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

Summary of the multi-stakeholder meeting on the human rights of older persons

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

Prepared pursuant to Human Rights Council resolution 48/3, the present report contains a summary of the multi-stakeholder meeting on the human rights of older persons that was held on 29 and 30 August 2022. The report provides recommendations to States, the Human Rights Council, the United Nations human rights mechanisms, the Office of the United Nations High Commissioner for Human Rights, the United Nations system, the Secretary-General, civil society and other stakeholders on closing the existing human rights protection gaps that negatively affect the lives of older persons.



I. Introduction

1. The multi-stakeholder meeting on the human rights of older persons was held on 29 and 30 August 2022, pursuant to Human Rights Council resolution 48/3. The meeting focused on discussing the gaps and fragmentation in the protection of the human rights of older persons in international human rights law and mechanisms, as noted in the report of the United Nations High Commissioner for Human Rights on the normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons.¹ The meeting took stock of the progress made, assessed the remaining challenges and developed proposals to accelerate efforts to close the gaps in the existing human rights protection system for older persons. The meeting consisted of an opening session, four thematic sessions and a brief closing session.

II. Summary of proceedings

A. Opening session

2. The moderator of the opening session, the Director of the Thematic Engagement, Special Procedures and Right to Development Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), opened the discussion by outlining the objectives of the meeting and introducing the four speakers.

3. The then High Commissioner for Human Rights stated that, while age did not in itself make individuals more vulnerable, several physical, political, economic and social factors might do so. Across all spheres of everyday life, older persons continued to be subject to ageism and age discrimination, or discrimination on the basis of other grounds, such as gender, disability, or migrant or economic status. The High Commissioner noted the negative impacts of the coronavirus disease (COVID-19) pandemic on older persons, including physical and social isolation, limited access to information and the detrimental effects of ageist attitudes on their right to health, social protection and other human rights. She also noted that older persons continued to suffer some of the harshest consequences of the triple planetary crises of pollution, climate change and biodiversity loss; as well as conflict and humanitarian disasters. She underscored the need for a global commitment to strengthen the human rights of older persons through the development of a dedicated legally binding international instrument on the rights of older persons.

4. The then Under-Secretary-General for Policy referred to the twenty-first century's demographic phenomenon of population ageing. He noted that an increasing number of persons were affected by ageism, age discrimination and other human rights violations, such as violence, abuse and reduced or lack of access to basic services. He also noted the particular challenges faced by specific groups that were more likely to be left behind, such as older women, older persons affected by the digital divide, those belonging to minorities, older persons with disabilities, older persons in rural and conflict areas and those facing displacement. Better data were urgently needed to understand the diverse situations of older persons and to adopt informed policies. He was encouraged to see strong consensus regarding the need for explicit recognition of the human rights of older persons in the form of an international instrument that would place those rights at the forefront and act as a catalyst for action. In line with the Secretary-General's Our Common Agenda and call to action for human rights, the principle of intergenerational solidarity and mutual respect for the human rights of all generations held the key to a better future for all. Strengthening the human rights of older persons remained the most effective tool in closing the existing gaps and building a society for all ages.

5. The President of the Human Rights Council, Federico Villegas, noted that the COVID-19 pandemic had illustrated the inadequate protection of the human rights of older persons. The Human Rights Council had addressed that issue through different mechanisms, notably, the creation of the mandate of the Independent Expert on the enjoyment of all human

¹ [A/HRC/49/70](#).

rights by older persons in 2013, the Social Forum in 2014 dedicated to the rights of older persons, the seminar in 2018 on the role of the family in supporting the protection and promotion of the human rights of older persons, OHCHR reports requested by the Council on the human rights of older persons, the Council panel discussion in 2019 on addressing gaps in the implementation of national laws, policies and programmes, and the 2021 review of the disproportionate impact of climate change on the enjoyment of human rights by older persons. Recognizing that progress made so far had been insufficient to remove the legal and social obstacles for the realization of the rights of older persons, he called for a dedicated international instrument.

6. The Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, stated that the global discussion on the protection gaps and solutions had been extensive. Many reports, including the 2021 update by OHCHR to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons and various reports of the Independent Expert, had identified the problems and how to address the challenges that prevented the full implementation and enjoyment of the human rights of older persons. More than 800 documents had been submitted to the Open-ended Working Group on Ageing since its inception and yet a legally binding instrument had still not been drafted. The lack of a comprehensive international instrument had significant negative impacts on the lives of older persons. A binding human rights instrument would provide guidance to States on addressing demographic change.

