



# General Assembly

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## Open-ended Working Group on Ageing

### Eleventh session

New York, 29 March–1 April 2021

## Report of the Open-ended Working Group on Ageing on its eleventh session

*Rapporteur:* Ms. Renne **Abbey** (Ghana)

### I. Organization of the session

#### A. Opening and duration of the session

1. The Open-ended Working Group on Ageing held its eleventh session at United Nations Headquarters from 29 March to 1 April 2021. The Working Group held three formal meetings and five informal meetings.
2. The session was opened by the Vice-Chair of the Working Group, Roseny B. Fangco (Philippines).

#### B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of organizations of the United Nations system and observers for intergovernmental organizations and non-governmental organizations (NGOs) also attended. A list of participants is available at <http://social.un.org/ageing-working-group/eleventhsession.shtml>.

#### C. Election of officers

4. At its 1st and 2nd meetings, on 29 March, the Working Group considered nominations for the Bureau of the Working Group and elected, by acclamation, María del Carmen Squeff (Argentina) as Chair, and Špela Košir (Slovenia) and Stefano Guerra (Portugal) as Vice-Chairs.
5. The Bureau of the eleventh session of the Working Group was composed as follows:



*Chair:*

María del Carmen Squeff (Argentina)

*Vice-Chairs:*

Roseny B. Fango (Philippines)

Špela Košir (Slovenia)

Stefano Guerra (Portugal)

*Rapporteur:*

Renne Abbey (Ghana)

## **D. Agenda and organization of work**

6. At its 1st and 2nd meetings, the Working Group considered and adopted the provisional agenda, as contained in document [A/AC.278/2021/1](#). The agenda read as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing.
4. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
5. Measures to enhance the promotion and protection of the human rights and dignity of older persons.
6. Follow-up to resolution [75/152](#): measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action are needed.
7. Other matters.
8. Provisional agenda for the twelfth session.
9. Adoption of the report.

7. At the same meetings, the Working Group considered and approved the proposed organization of work for its eleventh session, as set out in A/AC.278/2021/CRP.1.

8. Also at the same meetings, the Working Group discussed and agreed upon the specific arrangements for the eleventh session, as set out in an informal paper. The Working Group agreed that the arrangements were to be applied as a temporary measure and without setting a precedent for future sessions of the Working Group.

## **E. Participation of national human rights institutions in the work of the Open-ended Working Group on Ageing**

9. At its 1st meeting, the Working Group was informed of the participation of 12 national human rights institutions in the eleventh session, in accordance with decision 7/1 on the modalities of participation of national human rights institutions in its work (see [A/AC.278/2016/2](#), para. 10).

## **F. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing**

10. At its 1st and 2nd meetings, the Working Group considered and decided to grant accreditation to the following 37 non-governmental organizations to participate in its work:

African Relief Development initiative  
 Alzheimer's Disease and Related Dementias in Zambia  
 Amigos de los Mayores  
 Ardager  
 Asociación de Profesores Universitarios Jubilados (ASPUR)  
 Association for Single Mothers Kenya (ASMOK)  
 Association for Social Solidarity and Empowerment Training Trust (Asset Trust)  
 Azar Initiative Empowerment for the Less Privileged  
 Brain Health Initiative of Nigeria  
 Center for Innovative Social Development-Ghana  
 Centre for Happy Elderly People (CHEP)  
 Civil Service Pensioners' Alliance (CSPA)  
 Coalition of Societies for the Rights of Older Persons in Nigeria (COSROPIN)  
 Confederación Estatal de Mayores Activos (CONFEMAC)  
 Console Mission  
 Convite AC  
 European Ageing Network  
 Forum for the Rights of the Elderly, Bangladesh (FREB)  
 Fundación NTD  
 Global Initiative for Environment and Reconciliation (GER)  
 Grandmothers Advocacy Network (GRAN)  
 Holocaust Community Services, CJE SeniorLife  
 Lanka Fundamental Rights Organization  
 Liberian Association of Retired Persons (LARP)  
 Meals on Wheels Community Services South Africa  
 My Grand Paa-Maa Uganda (MGPMU)  
 National Council for Family Affairs (NCFA)  
 National Senior Citizens Organization of Liberia (NASCOL)  
 Peace Empowerment Foundation  
 People's Research on Grassroot Ownership and Traditional Initiative  
 Reproductive Advocate Health Education-Ghana  
 Saint Elizabeth Health Care (SE Health)

Shirakat-Partnership for Development  
Teggow Obase Nkami Global Foundation  
The Association for the Aged (Tafta)  
Turbota pro Litnih v Ukraini (TLU)  
Zveza Društev Upokojencev Slovenije (ZDUS)

11. At its 1st meeting, the representative of the Russian Federation made a statement on a point of order, to which the Chair responded.
12. At its 2nd meeting, statements were made by the representatives of Turkey, the Russian Federation, the Syrian Arab Republic, the United States of America, Canada and the United Kingdom of Great Britain and Northern Ireland, as well as by the observer for the European Union.
13. Also at its 2nd meeting, the Working Group decided to grant accreditation to the non-governmental organization “Syrian Expatriates Medical Association (SEMA)” to participate in its work, by a recorded vote of 59 to 5 with 29 abstentions. The voting was as follows:<sup>1</sup>

*In favour:*

Albania, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Namibia, Netherlands, New Zealand, North Macedonia, Norway, Pakistan, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.

