol.

regional human rights law

The African and European regions have regional human rights treaties, such as the African Charter on Human and Peoples’ Rights, and regional systems to monitor their implementation.

regional integration bodies

Groups of neighbouring states that have agreed to cooperate on trade or other issues, such as the African Union and the European Union.

standard

Human rights standards set the level of treatment necessary for us to live with dignity and free from fear and want, for example, to live without being subjected to violence, abuse and neglect or to have an adequate standard of living.

state party

A state that has ratified a human rights treaty.

treaty

A legally binding agreement between states.

treaty body

A committee of independent experts that monitors the implementation by states of human rights treaties.

Endnotes

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FAIR

guidelines

HelpAge International is a network of organisations promoting the right of all older people to lead dignified, healthy and secure lives.

FAIR Guidelines: Four steps towards a UN Convention on the rights of older people

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PO Box 70156, London WC1A 9GB, UK
Tel +44 (0)20 7278 7778
info@helpage.org
www.helpage.org

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