B. Thematic sessions

7. The first thematic session, “Limitations and gaps of selected human rights norms and obligations”, included three panellists and was moderated by a Senior Researcher at Human Rights Watch, Bridget Sleep. The focus was on existing and emerging human rights protection gaps and particular challenges faced by older persons. The first panellist, a Board member of the German National Association of Senior Citizens’ Organizations, Heidrun Mollenkopf, reflected on the impact of technological developments and digitalization on older persons, the human rights protection gaps in that area and how to address them. Digitalization and automated decision-making by artificial intelligence increasingly permeated all areas of life and affected everyone’s life, including older persons and their right to autonomous and equal participation in society. At the time, public services, banks, administrative procedures, delivery services, information, cultural offerings and health services were increasingly available on a digital basis only. Many older persons did not have the necessary resources and competencies to access, afford and use digital devices and services. Furthermore, inequalities, created because of low education and income, disability, ethnicity and gender, regional differences and multiple discrimination, had caused additional barriers. Local governments did not provide enough accessible and affordable training opportunities for older persons to acquire the necessary digital skills. The right of everyone to enjoy the benefits of scientific progress and its applications must also apply to older persons. The right to information was critical in case of humanitarian or other emergencies, such as the COVID-19 pandemic. The implications of digitalization on the rights of older persons and their right to autonomy and independence in the era of digitalization must be urgently considered in an international human rights treaty to bridge the digital divide.

8. The Dean at the Faculty of Social Welfare and Health Sciences at the University of Haifa, Israel, Israel Doron, focused his intervention on the human rights protection limitations related to the right to education and lifelong learning for older persons and how to close those gaps. Many countries still lagged behind in embracing the concept of lifelong learning when it came to older persons. Ageist attitudes and age limits to lifelong education and on-the-job training limited learning in old age. In contrast to the Madrid International Plan of Action on Ageing, 2002, which was not a legally binding document, an international convention on the human rights of older persons would provide effective legal tools to enforce their rights or seek redress in case of violations. It would also provide conceptual clarity on a human right to lifelong learning and help combat ageism and age discrimination.

9. On the specific human rights protection gaps in relation to ageism and age discrimination, the Chair of the Global Alliance for the Rights of Older People, Kiran

Rabheru, noted that the impacts of ageism had not been sufficiently measured, which made it difficult to combat its manifestations. Another hindrance was the lack of a dedicated international instrument on the human rights of older persons. A dedicated convention would articulate the human rights of older persons and help define constitutive elements of age discrimination against older persons. Mr. Rabheru called for a regular multi-stakeholder meeting on the human rights of older persons. OHCHR should be supported with financial and human resources dedicated to the human rights of older persons to allow the Office to better integrate work related to older persons in its strategies and workplans.

10. In the ensuing interventions from the floor, a group of States – Argentina, Austria, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Montenegro, Namibia, North Macedonia, Panama, the Philippines, Portugal, Serbia, Slovenia, Thailand, Turkey and Uruguay – acknowledged that, in collaboration with civil society, national human rights institutions, the United Nations and older persons themselves, they should develop and adopt a comprehensive human rights convention on older persons, while further integrating older persons’ concerns into the work of existing mechanisms. The group of States also presented a non-exhaustive list of elements that could be included within such a convention. The convention should address ageism, intersectional and compounded forms of discrimination and denial of rights based on older age. Human rights in older age must be grounded in the principles of dignity, equality and non-discrimination, autonomy, independence and meaningful participation. The instrument should enable older persons’ independent living, full inclusion and participation in society, including in the digital sphere, and affordable and accessible care and support services. Lifelong learning, education and skills-building without discrimination were crucial for autonomous and independent living. Older persons must also be able to live their lives free from all forms of violence, abuse, ableism, exploitation and neglect. The convention should pay particular attention to older persons’ rights to access to justice, housing, privacy and a clean and healthy environment.

11. The representative of Israel emphasized the country’s commitment to work both nationally and internationally to strengthen the human rights of older persons. The representative of the United Republic of Tanzania noted that the country addressed socioeconomic issues experienced by older persons through its Social Action Fund. The representative of Malaysia highlighted that the country had formulated a national policy for older persons and developed guidelines and programmes to mitigate the impact of the COVID-19 pandemic on older persons. The representative of the Russian Federation stated that the country’s social policy was aimed at increasing the level of pensions for older persons and that particular attention was paid to protecting labour rights and preventing discrimination against older employees. The representative of the European Union noted that all its member States had been invited, since 2021, to develop a national strategic framework for mainstreaming ageing in public policies. The European Union was currently working towards a horizontal equal treatment directive, which covered non-discrimination on all grounds, including age, in fields such as education, health care and access to and the supply of public goods and services and that the European Commission would be proposing the new European care strategy, with a life-course perspective to care.