*Against:*

Belarus, Eritrea, Iran (Islamic Republic of), Russian Federation and Syrian Arab Republic.

*Abstaining:*

Algeria, Argentina, Bahrain, Brazil, Chile, China, Colombia, Côte d'Ivoire, Ecuador, Egypt, Ethiopia, Ghana, Haiti, Indonesia, Iraq, Jamaica, Kenya, Madagascar, Malawi, Malaysia, Nepal, Paraguay, Peru, Senegal, Singapore, Tajikistan, Trinidad and Tobago, United Arab Emirates and Yemen.

## **G. Documentation**

14. The list of documents before the Working Group at its eleventh session is available at <http://social.un.org/ageing-working-group/eleventhsession.shtml>.

## **II. Measures to enhance the promotion and protection of the human rights and dignity of older persons**

15. The Working Group considered item 5 of the agenda at its 1st and 2nd meetings, on 29 March, and held a general discussion of the item.

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<sup>1</sup> Subsequently, the delegation of Montenegro indicated that it had intended to vote in favour.

16. At its 1st meeting, the Working Group began its general discussion of the item and viewed a pre-recorded statement by the representative of Portugal (on behalf of the European Union); heard statements by the representatives of Luxembourg (on behalf of the United Nations LGBTI Core Group) and Chile (on behalf of the Group of Friends of Older Persons); and viewed pre-recorded statements by the representatives of Germany, Ghana, Argentina, Italy, Malta, Guatemala, the Russian Federation, Nigeria, Peru, Slovenia, Ecuador, Chile, Costa Rica, Kenya, Brazil, the Dominican Republic, Austria, Portugal, El Salvador, the Republic of Korea, Colombia, India and Spain.

17. At its 2nd meeting, the Working Group continued its general discussion of the item and heard statements by the representatives of Namibia, Nepal, Bhutan, Thailand, Bosnia and Herzegovina, Canada, Sri Lanka, the Philippines, Paraguay, Morocco, Algeria, China, Côte d'Ivoire, Malaysia, Turkey, Cuba, Japan, the United Kingdom, Singapore, France, Egypt, Mexico, Pakistan and Ethiopia, as well as by the observer for the Holy See. At the same meeting, the Working Group viewed pre-recorded statements by the representatives of the national human rights institutions of Poland, Georgia and Germany, and by the representatives of the following NGOs: International Longevity Centre (Canada); German National Association of Senior Citizens' Organizations; International Network for the Prevention of Elder Abuse; HelpAge India; Japan Support Center for Activity and Research for Older Persons; AGE Platform Europe; Regional Public Foundation Assistance for the Elderly "Dobroe Delo" (Russian Federation); International Association of Gerontology and Geriatrics; Asociación Cubana de las Naciones Unidas/Cuban United Nations Association; and HelpAge International España.

### **III. Follow-up to resolution [75/152](#): measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action are needed**

18. In keeping with the specific arrangements for the eleventh session, the Working Group considered item 6 of the agenda at informal meetings on 30 and 31 March.

## **IV. Other matters**

### **Discussion on the way forward**

19. In keeping with the specific arrangements for the eleventh session, the Working Group considered item 7 at an informal meeting on 1 April and at its 3rd meeting, on 1 April, and held a discussion on the way forward at the informal meeting.

## **V. Chair's summary of the key points of the discussions**

20. At its 1st and 2nd meetings, on 29 March, the Working Group discussed and agreed to include the Chair's summary of the key points of the discussions in the report of the session. The Chair's summary reads as follows:

## Introduction

The eleventh session of the Open-ended Working Group on Ageing began with the election of officers. The Working Group elected by acclamation María del Carmen Squeff (Argentina) as Chair and Špela Košir (Slovenia) and Stefano Guerra (Portugal) as Vice-Chairs.

It was recalled that at the 1st meeting of its tenth session, held on 15 April 2019, the Working Group had elected Roseny B. Fangco (Philippines) as Vice-Chair and Renne Abbey (Ghana) as Rapporteur.

Regarding the composition of the Bureau, I would like to express my great satisfaction that 80 per cent of its members are women, which represents a very significant and positive sign in the context of the efforts by Member States and regional groups to achieve gender parity within the United Nations.

The opening segment of the eleventh session started with welcome remarks, which I delivered in my capacity as Chair of the Working Group, followed by opening remarks by the President of the seventy-fifth session of the General Assembly. The Assistant Secretary-General for Human Rights then made a statement on behalf of the Secretary-General. Lastly, the Working Group viewed a pre-recorded video statement by the United Nations High Commissioner for Human Rights.

