

Statement on the Rights of Older Persons

The Southeast Asia National Human Rights Institutions Forum (SEANF) consisting of the National Human Rights Commission of Indonesia (Komnas HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Myanmar National Human Rights Commission (MNHRC), the Commission on Human Rights of the Philippines (CHRP), the National Human Rights Commission of Thailand (NHRCT) and the Provedoria dos Direitos Humanos e Justiça (PDHJ) considered the rights of older persons at SEANF Technical Working Group (TWG) Meetings and Annual Meeting under the Chairmanship of MNHRC, in accordance with the Concluding Statement of 12th Annual Meeting of the SEANF.

Today, the world is becoming an ageing society due to rapid increase in the elderly population. In particular, Asia is a region with the largest number of older persons. By 2050, for the first time, there will be more older persons than children under the age of 15 worldwide, and it is projected that the number of older persons will more than double from 900 million currently to nearly 2 billion. As the population of older persons increases, there is the need to advance the promotion and protection of their rights. The most frequently mentioned rights are the rights to social protection, care, an adequate standard of living, equality and non-discrimination, dignity and integrity.

A number of international policy documents have been adopted to strengthen the protection of older persons such as the 1982 Vienna International Plan of Action on Ageing, the 1991 UN Principles for Older Persons and the 2002 Madrid International Plan of Action on Ageing.

In addition, the United Nations General Assembly decided to establish the Open-ended Working Group on Ageing in December 2010. The mandate included consideration of a binding instrument protecting the rights of older persons, among others. The United Nations also appointed an International Expert on the enjoyment of all human rights by older persons in 2014.

Against this backdrop, the potential role that NHRIs can play in the promotion and protection of human rights of older persons have also been considered. NHRIs across the globe have contributed significantly to the advancement of the rights of

older persons. In November 2014, during the Second World Human Rights Forum, a thematic forum on Old-Age Human Rights was organized by NHRI of Morocco, the ICC (now GANHRI) and other key stakeholders. The Forum attended by NHRIs and human rights experts concluded with the adoption of the Marrakesh Declaration. The Declaration recommends to build upon and advance the rights of older persons. Despite the work and potential of NHRIs to contribute to the development of the international normative framework for the rights of older persons, NHRIs remain largely on the sidelines of the formal process at the international level.

The NHRI of Korea, ICC (GANHRI) and APF hosted the NHRI Special Session on the Role of NHRIs in promoting and protecting the rights of older persons on 26 October 2015 in Seoul, Korea. The NHRI Special Session recommends that GANHRI WG will hold a consultation process among all NHRIs to adopt an informed GANHRI position on an international binding instrument on the rights of older persons.

The GANHRI Sub-Committee on Ageing convened last 14-15 June 2016 in Seoul, Korea to discuss the National Human Rights Institutions' Role in addressing the problems of ageing population across the globe and take efforts for the formal recognition for NHRIs in the Open-ended Working Group on Ageing Meetings. The draft Terms of Reference of the GANHRI Sub-Committee on Ageing and the Statement of the Global Alliance of National Human Rights Institutions to the Seventh Working Session of the Open-ended Working Group on Ageing was finalized by the GANHRI Members.

There are divergent views among United Nations Member States. While some Member States express the need to utilize the existing international human rights framework, others call for a new UN Convention for protecting the rights of older persons because existing mechanisms do not sufficiently protect the older persons.

The Independent Expert on the enjoyment of all human rights by older persons will present her report to the Seventh Session of the Open-ended Working Group on Ageing which is scheduled to be held in New York from 12 to 15 December 2016. In her report, the independent expert calls on States to step up their efforts to determine the best way to strengthen the protection of the human rights of older persons and to consider the various proposals that have been made, notably the elaboration of a convention on the rights of older persons.

In the context of the South East Asia Region, SEANF calls upon ASEAN Member States to take concrete action towards promoting greater protection of the rights of older persons in line with the ASEAN Human Rights Declaration and Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN.

SEANF members encourage their respective governments to actively address issues that affect older persons and to ensure that the promotion and protection of their rights form an integral part of development policies in line with SDGs at all levels.

SEANF members encourage their respective governments to work closely with the independent expert on the enjoyment of all human rights by older persons in the carrying out of her mandate and to make contributions to the work entrusted to the Open-ended Working Group on Ageing in order to share their national experiences in developing and implementing policies and programmes aimed at strengthening the promotion and protection of the human rights of older persons.

SEANF members support the effort of GANHRI Working Group on Ageing to advocate for the participation of national human rights institutions in the Open-ended Working Group on Ageing at its next working session.

As natural and man-made disasters and emergencies have become more frequent in South East Asia, SEANF members shall work with relevant government agencies to ensure that older persons and other vulnerable groups be taken into consideration in disaster management including disaster risk reduction measures. Their rights to health, food, housing, shelter and access to information should be fully respected.

SEANF members encourage ASEAN Human Rights mechanism especially AICHR and ACWC to integrate the rights of older persons in their work plan.

SEANF members, based on our mandate and functions, shall also work individually and collectively to have better protection and promotion of the rights of older persons.