12. A number of participants acknowledged that the COVID-19 pandemic had exposed ageism and many challenges in the enjoyment of human rights by older persons. During the COVID-19 pandemic, older persons had suffered from isolation and poor mental health. Neglect, violence and abuse, including financial abuse, against older persons was also raised. Many older persons had been deprived of their liberty and ill-treated, at home or in institutions. Participants highlighted that older persons faced age discrimination and inequalities regarding their enjoyment of economic, social and cultural rights, such as education, employment and an adequate standard of living; income and pensions; and access to health and long-term care services. A civil society representative noted that the exclusion of older employees from training opportunities could be the result of ageist assumptions. To make education and lifelong learning in older age accessible and affordable, participants acknowledged the need for systemic changes at the national level. Older persons also had limited support in emergency situations and lacked full and meaningful participation in decision-making. Those challenges were often worse for groups that faced multiple and intersectional forms of discrimination based on gender, sexual orientation, disability, race and other grounds. In that regard, collecting and analysing relevant disaggregated data could

help target the root causes of age-based discrimination and ageism. The Convention on the Rights of Persons with Disabilities represented a paradigm shift for persons with disabilities. However, the socially constructed barrier of old age discrimination or ageism prevented older persons with disabilities from accessing their rights.

13. Civil society participants welcomed the adoption of the first-ever substantive resolution by the Human Rights Council on ageism and age discrimination,² as well as the reports of the Independent Expert and the report of the High Commissioner³ on normative standards and obligations under international law. Participants urged States to adopt, at the fifty-second session of the Human Rights Council, a new substantive resolution that recognized the findings in the report of the High Commissioner and defined concrete steps to close the protection gaps for older persons. Participants also recommended that States organize a multi-stakeholder meeting in 2023 to monitor progress in the implementation of the new substantive resolution. Requests were made to the Human Rights Council to call upon the Open-ended Working Group on Ageing to fulfil its mandate and take into account the findings and recommendations of the multi-stakeholder meeting. Furthermore, participants called upon States to draft and adopt a United Nations convention on the rights of older persons. Civil society representatives stressed that the Madrid International Plan of Action on Ageing and the 2030 Agenda for Sustainable Development were not sufficient to protect the human rights of older persons because they were voluntary tools, which did not impose legal obligations on States. Moreover, only a few targets of the Sustainable Development Goals referred to older persons.

14. The second thematic session focused on the adequacy of existing human rights mechanisms in responding to the challenges and was moderated by the Emeritus Professor of International Law and Human Rights at the University of New South Wales, Sydney, Australia, Andrew Byrnes. The first of five panellists, a Vice-Chair of the Committee on Economic, Social and Cultural Rights, Heisoo Shin, presented the work of the Committee in relation to the human rights of older persons. She referred to the Committee's general comment No. 6 (1995) on the economic, social and cultural rights of older persons. The exclusion of age as an explicitly prohibited ground of discrimination from the Covenant was not intentional, but rather due to the fact that when the Covenant had been drafted, the trend in demographic change was not as evident as today. The principle of non-discrimination on grounds of "other status" applied to older persons; the Committee had frequently considered the rights of older persons to social security and health care, including women's greater share of caregiving. Although abuse and violence against older persons had been addressed by the Committee to some extent, the Committee had, however, failed to give adequate attention to the rights to education and work and trade union rights in the context of older persons. The Committee had not paid enough attention to older persons' access to the Internet, digital devices or online information in the context of cultural rights. One challenge for the Committee was that it did not receive enough disaggregated data and information on the situation of older persons from all the stakeholders. A specific instrument on the human rights of older persons would focus the Committee's attention on the rights of older persons in a more systematic and sustained way. A new convention would only be the beginning in strengthening the human rights protection of older persons, as the inadequate political will of States to realize human rights remained a key challenge. The entire United Nations human rights system lacked resources.

15. A member of the Committee on the Rights of Persons with Disabilities, Gertrude Oforiwa Fefoame, focused on the adequacy of attention given to the human rights of older persons by that Committee. The Convention on the Rights of Persons with Disabilities was one of the few treaties that included references to age and older persons. In addition, the Committee had considered issues related to older age in its general comments No. 3 (2016) and No. 6 (2018) and its concluding observations to States parties' reports. However, only one third of the Committee's concluding observations included at least one reference to older persons. While the Convention on the Rights of Persons with Disabilities provided a unique entry point for considering the intersection between ageing and disability from a human

² Human Rights Council resolution 48/3.

³ [A/HRC/49/70](#).

rights-based perspective, the Convention was drafted in a way that specifically reflected the needs of persons with disabilities. Age and disability were not synonymous. A shift in attitudes was needed as medical definitions and approaches continued to dominate international discussions on ageing, and older persons were still largely perceived as mere beneficiaries of care and welfare. A dedicated convention on the rights of older persons, together with its own committee oversight, would be an important step forward in that regard. As a comparison, the Convention on the Rights of Persons with Disabilities and its Committee had been critical in helping to bring about a paradigm shift from a situation in which persons with disabilities were viewed as objects of charity and medical treatment to one in which they were viewed as rights holders.