I would like to express my sincerest appreciation and gratitude to the President of the seventy-fifth session of the General Assembly, the Assistant Secretary-General for Human Rights and the High Commissioner for Human Rights for their strong commitment and powerful messages delivered during the opening segment. It was an honour for the Working Group to welcome such distinguished authorities.

The Working Group then adopted the agenda and the programme of work for the session. It should be emphasized that the Working Group organized its work in accordance with the oral decision taken during the discussion on the way forward held during the tenth session, in April 2019.

During the intersessional period, the Bureau proposed an organization of work based on: a general debate on the topic “Measures to enhance the promotion and protection of the human rights and dignity of older persons”; a panel followed by an interactive discussion on normative elements to follow up on the examination of the focus areas of the tenth session (“Education, training, lifelong learning and capacity-building” and “Social protection and social security (including social protection floors)”; a high-level panel on the coronavirus disease (COVID-19) and older persons, followed by an interactive discussion; two panels followed by interactive discussions on the focus areas of “Right to work and access to the labour market” and “Access to justice”;<sup>2</sup> and a discussion on the way forward.

During the intersessional period, the Chair requested members of the Working Group (Member States and observer States) and other relevant stakeholders (national human rights institutions, intergovernmental organizations, United Nations agencies and NGOs) to submit substantive input on the two focus areas selected for the eleventh session, based on two questionnaires prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Department of Economic and Social Affairs. On the focus area “Right to work and access to the labour market”, the Working Group received input from 31 Member States and observer States, 28 national human rights institutions, 1 intergovernmental

<sup>2</sup> During the discussion on the way forward held at the seventh session, the Working Group decided to focus its future sessions on specific issues that affected the enjoyment by older persons of their human rights. A list of the focus issues proposed by the members of the Working Group was included in the report on the seventh session ([A/AC.278/2016/2](#), para. 29).

organization, 4 entities of the United Nations system and 55 accredited NGOs. On the focus area “Access to justice”, the Working Group received input from 28 Member States and observer States, 26 national human rights institutions, 1 intergovernmental organization, 3 entities of the United Nations system and 52 accredited NGOs.

On the basis of many contributions received, the Bureau, through OHCHR and the Department of Economic and Social Affairs, prepared a conference room paper for each interactive discussion on the focus areas, summarizing the contributions and highlighting areas of common ground and trends identified in the responses to the questionnaires. I wish to thank, in particular, OHCHR and the Department for preparing those papers, which helped to guide the interactive discussions. The papers are available from the website of the Working Group.

Furthermore, as agreed by the Bureau during the intersessional period, the Working Group proceeded during its eleventh session to hold a panel and an interactive discussion on normative elements to address the issues relating to the two focus areas of the tenth session, namely “Education, training, lifelong learning and capacity-building” and “Social protection and social security (including social protection floors)”.

In that regard, during the intersessional period, the Chair requested members of the Working Group and other relevant stakeholders to submit normative input based on two questionnaires prepared by OHCHR and the Department of Economic and Social Affairs. The Working Group received input from 20 Member States and observer States, 20 national human rights institutions, 1 intergovernmental organization, 7 entities of the United Nations system and 46 accredited NGOs.

On the basis of those contributions, the Bureau, through OHCHR and the Department of Economic and Social Affairs, prepared two conference room papers in order to guide the interactive discussion on normative elements.

Having adopted the agenda and the programme of work, the Working Group considered the arrangements for its eleventh session. Owing to the continued impact of the COVID-19 pandemic and the associated limitations on holding in-person meetings at United Nations Headquarters, and with a view to ensuring the successful conclusion of the work of the Working Group at its eleventh session, the Bureau recommended specific arrangements for the session, for consideration by the Working Group.

During the intersessional period, the Bureau consulted delegations on a document, entitled “Recommended arrangements for the work of the Open-ended Working Group on Ageing at its eleventh session”, in which it outlined the proposed arrangements for the conduct of the session. The recommendation was to apply the arrangements as a temporary measure and without setting a precedent for future sessions of the Working Group.

It was recommended that for the general discussion, representatives of Member States, observer States and the European Union be invited to indicate whether they wished to deliver their remarks in person or by a pre-recorded video statement, when registering on the list of speakers. Similarly, representatives of accredited civil society organizations and A status national human rights institutions participating in the general discussion, in accordance with the decisions taken at the organizational and seventh session of the Working Group, would be invited to do so by pre-recorded video statements. Written statements, including those for the pre-recorded video statements, were to be submitted to [estatements@un.org](mailto:estatements@un.org).

Furthermore, as part of the Bureau’s recommendations, the proposed high-level panel discussion on COVID-19 and older persons, the interactive panel discussions on normative input and the focus areas, and the discussion on the way forward would

be held during virtual informal meetings, with remote simultaneous interpretation provided and, therefore, limited to two hours in duration.

The arrangements were set out in the aforementioned document, which was shared with Member States and observer States during the intersessional period, and no objections were received.

