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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Argentina, Australia,* Austria, Bosnia and Herzegovina,* Brazil, Bulgaria, Chile,* Colombia,* Croatia,* Cyprus,* Dominican Republic,* Ecuador,* Fiji, Georgia,* Greece,* Israel,* Italy, Luxembourg,* Malta,* Marshall Islands, Mexico, Montenegro,* Namibia, Nepal, North Macedonia,* Peru,* Portugal,* Serbia,* Slovenia,* Somalia, Spain,* Tunisia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America* and Uruguay: draft resolution

48/... Human rights of older persons

The Human Rights Council,

Reaffirming the obligation of all States to respect, protect and fulfil all human rights and fundamental freedoms, and reaffirming also the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination,

Bearing in mind the United Nations Principles for Older Persons of 1991, the Political Declaration and the Madrid International Plan of Action on Ageing, 2002, and all other relevant General Assembly resolutions, including 65/182 of 21 December 2010, 70/164 of 17 December 2015, and 75/131 of 14 December 2020,

Recalling that the 2030 Agenda for Sustainable Development stresses the need to ensure that no one is left behind, and in this regard recognizing the essential contribution that older persons make to the functioning of societies and to the achievement of the 2030 Agenda,

Recalling also Human Rights Council resolutions 21/23 of 28 September 2012, 24/20 of 27 September 2013, 33/5 of 29 September 2016 and 42/12 of 26 September 2019 on the human rights of older persons, and all other relevant Council resolutions, including 39/18 of 28 September 2018 and 44/7 of 16 July 2020,

Recognizing the work of the Independent Expert on the enjoyment of all human rights by older persons and the Open-ended Working Group on Ageing, and the contributions and support by the Office of the United Nations High Commissioner for Human Rights,

* State not a member of the Human Rights Council.



Taking note with appreciation of the report of the Independent Expert on the enjoyment of all human rights by older persons¹ and the policy brief of the Secretary-General on the impact of the coronavirus disease (COVID-19) on older persons of 1 May 2020,

Recognizing that older persons face a number of particular challenges in the enjoyment of their human rights, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support, long-term and palliative care, lifelong learning, participation, accessibility and unpaid care work,

Deeply concerned that older persons, in particular older persons with disabilities and those with underlying health conditions, have been disproportionately affected by the COVID-19 pandemic, which in addition to high morbidity and mortality has exacerbated pre-existing inequalities,

Bearing in mind that ageism is a widely prevalent and prejudicial attitude that may rest on the assumption that neglect of and discrimination against older persons are acceptable, and that ageism is the common source of, the justification for and the driving force behind age discrimination,

Recognizing that ageism compounds other forms of discrimination and negatively affects older persons' participation in all aspects of society,

Noting with concern that older women often face multiple and intersecting forms of discrimination and/or can be victims of violence, compounded by their gender, age or disability or on other grounds, which affects the enjoyment of their human rights,

Emphasizing the importance of promoting inclusive, age-friendly communities and environments and of providing a range of support services that promote the dignity, autonomy and independence of older persons, to enable older persons to remain in their home as they age, with due regard to individual preferences,

1. *Recognizes* that the challenges relating to the enjoyment of civil, political, economic, social, and cultural rights by older persons, including, among others, in the areas of prevention of and protection against violence, abuse and neglect, social protection, food and housing, the right to work and access to the labour market, equality and non-discrimination, access to justice, new technologies, education, training, health support, long-term and palliative care, lifelong learning, participation, accessibility and unpaid care work, and the need to address them require in-depth analysis and adequate action;

2. *Calls upon* all States to prohibit all forms of discrimination against older persons and to adopt and implement non-discriminatory policies, national strategies, action plans, legislation and regulations, and to promote and ensure the full realization of all human rights and fundamental freedoms for older persons in, inter alia, employment, social protection, housing, education and training, access to technologies and the provision of financial, social, health-care, long-term support and palliative care services, while systematically providing for consultation with and the participation of older persons themselves;

3. *Encourages* all States to take measures to combat ageism and eliminate age discrimination, and to protect the human rights of older persons in, inter alia, employment, social protection, housing, education and training, access to new technologies and the provision of financial, social, health-care, long-term support and palliative care services, and to promote the development of comprehensive care systems;

4. *Notes* that ageism can be associated with stereotypes, prejudice and/or discriminatory actions or practices, including hate speech, against older persons based on their chronological age or on a perception that the person is "old", and that ageism can be implicit or explicit and be expressed at different levels;

¹ A/HRC/48/53.

5. *Recommends* that States parties to existing international human rights instruments address, where appropriate, the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedure mandate holders, in accordance with their mandates, to address further the situation of older persons in their dialogue with Member States, in their consideration of thematic reports and in their country missions;

6. *Calls upon* all stakeholders, including States, the entities of the United Nations system, civil society, national human rights institutions and the private sector to combat ageism and eliminate age discrimination in all its forms and to adopt a human-rights based approach in all programmes, campaigns and activities relating to ageing and older persons;

7. *Stresses* the need to identify and integrate the needs and meaningful participation of older persons and their organizations in the preparedness, response and recovery stages of emergencies, including pandemics, climate change and disaster risk reduction and resilience measures, and to ensure that emergency plans and responses do not include ageist stereotypes and biases;

8. *Calls upon* all States to establish and/or enhance effective redress mechanisms and to ensure access to justice, on an equal basis with others, for those subjected to discrimination based on age, including legal aid and support, as well as accessible and age-sensitive legal proceedings;

9. *Also calls upon* all States to take measures to raise awareness in society, including among public officials, the private sector and older persons themselves, about the meaning and consequences of discrimination in old age and about existing legal provisions and judicial remedies;

10. *Further calls upon* States to collect and analyse data disaggregated, as appropriate, by age, gender, disability, area of residence, and other relevant criteria, in order to identify and render visible inequalities, discriminatory patterns, including structural aspects of discrimination, and to analyse the effectiveness of measures taken to promote equality;

11. *Notes* that the data collected should provide information on all forms of discrimination, including multiple and intersecting forms of discrimination;

12. *Invites* the Independent Expert to continue to raise awareness of the challenges that older persons face in the realization of their human rights, including by further examining the impact of ageism and age discrimination on the rights of older persons in her annual reports;

13. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, regional mechanisms, treaty bodies, national human rights institutions, relevant United Nations agencies and civil society organizations, to prepare a report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, and to submit the report to the Human Rights Council at its forty-ninth session, and to make the report available in accessible formats, including Plain Language and Easy-to-Read;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights to convene a multi-stakeholder meeting, fully accessible to persons with disabilities, with the participation of the Independent Expert on the enjoyment of all human rights by older persons, human rights experts and expert representatives of Member States, the treaty bodies and the special procedures, regional mechanisms, the United Nations system, academia, national human rights institutions and civil society, including with the meaningful and effective participation of older persons and of persons of different ages, to discuss the report, and to prepare a summary with conclusions of the meeting that includes recommendations on addressing possible gaps and the dispersiveness of international human rights law with regard to older persons, and to submit the report to the Human Rights Council by its fifty-first session.