16. A Vice-Chair of the Human Rights Committee, Vasilka Sancin, provided her insights into the work of that Committee related to the human rights of older persons. The Committee had made only a few explicit references to older persons in its general comments and concluding observations. However, violations experienced by older persons in the field of civil and political rights had been addressed when such concerns had been brought to the Committee's attention. Therefore, Ms. Sancin stressed the importance of information submitted to the Committee by all stakeholders on the situation of older persons. A new thematic treaty on the human rights of older persons, with or without a monitoring body, would strengthen the human rights protection of older persons. In addition to advancing discussions on the adoption of a new international legally binding instrument, simultaneously, inputs on older persons by all stakeholders should increase in the processes of the existing treaty bodies, including in the list of issues, during various briefings before the dialogue with States parties, and in the follow-up process to concluding observations. Concerning all treaty bodies, Ms. Sancin called upon States to address the systemic challenges faced by the Committees, including the election of qualified and independent members through a transparent process, taking into account gender parity. She also called for more coordination with other stakeholders within the United Nations system and beyond, and innovative approaches, such as online meetings and the drafting of joint general comments or recommendations on topics that concerned more than one Committee. She also presented the idea of establishing a permanent international human rights court.

17. A Senior Specialist in the Department of Equal Treatment in the Office of the Commissioner for Human Rights (Poland), Anna Chabiera, shared her views on how the international human rights treaties had shaped the work in her Office and how a dedicated international treaty on the human rights of older persons would affect the human rights protection of older persons in Poland. The impact of international human rights treaties on the work of national human rights institutions was twofold: institutional, meaning the impact on the resources, structure and tasks of the institutions; and substantive, namely, the standards, analysis, research and recommendations issued for Governments. For example, the reports of the Independent Expert, the only United Nations mechanism on the human rights of older persons, were valuable reference documents for national human rights institutions. A new convention would, therefore, equip national human rights institutions with relevant tools. Such a convention should provide for national human rights institutions and civil society organizations as monitoring bodies. Furthermore, due to underreporting by States, national human rights institutions should be tasked with conducting independent research on the implementation of the convention. Ms. Chabiera recommended that the Human Rights Council continue dialogue on the human rights of older persons in the context of a regular multi-stakeholder meeting.

18. The Rapporteur on the Rights of Older Persons of the Inter-American Commission on Human Rights, Margarette May Macaulay, intervened through video statement. Ms. Macaulay emphasized the importance of the Inter-American Convention on Protecting the Human Rights of Older Persons, which had been adopted by the General Assembly of the Organization of American States in 2015. Her mandate, the Rapporteurship on the Rights of Older Persons, had been established in 2019. The Convention delegated a special mandate to the Commission, enabling it to receive individual petitions. It also set up a monitoring mechanism and a committee of experts. Further dialogue and collaboration between the Commission and OHCHR could assist in the drafting of a new international treaty on the human rights of older persons. In addition to the expertise and experience of the Commission,

the decisions of the Inter-American Court of Human Rights could also inform the development of global standards.

19. In the interventions from the floor, several participants called upon States to develop an international legally binding treaty on the human rights of older persons and highlighted the inadequacy of the existing human rights treaty bodies to address the situation of older persons. The representative of Serbia expressed the country's support for a global instrument on the human rights of older persons. The representative of Argentina emphasized the positive impacts that a legally binding regional instrument, the Inter-American Convention on the Protection of the Human Rights of Older Persons, had brought to older Argentinians. A civil society representative urged States to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish independent national preventive mechanisms with resources and powers to monitor all places of deprivation of liberty, including psychiatric institutions and care homes, in order to better protect the human rights of older persons deprived of liberty. Participants also underlined the importance of an intersectional approach as the ageing experience was different, for example, for women, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities and persons of African descent. Participants underscored the importance of the meaningful participation of older persons in matters that concerned them. It was pointed out that, if older persons themselves were not consulted, there was a risk that discussions concerning them would be dominated by care, pharmaceutical and medical industries.

20. The third thematic session, "Strengthening coordinated actions for the protection of the human rights of older persons", was moderated by the Chair of the Subcommittee on the Human Rights of Older Persons of the NGO Committee on Ageing, Geneva, Silvia Perel-Levin. The first panellist, the Associate Director of the National Human Rights Commission of Korea (Republic of Korea), Claire Sookhyun Oh, shared her views on how a legally binding international instrument on the human rights of older persons would support the work of her institution. Ms. Oh referred to the Working Group on Ageing that had been launched by the Global Alliance of National Human Rights Institutions, which was currently chaired by the National Human Rights Commission of Korea. An international convention on the human rights of older persons would provide conceptual clarity on whom should be considered as older persons, their human rights and what remedies should be in place if those rights were violated. An international instrument would also assist in increasing advocacy and public awareness on the human rights of older persons at the national level, even among older persons themselves. The National Human Rights Commission of Korea had launched an advisory committee, composed of a group of experts and an internal task force, to draft a convention on the rights of older persons. The advisory committee aimed to prepare a draft that would be circulated among member States, civil society, experts and national human rights institutions for comments and feedback. Ms. Oh called upon the Human Rights Council to be more engaged in the drafting of an international convention on that topic. She also recommended that the Human Rights Council convene another multi-stakeholder meeting to enhance progress towards drafting an international convention.