Having adopted the arrangements for its eleventh session, the Working Group considered the participation of A status national human rights institutions.<sup>3</sup> In accordance with decision 7/1 of the Working Group on the modalities of participation of national human rights institutions in its work (see [A/AC.278/2016/2](#), para. 10), adopted at its 1st meeting of its seventh session, on 12 December 2016, requests from 12 A status national human rights institutions were circulated to all Member States by the Secretariat four weeks prior to the eleventh session.

The Working Group decided to apply the arrangement outlined by its former Chair (see [A/AC.278/2016/2](#), para. 29), whereby accredited national human rights institutions are able to take separate seating after Member States and observer States, to take the floor, without the right to vote, under any agenda item and to submit written contributions to the Working Group under any agenda item.

I would like to welcome the active participation and meaningful contributions of A status national human rights institutions to the discussions and the work of the Working Group. Indeed, the Working Group continued to enhance their participation in its work, pursuant to the mandate provided by the General Assembly in its resolution [72/181](#), of 19 December 2017, entitled “National institutions for the promotion and protection of human rights”.

The Working Group then proceeded to approve the participation of NGOs without consultative status with the Economic and Social Council that had requested accreditation. It received 38 such requests, submitted in accordance with the modalities of participation of non-governmental organizations in the work of the Working Group, adopted in 2011 at its organizational session (see [A/AC.278/2011/2](#), para. 8). The Working Group approved the participation of 37 NGOs without a vote and of 1 NGO by a recorded vote.

### **General debate**

Subsequently, the Working Group held its general debate on the topic “Measures to enhance the promotion and protection of the human rights and dignity of older persons”. I appreciate and would like to acknowledge the active participation by the representatives of many Member States and observer States in the debate, and by those of groups of States, national human rights institutions, intergovernmental organizations and NGOs.

I would like to highlight the participation in the general debate of 7 ministers, 2 vice-ministers, 10 representatives from capitals, 22 permanent representatives to the United Nations, 2 deputy permanent representatives, 5 other representatives and 1 representative of an observer State.

During the general debate, the Working Group was recognized as the most prominent international forum specifically devoted to the rights of older persons, and delegations expressed their support for and commitment to its work.

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<sup>3</sup> National human rights institutions accorded A status by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions are considered to be in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as endorsed by the General Assembly in its resolution [48/134](#).



Some delegations stressed the need to address the worldwide demographic trend of an ageing population as one of the challenges of the century. Reference was made to the undeniably significant role played by older persons as key contributors to the social, economic and sustainable development of their societies. Delegations emphasized the need to fully empower older persons to allow them to effectively make that contribution, becoming not only recipients of special care and social protection, but also specific rights holders and active, autonomous and independent agents and beneficiaries of change.

Most Member States underlined the disproportionate impact that the COVID-19 had on the lives, health and socioeconomic situations of older persons and on their enjoyment of their human rights. Member States described their national legislation relating to older persons and shared measures taken and policies adopted at the national level to respond to the serious effects of the pandemic on older persons. A large number of delegations highlighted national practices and strategies relating to social protection, access to health services, access to justice, the right to work, lifelong learning and education, the promotion of active ageing and access to the labour market.

Some Member States referred to their vaccination campaigns in the fight against the COVID-19 pandemic, the priority given to older populations and the importance of multilateral cooperation and solidarity to ensure equitable access to vaccines as a global public health good. Many delegations commended the General Assembly for having proclaimed 2021–2030 the United Nations Decade of Healthy Ageing, and expressed their strong commitment to advancing towards the achievement of its goals.

Furthermore, several Member States welcomed the Secretary-General's policy brief on the impact of COVID-19 on older persons, in which he appealed to countries to promote responses to the pandemic based on respect for the human rights and dignity of older persons and on global solidarity. Some delegations also recalled the joint statement, in May 2020, expressing the support of 146 Member States and observer States for the policy brief.

Several Member States and most other participants emphasized that the COVID-19 pandemic had laid bare the impact of the lack of a dedicated international instrument regarding the human rights of older persons on their enjoyment of their rights, and stressed the need for an international legally binding instrument that specifically addressed the existing legal gaps to fully protect their rights.

At the regional level, some Member States indicated that they had ratified the Inter-American Convention on Protecting the Human Rights of Older Persons and referred to the importance of that instrument in strengthening protection in that regard.

Other Member States underscored the importance of further strengthening the implementation of the Madrid International Plan of Action on Ageing in order to achieve its goals, and of promoting the age-inclusive implementation of the 2030 Agenda for Sustainable Development and the attainment of the Sustainable Development Goals.

Some delegations referred to the importance of the participation and engagement of all relevant stakeholders, and welcomed in particular the participation of NGOs and national human rights institutions in the eleventh session of the Working Group.

Following the general debate, the Working Group held an interactive panel discussion on normative elements to follow up on the examination of the focus areas of the tenth session ("Education, training, lifelong learning and capacity-building" and "Social protection and social security (including social protection floors)"); a

high-level panel discussion on COVID-19 and older persons; and two interactive panel discussions on the focus areas of the eleventh session, “Right to work and access to the labour market” and “Access to justice”.

