

PROTECTING THE HUMAN RIGHTS OF OLDER PERSONS<sup>1/2/</sup>

(Adopted at the fourth plenary session, held on June 7, 2011)

THE GENERAL ASSEMBLY,

RECALLING resolution AG/RES. 2562 (XL-O/10), “Human Rights and Older Persons,” adopted at the fourth plenary session of the General Assembly, held on June 8, 2010;

TAKING NOTE of the presentations and recommendations made by member states, experts from the academic sector and civil society, as well as international organizations, at the special meeting of the Permanent Council held on October 28, 2010 (CP/CAJP-2801/10 rev. 1), in fulfillment of resolution AG/RES. 2562 (XL-O/10), “Human Rights and Older Persons”;

TAKING INTO ACCOUNT the contributions of the Pan American Health Organization (PAHO) included in resolutions CD49.R15 (2009), “Plan of Action on the Health of Older Persons including Active and Healthy Aging”; and CD50.R8 (2010), “Health and Human Rights, adopted by PAHO’s Directing Council”; as well as the contributions of the Economic Commission for Latin America and the Caribbean (ECLAC), in particular the Regional Strategy for the Implementation in Latin America and the Caribbean of the Madrid International Plan of Action on Ageing of 2003 and the Brasilia Declaration (2007);

REITERATING its concern over the lack of studies and reports at the hemispheric level on specific institutions and mechanisms related to the rights and needs of older persons, in particular on violations and infringements of their human rights and freedoms, which makes it necessary to move forward with the establishment of international instruments to address their specific protection needs; and

TAKING INTO ACCOUNT:

Efforts underway at the United Nations and its agencies to effectively identify and address the particular needs of older persons, including considering, as appropriate, the feasibility of further legal instruments and measures regarding the rights of older persons; and

The advisability that it be possible, in the framework of the Organization of American States (OAS), to add value to existing efforts and to meet a need that is not being addressed elsewhere,

RESOLVES:

1. To request the Permanent Council to establish a working group composed of national representatives and experts from the academic sector and civil society, as well as from

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<sup>1</sup>. Canada reserves its position on the necessity of creating a draft inter-American convention for the advancement and protection of the rights of ... *(the text of this footnote continues on page 158.)*

<sup>2</sup>. The United States is committed to promoting the human rights of all persons, including older persons. However, it is premature to call for preparation ... *(the text of this footnote continues on page 158.)*

international organizations and specialized agencies, to prepare by the end of 2011 a report analyzing the situation of older persons in the Hemisphere and the effectiveness of binding universal and regional human rights instruments with regard to protection of the rights of older persons.

2. To request that working group to prepare, based on the findings of the above-mentioned report, a draft inter-American convention for the advancement and protection of the rights of older persons, which shall be submitted to the Permanent Council before the end of the first half of 2012 and which recommends other measures to further the implementation of existing international conventions.

3. To urge member states, in collaboration with civil society, to take additional actions to make older persons, their families and caregivers, as well as other relevant stakeholders, aware of their rights and responsibilities, so as to safeguard the dignity and the physical, mental and social well being of older persons.

4. To welcome efforts underway at the United Nations and its Open-ended Working Group on Ageing to address issues facing older persons in our member states, including considering, as appropriate, the feasibility of further legal instruments and measures regarding the rights of older persons.

5. To encourage the Pan American Health Organization (PAHO) and the Economic Commission for Latin America and the Caribbean (ECLAC) to continue their cooperation with the General Secretariat of the Organization of American States (OAS ), member states, experts from the academic sector, civil society, and international organizations to promote regional cooperation, *inter alia*, by identifying best practices for designing public policies that address the specific needs of older persons in the Hemisphere within the context of universal and regional human rights instruments.

7. To urge the General Secretariat to provide, through the area responsible for monitoring this issue, ample technical support to the working group to be established pursuant to operative paragraph 1.

6. To request the Permanent Council to report to the General Assembly at its forty-second regular session on the implementation of this resolution. Execution of the activities envisaged in this resolution will be subject to the availability of financial resources in the program-budget of the Organization and other resources.

## FOOTNOTES

1. ... older persons pending the outcome of deliberations in the UN Open-ended Working Group on Ageing concerning a recommended approach to addressing the needs of this vulnerable group. Canada is notably concerned by the prospect of duplication of international work in this area and believes it prudent to await clarification from the UN Open-ended Working Group concerning what gaps may exist in the current international rights framework in this area and what additional instruments, if any, may be required before the OAS considers the relative merit of moving ahead with an inter-American convention. Canada encourages the OAS to focus on implementing existing human rights resolutions and on strengthening the effectiveness of existing human rights instruments rather than creating new and potentially duplicative processes before there is a clearly identified need.

2. ... of a draft inter-American convention for the advancement and protection of the rights of older persons at this time, while a UN working group is assessing whether such an instrument is needed. Rather, we believe that the OAS should await the conclusions of the UN group, and consider those conclusions, before deciding whether to undertake a potentially lengthy, costly, and duplicative negotiating and drafting process. We, therefore, reserve our position on the necessity of creating any new international instruments, including a draft inter-American convention, to protect the rights of older persons.