21. The Head of the Directorate-General on Demographic Change, Senior Citizens and Welfare of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth of Germany, Matthias von Schwanenflügel, stated that Germany continued to work on identifying and closing the gaps in the human rights protection of older persons. In that regard, it was important to ensure that the existing human rights norms and standards were not weakened by new instruments. Mr. von Schwanenflügel suggested that that concern be further examined in a report by OHCHR to ensure the highest human rights norms and standards of a new instrument. He also pointed out that the existing United Nations human rights treaty bodies should consider discrimination on the grounds of age in their concluding observations. Currently, the topic was not sufficiently integrated into the work of the Committees, which created gaps in the United Nations human rights mechanisms. He reaffirmed the support of Germany for the work of the Independent Expert on the enjoyment of all human rights by older persons. He recommended that the Human Rights Council continue to discuss the human rights of older persons. He called for coordination and alignment of processes at the Human Rights Council and the Open-ended Working Group on Ageing. Considering the upcoming thirteenth session of the Open-ended Working Group on

Ageing in 2023, Mr. von Schwanenflügel underlined the importance of close collaboration among all stakeholders, including civil society organizations and national human rights institutions. In that context, he proposed an informal meeting with all stakeholders in New York.

22. The Head of the Demographic Change and Healthy Ageing Unit of the World Health Organization (WHO), Alana Officer, highlighted how the human rights of older persons were integrated into the work of WHO, including the United Nations Decade of Healthy Ageing (2021–2030). Ms. Officer referred to the Global Report on Ageism, in which it was clearly stated that an international convention could provide guidance on how to address the specific human rights violations in older age. In the absence of such a convention, WHO continued to draw on existing international human rights instruments. Ms. Officer provided examples of WHO initiatives that integrated human rights, such as the QualityRights initiative that aimed at improving the quality and human rights standards of mental health and related services. Regarding the meaningful engagement of older persons in the work of WHO, Ms. Officer stated that the organization was in the process of identifying mechanisms to enable older persons to systematically voice their views across the organization's work. WHO would benefit from specific norms and standards, as well as guidance, on what actions were necessary to ensure the realization of human rights for older persons across all areas related to health, long-term care, creating age-friendly cities or tackling ageism, among others.

23. The last panellist, the Youth Coordinator of Young Power in Social Action of Bangladesh, Afra Nawar Rahman, focused on the challenges faced by older persons in Bangladesh and how to improve the realization of their human rights. Life expectancy was increasing in Bangladesh and, by 2050, there would be 36 million older persons in the country, namely, 22 per cent of the overall population. Although the literacy rate was increasing in Bangladesh, many older persons, particularly women, had not had the opportunity to access education. Economic insecurity, lack of job opportunities, health issues and disabilities were challenges experienced by older Bangladeshis. Older Rohingya migrants in Bangladesh were in a particularly vulnerable situation. Furthermore, many older persons were not aware of their human rights. In conclusion, Ms. Rahman recommended the drafting of an international treaty on the human rights of older persons.

24. In the interventions from the floor, participants acknowledged that the rapid demographic change required more attention. Participants, including States such as Argentina, Austria and Costa Rica, underlined the need to develop a universal legally binding instrument to enable older persons to fully enjoy their human rights, autonomy and independence, moving from a welfare-based model to a human rights-based approach. The significance of an effective monitoring and enforcement mechanism under a new convention was also noted. The representative of Costa Rica and a civil society representative emphasized the importance of an intersectional approach that took into consideration the specific needs of women, indigenous peoples, persons of African descent, migrants and persons with disabilities. The representative of Costa Rica underlined that the meaningful participation of civil society should be a cornerstone of any multilateral process concerning human rights. The representative of Austria announced that an international conference in Vienna in 2023 would be organized to discuss global efforts in advancing the human rights of older persons. The representatives of Azerbaijan and Ukraine noted the importance of protecting the human rights of older persons in the context of war and post-conflict situations. The representative of China emphasized the importance of overcoming the digital divide by providing opportunities for older persons to learn to use digital technology.

25. Civil society organizations reiterated the call for a subsequent multi-stakeholder meeting and the adoption of a new resolution on the human rights of older persons at the fifty-second session of the Human Rights Council. They also called upon the European Union and European States to play a leading role in drafting a United Nations convention on the human rights of older persons. Civil society representatives noted that the human rights protection of older persons should be strengthened in the areas of violence and abuse, health services, particularly in rural and remote areas, long-term care, regulation of institutional care, employment, social security, an adequate standard of living, housing and literacy skills, including digital literacy. A representative of WHO stated that violence against women affected women of all ages and led to serious and long-lasting impacts on women's physical

and mental health with negative socioeconomic consequences for the entire society. However, data regarding violence against women aged 50 or older were scarce. The importance of addressing mental health and the crisis of mental health systems was also raised. A representative from academia pointed out that, despite the success of increased longevity, attitudes to ageing had not kept pace with the demographic change as one in two people held ageist views. The influence of ageist attitudes resulted in many barriers for older persons to enjoy, for example, their rights to work, health and live free of violence. A civil society representative referred to the inherent limitations of the Madrid International Plan of Action on Ageing, stating that, in the past 20 years, it had not succeeded in combating age discrimination and ageism.