I would like to express my appreciation to the panellists and moderators for their excellent and substantive interventions, which provoked a deep and fruitful debate among the members, thereby contributing to the fulfilment of the Working Group’s mandate to strengthen the protection of the human rights of older persons. The panellists included representatives of national Governments, OHCHR, national human rights institutions, NGOs and the Independent Expert on the enjoyment of all human rights by older persons.

I would like to commend the Bureau for its efforts regarding the composition of the various panels, as it paid particular attention to geographical balance, gender parity and diversity of stakeholders, thus enriching the substantive discussions throughout the session.

Each debate was preceded by a panel discussion featuring presentations by a variety of stakeholders providing insights from different perspectives, such as the human rights, current international human rights law, national and regional experiences, the specific human rights mandates and the national human rights institutions.

Each panel discussion was followed by an interactive discussion involving all stakeholders, guided by the conference room papers prepared by OHCHR and the Department of Economic and Social Affairs, which summarized the main trends and areas of common ground to emerge from the input received prior to the session.

### **COVID-19 and older persons**

Following the general debate, and since older persons had been among the first and hardest hit by the worldwide health, socioeconomic and human rights crisis caused by the COVID-19 pandemic, the Working Group held a high-level panel discussion on COVID-19 and older persons.<sup>4</sup>

The aim was to provide the opportunity to engage in meaningful discussion on the dire impact that the pandemic had had and continued to have on the lives, health, well-being and human rights of older persons. A further aim was to share best practices and lessons learned during the response to COVID-19, while reflecting upon the best ways to build back better and address future challenges in the post-pandemic recovery period, to achieve more inclusive, equitable and age-friendly societies.

Panellists, delegations and participants emphasized that the COVID-19 pandemic had had and continued to have a disproportionate impact on older persons, and that it had exposed and magnified the existing gaps in the protection of their human rights. As at 1 March 2021, 7 out of 10 deaths from COVID-19 were among older people aged over 65 years. The pandemic had exposed long-standing, systemic inequalities, including patterns of discrimination that were deeply rooted in ageism and were reflected in inadequate health services for older persons, gaps in social protection, and intersecting discrimination based on age, gender, disability and other grounds.

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<sup>4</sup> The panellists were: the Minister of Labour, Solidarity and Social Security of Portugal, Ana Mendes Godinho; the Secretary-General for Human Rights, Community Gerontology, Gender and Care Policies, National Institute of Social Services for Retirees and Pensioners of Argentina, Mónica Roque; and the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler.

In addition, participants stressed that, despite being a diverse group, older persons in general had been labelled as vulnerable. However, speakers pointed out that, mindful of the challenges, older persons played multiple and vital roles as caregivers, educators, leaders and volunteers, and as a source of experience and inspiration. In the face of the pandemic, older retired doctors and nurses had leaped to the call for help at the peak of the crisis.

During the discussion, some speakers stressed that COVID-19 had put human rights to the test like never before, and that public health responses to the pandemic had reaffirmed the inadequate protection against discrimination on the basis of older age in both national and international law. Examples were cited of the ways in which some of the measures taken by Governments to reduce the spread of the virus had affected older persons.

It was recalled that according to the *Global Report on Ageism*, recently published by the World Health Organization, one in two persons globally held ageist attitudes towards older persons. During the pandemic, ageist stereotypes were widespread in press coverage and social media content.

Examples were cited of the hardship and neglect experienced by older persons during the pandemic, such as lack of water, precarious housing, and the impossibility of physical isolation within multigenerational households, which put older people in situations of increased risk of infection and mortality. Older persons subjected to quarantine or lockdown measures with family members or care providers were exposed to increased risk of violence, ill-treatment and neglect.

Participants emphasized that COVID-19 had exposed the weaknesses of health-care services and long-term care. Many older persons were subject to age discrimination in decisions on medical care, triage and life-saving therapies, and many experienced social isolation leading to depression and other physical and mental health issues. Participants also referred to reports on the serious impact of the pandemic on the lives of older persons in care homes and institutions, where they faced an increased risk of infection and death, and restrictions on visits from family members.

Speakers also stressed that digital exclusion significantly impeded access by older persons to essential information related to health and socioeconomic measures. It was pointed out that older persons who lived alone, in care homes, in rural or remote areas or in areas lacking connectivity might have limited access to information and services distributed through new technologies because of a lack of access to devices and limited digital skills and assistance.

The Independent Expert on the enjoyment of all human rights by older persons noted that the pandemic had not only shed light on the barriers preventing older persons from fully enjoying their human rights, but it had also shown how older persons were being left behind. She underscored that the pandemic had made evident that there was a protection gap and therefore an urgent need to strengthen the human rights framework for older persons.

During the discussion, it was recalled that the Secretary-General, in his policy brief on the impact of COVID-19 on older persons, had stated that the lack of an international legal instrument, alongside inadequate national protection of rights, could have contributed to inadequate responses to the pandemic. The Secretary-General had called for stronger legal frameworks to be built at both the national and international levels to protect the human rights of older persons, including by accelerating the efforts of the Working Group to develop proposals for an international legal instrument to promote and protect the rights and dignity of older persons. In addition, some speakers recalled the joint statement of support for the

Secretary-General's policy brief, which was endorsed by 146 Member States and observer States.

