Consultation Response

**The human rights implications of the implementation of the Madrid International Plan of Action on Ageing** **(MIPAA).**

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**Introduction**

The questionnaire seeks views on the human rights implications of the implementation of the Madrid International Plan of Action on Ageing (MIPAA) in accordance with the request made by the UN Human Rights Council in resolution 24/20 that the UN Independent Expert on the enjoyment of rights by older persons assess this topic.

Age UK welcomes the opportunity to respond to the questionnaire. We have chosen to group the questions to avoid repetition in our answers.

**Question 1:**

What is the role of your organization? Do you participate in MIPAA implementation or monitoring thereof?

**Question 2:**

Has a human rights-based approach been integrated in the implementation framework of MIPAA in your country and if so, how did this translate into concrete policies and normative actions? Are there any mechanisms to monitor and assess the impact of MIPAA implementation on the enjoyment of all human rights by older persons?

**Question 3:**

Have the needs of specific groups of older persons been taken into consideration in the process of implementation of MIPAA and if so, how?

**Response:**

Age UK is the largest non-governmental organisation working for older people in the UK and has extensive experience of utilising existing international rights mechanisms to achieve better outcomes for older people. These include CEDAW, the Convention on the Rights of Persons with Disabilities (CRPD), and the Universal Periodic Review. We also played a key role in organising regional civil society input into the MIPAA+10 review process.

There is currently no UK Government framework for the implementation of MIPAA and as a result Age UK does not have an active role in its implementation.

While the content of MIPAA continues to be relevant at many levels, it is fair to say that awareness even of its existence both within government and with non-governmental stakeholders working on ageing in the UK is extremely low.

In 2013, a UK parliamentary committee conducted a major inquiry into the Government’s readiness to meet the challenges of our ageing population. It concluded that it was ‘*disappointed to find how little the Government have done to initiate a long-term, coherent strategy to deal with the consequences of population ageing.’[[1]](#footnote-1)* Neither the Committee’s report nor the Government’s official response referred to MIPAA.

Every five years, the UK is required to provide a country report to the United Nations Economic Commission for Europe (UNECE) which is responsible for undertaking an analysis of the current state of implementation of MIPAA and the UNECE’s Regional Implementation Strategy (RIS) within the region. In the most recent round of reporting which took place in 2012 (MIPAA +10) the UK Government submitted a report which sets out in some detail the public policy landscape as it relates to older people. What this document fails to do however is to demonstrate that MIPAA has had any role whatsoever in informing or influencing the development of these policies.[[2]](#footnote-2)

**Question 4:**

Have older persons been informed about MIPAA and if so, how? How are older persons participating in the implementation of MIPAA including in decision-making about MIPAA implementation?

**Response:**

MIPAA is virtually unheard of within the UK even among organisations working with and for older people. To the best of our knowledge, the UK Government has made no effort to make MIPAA better known either to organisations or to individual older people. The Equality and Human Rights Commission (EHRC), the National Human Rights Institution (NHRI) in England and Wales does not undertake any work in relation to MIPAA.

No formal or informal mechanisms exist in the UK for raising awareness of MIPAA, including involving older people in decision-making about MIPAA or participating in its implementation.

By way of contrast CRPD requires that states parties that are signatories to the Convention *‘designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention.’* In the UK this role is undertaken jointly by the EHRC, the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI). In this capacity the EHRC has produced guidance and hosted events for disabled people and disabled people’s organisations about what the Convention can mean to individuals and has worked with legal professionals and legal advisers to increase awareness and use of the Convention.[[3]](#footnote-3)

**Question 5:**

What impact has MIPAA implementation had on equality and non-discrimination of older persons?

**Question 6:**

What impact has MIPAA implementation had on the fulfillment of the right of older persons to an adequate standard of living?

**Response:**

We reiterate that MIPAA has had no impact on equality and non-discrimination of older people in the UK or the right of older persons to an adequate standard of living because no specific effort has been made to implement it as part of Government policy.

Again reference to the CRPD demonstrates the positive impact that an internationally binding human rights convention can have in promoting equality and non-discrimination, in this case in relation to disabled people. In its submission to the UN Universal Periodic Review, the NGO Disability Rights Watch UK highlighted the role of article 29 of the CRPD in prompting the UK Government to introduce a number of positive measures designed to improve the participation of disabled people in public and political life. In particular, they cite the Government’s consultation on establishing an Access to Elected Office Fund to cover the extra costs disabled candidates incur as a direct result of their impairment when running for elected office. £1 million was allocated annually between 2011/12 and 2013/14 for this purpose.[[4]](#footnote-4)

**Question 7:**

Please provide examples of best practices from a human rights perspective in your country in the implementation, monitoring, review and appraisal of MIPAA.

**Question 8:**

Please provide information about the main challenges (such as institutional, structural and circumstantial obstacles) your country faces at the various levels of government (communal, provincial and national etc.) to fully respect, protect and fulfill the human rights of older persons in the implementation of MIPAA.

**Response:**

As we have set out above, the main challenge relating to the implementation of MIPAA in the UK is an almost complete absence of awareness of its existence. While the Government does comply with most of the requirements of the five-yearly review (the involvement of civil society in the bottom-up review process was entirely ignored for the MIPAA+10 review) and appraisal cycles of MIPAA laid down by the UNECE this is a bureaucratic exercise in which a wide range of policies addressing the concerns of older people, which would exist with or without MIPAA, are retrospectively fitted into the framework.

Age UK acknowledges that MIPAA offers excellent policy advice that governments ought to take into account. However, the experience of the UK proves that MIPAA on its own is not sufficient as a tool to secure the human rights of older people.

Moreover, it is important to appreciate that the original aim of MIPAA was not to articulate a set of rights for older people. It is framed as a set of recommendations for governmental action rather than as rights that individual older people can claim; as such, it can never be fit for purpose as a tool for securing such rights.

This assessment leads us to the conclusion that while non-binding instruments such as MIPAA have useful contributions to make, they are insufficiently rights-based and without the necessary accountability measures to effectively guarantee older people’s rights. Existing human rights conventions have overwhelmingly demonstrated that a properly articulated, widely ratified convention that has a broad base of civil society support is the proper response to these challenges.

1. House of Lords Select Committee on Public Service and Demographic Change (2013) *Ready for Ageing?* <http://www.publications.parliament.uk/pa/ld201213/ldselect/ldpublic/140/140.pdf> [↑](#footnote-ref-1)
2. <http://www.unece.org/fileadmin/DAM/pau/age/country_rpts/GBR_report.pdf> [↑](#footnote-ref-2)
3. Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities: The UK Independent mechanism list of issues interim report (December 2014) <http://www.equalityhumanrights.com/publication/monitoring-implementation-un-convention-rights-persons-disabilities> [↑](#footnote-ref-3)
4. Disability Rights Watch UK *Submission to the UN Universal Periodic Review UK's examination (13th Session - June 2012)* [↑](#footnote-ref-4)