26. The fourth thematic session, “Towards strengthening the protection of the human rights of older persons”, was moderated by the Chair of the Board of Trustees of the United Nations Institute for Training and Research, Luis Gallegos. The first panellist, the Chair of the Latin American Association of Community Gerontology, Mónica Roqué, underscored that spending on ageing should be understood as an investment, not an expenditure. The 2030 Agenda did not sufficiently reflect the issues of older persons. Ms. Roqué referred to the informal cross-regional core group that was created at the twelfth session of the Open-ended Working Group on Ageing. The objective of that group was to set up a more formal intersessional working group in 2023 to outline a future convention on the human rights of older persons, in collaboration with civil society organizations, national human rights institutions, independent experts and United Nations agencies. She suggested that a working group be set up in Geneva to draft elements of a new convention in collaboration with the Working Group in New York. In addition, Ms. Roqué recommended that a special representative of the Secretary-General be created for older persons. In conclusion, Ms. Roqué described the positive impacts of the Inter-American Convention on Protecting the Human Rights of Older Persons on laws and policies concerning such persons in the region.

27. The Director General of the National Senior Citizens Center of Nigeria, Emem Omokaro, began her presentation by stating that Nigeria was the most populous country in Africa; by 2050, the number of older persons in the country was expected to reach 28.8 million. Enhancing the human rights of older persons at the national level would benefit from international minimum standards. Nigeria was a signatory to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa, and was working to ratify it. The Protocol refers to the need to comply with international standards for strengthening its provisions but, currently, normative standards on the human rights of older persons did not exist at the global level. Ms. Omokaro highlighted the impact of the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities on the lives of women, children and persons with disabilities, in terms of legislation, policies and programmes around the world, but also on public understanding, perceptions and attitudes. Older persons should be viewed as rights holders and their human rights should be codified in a single global instrument. That instrument would support States in combating the prevailing negative stereotypes about old age. It would require States to collect data, develop indicators, establish laws, policies and programmes, improve State accountability and transparency, and raise public awareness of the human rights of older persons. She urged member States and the Human Rights Council to heed the recommendations of the Secretary-General to accelerate the efforts of the Open-ended Working Group on Ageing to develop proposals for an international legal instrument to protect the human rights of older persons. She reiterated the support of Nigeria for drafting a new convention on the topic.

28. The Independent Expert on the enjoyment of all human rights by older persons pointed out that her mandate was the only mechanism of the Human Rights Council with a specific focus on the human rights of older persons. Many older persons were treated as beneficiaries, not as rights holders. She highlighted the importance of combating negative stereotypes and recalled that older persons were a diverse group. As demographic change was one of the megatrends the world was facing, the human rights of older persons and the lifespan approach should be mainstreamed in all policies, strategies and activities carried out by States, the United Nations, civil society and other stakeholders. The Independent Expert encouraged member States to include older persons and a lifespan approach in Human Rights Council

resolutions and the universal periodic review. As the current system of United Nations treaty bodies did not have the capacity to address in-depth the challenges faced by older persons, another mechanism, in addition to the Independent Expert's mandate, should be created, namely, a legally binding instrument that would generate comprehensive recommendations. The Independent Expert recommended that, in 2023, another substantive resolution on the human rights of older persons be adopted to advance the realization of their rights.

29. The Chair of the National Commission of Senior Citizens of the Philippines, Franklin Quijano, underlined the importance of services that States provided to older persons, such as health care, pensions and support during humanitarian emergencies and natural disasters. While older persons needed essential services, they also had vast skillsets, experiences and wisdom to share. Mr. Quijano urged the international community to share best practices on the realization of the human rights of older persons. Older persons and the general public should be informed about their human rights and urged to exercise those rights. In conclusion, Mr. Quijano emphasized the responsibility of States and local governments to protect the welfare and human rights of older persons.

30. The Chief of the United Nations Programme on Ageing of the Department of Economic and Social Affairs provided insights on the twelfth session of the Open-ended Working Group on Ageing, which was held in April 2022 against the backdrop of the COVID-19 pandemic, which had cost the lives of nearly 15 million people, 82 per cent of whom were older persons. In the context of the Madrid International Plan of Action on Ageing, all regional exercises had underlined the importance of a human rights-based approach. Ahead of the twelfth session of the Open-ended Working Group on Ageing, more than 200 organizations representing older persons, from 78 countries, had signed an open letter calling for clear action on drafting a new instrument before the thirteenth session in 2023. Such expectations mattered, not only for older persons, but also for achieving the Sustainable Development Goals and implementing the Secretary-General's Our Common Agenda. She provided an overview of the demographic change expected by 2050. A new convention would establish international standards on the human rights of older persons and help combat structural inequality that was deeply rooted in ageism. Sustainable development efforts would benefit from a legally binding convention on the issue.