It was suggested that strengthening the protection and promotion of the human rights of older persons, including through stronger legal frameworks, needed to become part of a paradigm shift in our recovery efforts, while it was emphasized that there was a need to build back a more inclusive, age-friendly and resilient society to fulfil our promise of leaving no one behind.

### **Normative input on the focus areas of the tenth session**

Following the high-level panel discussion on COVID-19 and older persons, the Working Group held an interactive panel discussion on normative input on the focus areas of the tenth session.<sup>5</sup>

The goal of the interactive segment was to follow up on the fruitful and substantive discussions held during the tenth session on "Education, training, lifelong learning and capacity-building" and "Social protection and social security (including social protection floors)", and to continue to build on them from a normative point of view, in order to exchange views, best practices and specific elements.

The representatives of Member States and observer States, NGOs and national human rights institutions actively discussed the normative input received. Participants welcomed the interactive panel discussion, and the conference room paper prepared by the Department of Economic and Social Affairs and OHCHR. The paper and the panel discussion described key normative gaps in the selected thematic areas and the fragmentation and limitation of coverage under existing international instruments and national legal and policy frameworks.

On the focus area "Education, training, lifelong learning and capacity-building", the discussion highlighted the importance of adopting a life-course approach and strategy that enabled older persons to be equipped with the knowledge and skills required to manage their health, keep abreast of developments in information and communications technology, participate in community life, have access to the labour market and maintain their independence and autonomy.

On the focus area "Social protection and social security (including social protection floors)", it was recalled during the discussion that the right to social protection and social security was enshrined in the International Covenant on Economic, Social and Cultural Rights and several conventions and recommendations of the International Labour Organization (ILO). At the same time, the discussion also showed that there was significant scope for addressing that right in a more comprehensive manner to encompass a range of measures, including social insurance and contributory and non-contributory pensions, and with specific consideration for the diverse circumstances of older persons.

During the discussion, speakers underscored the impact of ageism and the intersectionality of discrimination and emphasized the importance of recognizing the

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<sup>5</sup> The moderator was a Professor of Law, University of New South Wales, Australia, Andrew Byrnes. The panellists were: a Professor and the Director-General for Demographic Change, Older Persons and Social Security, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth of Germany, Matthias von Schwanenflügel; the Technical Secretary, National Council for Intergenerational Equality of Ecuador, Francisco Cevallos Tejada; a Professor, Faculty of Law and Administration, University of Silesia, Poland, Barbara Mikołajczyk; and the Director, International Institute on Ageing of Malta, Marvin Formosa. The conference room paper was presented by the Chief, Programme on Ageing Unit, Department of Economic and Social Affairs, Amal Abou Rafeh, and the Team Leader (Human Rights and Economic and Social Issues), OHCHR, Rio Hada.

needs and experiences of diverse groups of older persons in both thematic areas. Participants shared several examples of action and initiatives taken, including with respect to the impact of the Inter-American Convention on Protecting the Human Rights of Older Persons, the role of national human rights institutions and the positive action taken by municipalities in extending services to older persons and encouraging their participation in local decision-making processes in response to the COVID-19 pandemic.

The panellists emphasized that the COVID-19 pandemic had served to accentuate the current gaps in the international legal framework and highlighted the urgency of moving forward with the development of an international legally binding instrument on the human rights of older persons, in order to combat ageism and age discrimination and improve access to justice and effective and enforceable remedy for older persons.

Panellists also referred to the update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons, prepared by OHCHR, as a useful reference for further discussion.

In the interactive discussion, panellists and participants shared examples of efforts to address some of the challenges highlighted above, through laws and policies adopted specifically for older persons. They also highlighted the important roles played by national human rights institutions in facilitating access to justice and remedy.

### **Right to work and access to the labour market**

Panellists, delegations and participants welcomed the interactive panel discussion on the focus area of the eleventh session, “Right to work and access to the labour market”.<sup>6</sup>

During the discussion, it was pointed out that the right to work and access to the labour market was enshrined in international human rights law and in the normative framework of ILO through its conventions and recommendations.

In addition, it was recalled that under the Universal Declaration of Human Rights, everyone had the right to work and was entitled to free choice of employment, to just and favourable conditions of work and to protection against unemployment. It was also recalled that articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights were exclusively devoted to the right to work, and that the Committee on Economic, Social and Cultural Rights had urged States to take measures to prevent discrimination on the grounds of age in employment and occupation and to develop retirement programmes. Those instruments, among others, provided guidance for the realization of the human right of older persons to work and to enable their access to labour markets.

Participants indicated that despite such existing frameworks, many issues that were specific and relevant to older persons in labour markets had been insufficiently addressed. Issues requiring further attention included, among many others, the application of a life-course approach to the right to work, the lack of lifelong learning

<sup>6</sup> The moderator was the Special Representative to the United Nations and Director of the ILO Office for the United Nations, New York, Beate Andrees. The panellists were: the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler; a Member of the Cabinet of the Vice-President for Democracy and Demography, European Commission, Astrid Dentler; the Deputy Director, School of Social Work, Bar-Ilan University, Israel, Liat Ayalon; and the founder and Chief Executive Officer, Christopher P. Gardner Foundation Incorporated, Chris Gardner. The conference room paper was presented by the Chief, Social Inclusion and Participation Branch, Department of Economic and Social Affairs, Masumi Ono.

frameworks, the impact of gender inequalities, the adequacy of pensions, the enforcement of the right to care and autonomy within the application of the right to work, the reality of informal work among older persons, and the multiple barriers to access to the labour market.

Speakers noted that such challenges and barriers resulted in a denial of the fundamental right to work for many older persons. In that regard, some participants advocated the adoption of an international legally binding instrument on the rights of older persons.

Panellists also stressed the pervasive impact of ageism on the realization of the right to work and access to labour markets among older persons, and the impact of intersectional discrimination, including gender discrimination. It was highlighted that fighting stereotypes among employers and the society at large was key in that regard. Additionally, several panellists mentioned the need to rethink the life stages, including employment life, by applying a life-course approach.

Delegations agreed on the need to address ageism at all levels. Several delegations shared national experiences of initiatives aimed at promoting the human right of access to work among older persons, including training programmes for employers and changes in retirement legislation to allow for more flexibility. The role of the Inter-American Convention on Protecting the Human Rights of Older Persons in informing policies at the national level was also raised.

### **Access to justice**

Panellists, delegations and participants welcomed the interactive panel discussion on the focus area of the eleventh session, “Access to justice”.<sup>7</sup>

The panellists recognized that access to justice was both a fundamental right in itself and a prerequisite for the protection and promotion of all other human rights. In that regard, it was recalled that the Universal Declaration of Human Rights provided for the equality of all before the law, the entitlement without any discrimination to equal protection of the law, the right to an effective remedy for violations of fundamental rights, and the right to a fair trial.

It was noted that the majority of older persons had encountered problems relating to justice, across a wide range of issues, including disputes over land and properties, difficulties in access to public services, financial and debt problems, family disputes, violence, crime and problems at work. However, while most constitutions and national laws guaranteed access to justice by everyone and the equality of all before the law without discrimination, very few of them took into account the specific challenges faced by older persons. In that regard, it was highlighted that the existing international human rights instruments, the United Nations Principles for Older Persons, the Madrid International Plan of Action on Ageing and the 2030 Agenda contained very limited or no specific recognition of access to justice for older persons.

<sup>7</sup> The moderator was the Commissioner, Commission on Human Rights of the Philippines, Karen S. Gomez Dumpit. The panellists were: the Care Policies Manager, Secretariat for Human Rights, Community Gerontology, Gender and Care Policies, National Institute of Social Services for Retirees and Pensioners, Argentina, Alejandro D. Robino; a lawyer, and member, National Association of Community Legal Centres, Inc., Australia, Bill Mitchell; the Executive Secretary, National Human Rights Commission of Nigeria, Anthony O. Ojukwu, and a Professor (constitutional law and human rights), Adam-Mickiewicz-University of Poznań, Poland, Zdzisław Kedzia. The conference room paper was presented by the Director, OHCHR Office in New York, Craig Mokhiber.

The panellists stressed the critical issue of intersectionality, as challenges faced by older persons with regard to access to justice were heightened by other factors such as gender, indigenous status, race, socioeconomic status, health, geographical and social isolation, living and care arrangements, and incarceration or detention.

Additionally, speakers asserted that the digitization of justice systems and procedures was creating further barriers for the many older persons who did not have access to information and communications technology or the requisite skills in that area. Panellists and participants pointed out that ageism, which was deeply entrenched in laws, policies and the justice system, was at the centre of the gap in access to justice by older persons.

In the interactive discussion, panellists and participants shared information about good practices and legislation to ensure the right of access to justice, and examples of efforts by Member States to address some of the challenges highlighted above. The lack of a comprehensive and integrated international legal instrument to promote and protect the rights and dignity of older persons was identified as continuing to have important practical implications. It was highlighted that well-defined international standards were needed to guide the effective implementation and enforcement of the universal right of access to justice.

### **Way forward**

During the discussion on the way forward, delegations underlined the negative consequences that the COVID-19 pandemic had had and continued to have on older persons, and acknowledged the serious challenges that they faced, including with respect to the full enjoyment of their human rights. The relevant role of the Working Group was underscored, especially in the context of the COVID-19 pandemic and its disproportionate impact on older persons. In that regard, delegations highlighted the need to continue working to promote social development and the full protection of the human rights of older persons in order to leave no one behind.

Some delegations expressed their satisfaction with the current format and practice of the sessions of the Working Group, with substantive discussions on two focus areas that directly affected the enjoyment of human rights by older persons and an interactive discussion on normative elements in order to address the focus areas of the previous session. For some delegations, that format contributed to a substantive and constructive dialogue on ageing issues while allowing the exchange of practical information between Member States and experts from civil society.