31. In the interventions from the floor, the representative of Argentina underlined that a new international instrument on the human rights of older persons would help in addressing ageism and age discrimination, the inadequacy of social protection and health services, the lack of autonomy and participation of older persons in decision-making, violence, abandonment and abuse of older persons, the negative effects of robotics and artificial intelligence technologies in providing care and support, limitations in lifelong learning and the digital divide. The representative of Austria noted that the lack of adequate human rights protection had been clearly documented in several reports and scientific studies. The representatives of Austria and Portugal expressed support for the mandate of the Independent Expert and the development of an international convention on the human rights of older persons. Similarly, the representative of the United Republic of Tanzania expressed support for the development of an international convention. The representative of the United Kingdom of Great Britain and Northern Ireland expressed the country's openness to further standard-setting and a new international treaty on the human rights of older persons. While developing a national strategy on ageing, Portugal had increased pensions and social aid to older persons and invested in health care and support facilities. The representative of Guyana highlighted the importance of adequate housing, free health care, pensions, subsidies to older persons for critical services, such as water and electricity, and exemptions from travel taxes to facilitate the ease of travel of older persons. The representative of Poland underscored that national and international policies should take into consideration the diversity of older persons, in terms of their level of education, health status, economic situation and place of residence. The representative of Cuba referred to the country's forthcoming referendum on a new family code, which was described as an inclusive law that protected healthy ageing, participation, autonomy, independence, dignity and the right to live free of violence and discrimination. The representative of the Plurinational State of Bolivia highlighted the progress that the country had made in protecting the human rights of older persons, particularly relating to care and property rights.

32. The representative of the Commission on Human Rights (Philippines) noted that international human rights treaties had had a transformative positive impact on protecting vulnerable, marginalized and disadvantaged groups. Participants recommended the adoption of a legally binding convention on the human rights of older persons as mandated by the General Assembly, the establishment of a regular multi-stakeholder meeting on the human rights of older persons and the creation of a working group at the Human Rights Council to discuss the elements of a new convention. A civil society representative pointed out that any new instrument on the human rights of older persons should include a right to palliative care, which provided pain relief and psychological and social support for older persons and caregivers. Palliative care provided in the home or in the community could enable persons with a serious diagnosis to exercise their rights to work, to education and to participate in political and cultural life, among other rights. A civil society representative underlined that a new convention should include a mechanism for consultations with civil society at national, regional and international levels. The Commissioner for Protection of Equality of Serbia highlighted the importance of the participation of older persons in matters that concerned them. The National Human Rights Commission (India) stated that it had a core group that focused on the human rights of older persons and issued recommendations to the Government, and another core group on pensions.

33. A civil society representative stated that many countries in the Asia-Pacific region were unprepared to face the current and future demographic change and thus called upon States to advance universal health coverage, social protection systems and strengthen human rights institutions. Another civil society representative highlighted that, even before the armed conflict in Ukraine, 80 per cent of older persons in the country received pensions that were below the poverty line. The conflict, which had rendered many of them homeless, had made that poverty life-threatening. Many older persons in Ukraine also had disabilities. Due to the digital divide, many older Ukrainians struggled to access information online about evacuation routes, support or shelter.

34. In the closing session, concluding remarks were delivered by the Permanent Representative of Slovenia to the United Nations Office and other international organizations in Geneva, Anita Pipan, who reiterated the commitment of the country to strengthening the human rights protection of older persons. Ms. Pipan described the progress that the international community had made so far, including the Madrid International Plan of Action on Ageing, albeit not legally binding, the establishment of the Open-ended Working Group on Ageing, the mandate of Independent Expert on the enjoyment of all human rights by older persons and the adoption of the first substantive resolution on the topic at the Human Rights Council. In addition to the renewal of the Independent Expert's mandate for a period of three years at the fifty-first session of the Human Rights Council, Ms. Pipan confirmed that the core group consisting of Argentina, Brazil and Slovenia would be working towards the next substantive resolution of the Human Rights Council on the human rights of older persons in 2023.

35. In her closing remarks, the Director of the Thematic Engagement, Special Procedures and Right to Development Division stated that the Human Rights Council played a crucial role in ensuring better protection of the rights of older persons. She summarized proposals that would allow the Human Rights Council to remain seized of the matter, such as the establishment of a permanent regular discussion, a standing item on its agenda, a subsidiary body or thematic consultations that would feed into its work. Other proposals included that the Human Rights Council develop elements of an international legal instrument. Participants also called for enhanced coordination between the Human Rights Council and the Open-ended Working Group on Ageing, and among all Member States, particularly through the Permanent Missions in Geneva and New York. Better coordination among all human rights mechanisms on the rights of older persons was needed. Moreover, in all those processes, and also in addressing the diverse ageing experiences and intersectional and multiple discrimination that older persons faced, the active and meaningful participation of civil society, especially organizations of older persons, was paramount.