Some delegations considered that it would be premature to introduce the practice of intergovernmentally agreed recommendations (General Assembly resolutions [74/125](#), para. 52, and [75/152](#), para. 52), given that there were divergent views on the issue.

Other delegations recalled the Working Group's mandate, and stressed the need for the Working Group to move forward and conclude each session with concrete results based on the contributions of all Member States, by adopting, at the end of its twelfth session, intergovernmentally negotiated recommendations that focused on areas of common ground to build consensus and strengthen the future work of the Working Group.

Regarding the feasibility of an international legally binding instrument, some Member States stressed there were divergent views on the subject and stated that the issue of ageing should be addressed using existing mechanisms and resources and by effectively implementing the Madrid International Plan of Action on Ageing. The importance of listening to all parties involved and adopting a consensus-building approach for the further discussions within the Working Group was emphasized.

Other delegations expressed the need to do more to improve the situation of older persons to make their specific needs more visible and strengthen the protection of their human rights through more effective implementation of existing human rights instruments, greater mainstreaming and increased awareness-raising regarding their human rights through the various mechanisms and mandate holders within the United Nations system.

Member States highlighted the worldwide demographic trend of an ageing population, and recalled the disproportionate effects of the pandemic on older persons and the serious challenges that they faced with respect to the full enjoyment of their human rights.

In that regard, some Member States emphasized that the existing legal framework for human rights was not sufficient to close existing and emerging regulatory gaps in order to fully protect the rights of older persons, and expressed their support for advancing the preparation of a dedicated, international legally binding instrument on the human rights of older persons.

Some Member States indicated that the working paper prepared by OHCHR containing an update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons would serve as a good basis to guide the further discussions in the following sessions, as the Working Group worked towards fulfilling its mandate to identify possible gaps in the existing international framework for the protection of the human rights of older persons and how best to address those gaps. Some delegations proposed to introduce a discussion of that document as an item on the agenda of the twelfth session of the Working Group.

Some concerns were raised regarding that proposal, while other delegations indicated that they would analyse the aforementioned working paper further.

During the discussion, it was suggested that the Working Group consider establishing a contact group to continue discussions during the intersessional period. Some delegations expressed support for that proposal, emphasizing the importance of continuing the Working Group's discussions during the intersessional period in order to strengthen its work and move forward towards more concrete results. Other delegations indicated a need for further details regarding procedural aspects, such as the composition of the contact group, its mandate and the procedure for establishing it, in order to consider the proposal.

The majority of delegations expressed their willingness to engage constructively in further discussions on that proposal during the intersessional period in order to agree on the way forward for the Working Group.

Regarding the selection of the focus areas for the twelfth session of the Working Group, to be held in 2022, following informal consultations with Member States and observer States by the Bureau during the intersessional period, the Working Group made an oral decision to select the areas of "Economic security" and "Contribution of older persons to sustainable development".

To conclude, I would like to express my deepest gratitude and appreciation to the Secretariat for its constant support of the Working Group and for its outstanding professionalism and collaboration, in particular the Chief of the Social Inclusion and Participation Branch at the Department of Economic and Social Affairs, Masumi Ono; the Chief of the Programme on Ageing Unit and the United Nations Focal Point on Ageing, Amal Abou Rafeh, and her team, Julia Ferre and Shatho Nfila, of the Department of Economic and Social Affairs; Craig Mokhiber, Director of the OHCHR Office in New York; and the Team Leader (Human Rights and Economic and Social Issues) at OHCHR in Geneva, Rio Hada. My gratitude and appreciation goes also to



the secretary of the Working Group, Wannes Lint, and his team for their hard work and constant support.

I would like to reiterate my deep appreciation to the distinguished panellists for their substantive and inspiring contributions to the work of eleventh session of the Working Group and to the representatives of national human rights institutions, the United Nations system and civil society for their active participation and constructive engagement. We hope to count on your valuable presence and contributions in future sessions to help the Working Group to fulfil its mandate, and we look forward to your enhanced participation in that regard.

Lastly, I would like to express my sincere gratitude and profound appreciation to the distinguished Vice-Chairs and Rapporteur of the Working Group, Roseny B. Fanco of the Philippines, Špela Košir of Slovenia, Stefano Guerra of Portugal and Renne Abbey of Ghana, without whose valuable support, hard work and professionalism in conducting the work of the Bureau the session would not have been possible.

## **VI. Provisional agenda for the twelfth session of the Open-ended Working Group on Ageing**

21. At its 3rd meeting, on 1 April, a statement was made by the Chair regarding the provisional agenda for the twelfth session of the Working Group.

## **VII. Adoption of the report**

22. At its 1st meeting, on 29 March, the Working Group was informed that the Chair's summary of the key points of the eleventh session would be finalized at a later stage by the Secretariat in collaboration with the Bureau and would be included in the report.

23. At its 3rd meeting, on 1 April, the Working Group adopted the draft report on its eleventh session, as contained in document [A/AC.278/2021/L.1](#).

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