III. Conclusions and recommendations

36. The meeting reaffirmed the conclusions found in the High Commissioner's report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons and the 2021 update by OHCHR to the 2012 Analytical Outcome Study, which stressed that the current international framework provided fragmented and inconsistent coverage of the human rights of older persons in law and practice and that there was a need to expeditiously develop and adopt a comprehensive human rights instrument on older persons.

37. During the multi-stakeholder meeting, the following recommendations were made to States, the Human Rights Council, United Nations human rights mechanisms, OHCHR, the United Nations system, the Secretary-General, civil society and other stakeholders in order to close the gaps in the human rights protection of older persons.

38. States should, in collaboration with civil society, national human rights institutions, the United Nations and older persons themselves, develop and adopt a comprehensive convention on the human rights of older persons that builds on existing rights and regional instruments. Such a convention should:

- (a) Articulate the human rights of older persons, help define constitutive elements of age discrimination against older persons and provide conceptual clarity on a human right to lifelong learning;
- (b) Accelerate a shift from medical approaches that perceive older persons as mere beneficiaries of care and welfare towards considering older persons as rights holders;
- (c) Provide legal tools for older persons to seek redress in case their human rights are violated;
- (d) Equip national human rights institutions to enhance the protection and monitoring of older persons' human rights at local, regional and national levels;
- (e) Address ageism, intersectional and compounded forms of discrimination and denial of rights based on older age;
- (f) Be grounded in the principles of dignity, equality and non-discrimination, autonomy, independence and meaningful participation;
- (g) Enable older persons' full inclusion in society, including in the digital sphere;
- (h) Guarantee the right to live independently and to be included in the community, age- and gender-responsive accessible care and support systems, including palliative care, support services, assistive technologies and personal mobility, and adequate housing;
- (i) Guarantee lifelong learning, education and skills-building;
- (j) Protect older persons from all forms of violence, abuse, ableism, exploitation and neglect;
- (k) Ensure older persons' rights to access to justice, privacy, and a clean and healthy environment;
- (l) Promote a lifespan approach and mutual respect for human rights across all generations to strengthen intergenerational solidarity;
- (m) Indicate national human rights institutions and civil society organizations as consultative and monitoring bodies of the convention.

39. The Human Rights Council should remain seized of the situation of older persons and adopt a second substantive resolution in 2023 on the issue, recommending concrete steps to close the human rights protection gaps for such persons. The Human Rights Council should further consider the establishment of a permanent regular discussion on the human rights of older persons, for example through a standing item on its

agenda, a subsidiary body or thematic consultations that would feed into its work. The Human Rights Council should consider requesting the High Commissioner:

(a) To establish an expert mechanism to develop elements of a draft legally binding instrument on the human rights of older persons, for the consideration of the Open-ended Working Group on Ageing;

(b) To convene a series of expert meetings to develop elements of a draft legally binding instrument on the human rights of older persons, for the consideration of the Open-ended Working Group on Ageing.

40. The Human Rights Council should recommend that the Open-ended Working Group on Ageing fulfil its mandate and take into account the findings and recommendations of the multi-stakeholder meeting.

41. States should actively participate in the discussions of the Open-ended Working Group on Ageing, and strengthen synergies between the Human Rights Council and the Working Group.

42. States should adopt a lifespan approach and include older persons in the resolutions of the Human Rights Council, the universal periodic review and other human rights mechanisms.

43. States should provide financial and human resources to OHCHR and the Independent Expert on the enjoyment of all human rights by older persons to support their work on the human rights of older persons.

44. The Human Rights Council should consider requesting OHCHR to conduct research on best practices, challenges and gaps in the promotion and protection of the human rights of older persons.

45. Treaty bodies should consider revising, updating or adopting general comments or recommendations on the human rights of older persons, where appropriate in collaboration with other treaty bodies.

46. Treaty bodies should encourage the submission of disaggregated data and information relating to the human rights of older persons, and explore ways of engaging more effectively with organizations of older persons.

47. All United Nations human rights mechanisms should increase the integration of the human rights of older persons in their work and improve coordination on this topic.

48. The Secretary-General should consider the creation of a Special Representative for older persons.

49. The United Nations system should fully mainstream the human rights of older persons across all levels of the Organization.

50. Civil society and other stakeholders should actively participate in national, regional and global processes relating to the human rights of older persons and submit disaggregated data and information on the situation of older persons to the United Nations human rights treaty bodies and other human rights mechanisms. The contribution of civil society is paramount to address the diverse ageing experiences and intersectional and multiple discrimination that older persons face.
