

Zero draft recommendations

The Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons,

Taking note of Decision 13/1 of the Open Ended Working Group on Ageing on “Identification of possible gaps in the protection of the human rights of older persons and how best to address them”, in which the Open-ended Working Group on Ageing requested the Chair to appoint two co-facilitators to facilitate the consideration of the existing international framework of the human rights of older persons and the identification of possible gaps in the protection of the human rights of older persons and how best to address them, (based on Decision 13/1, para (a))

Existing international framework

1. *Recalls* the Universal Declaration of Human Rights, and all relevant international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination, (based on PP7 A/RES/78/177)
2. *Notes* the regional developments on the protection and promotion of the human rights of older persons, including the Inter-American Convention on Protecting the Human Rights of Older Persons and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa, (based on PP9 A/RES/78/177)
3. *Recalls* the 2030 Agenda for Sustainable Development, and stressing the need to ensure that issues of relevance to older persons are taken into account in its implementation in order to ensure that no one is left behind, including older persons, (based on PP6 A/RES/78/177)
4. *Reaffirms* the Political Declaration, the Madrid International Plan of Action on Ageing, 2002 and the related review and appraisal processes;
5. *Also reaffirms* all previous resolutions on the Follow-up to the Second World Assembly on Ageing, including resolution 78/177 of 19 December 2023,
6. *Takes note* of the reports of the Secretary-General on the “Follow-up to the International Year of Older Persons: Second World Assembly on Ageing”, the United Nations High

Commissioner for Human Rights, and the Independent Expert on the enjoyment of all human rights by older persons,

7. *Also takes note* of the working paper prepared by the Office of the High Commissioner for Human Rights entitled “Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons”,
8. *Notes with appreciation* the work of the Open-ended Working Group on Ageing, and recognizing the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations in identifying and addressing gaps and issues faced by older persons in the abovementioned areas,
9. *Recalls* the obligation of States to fully and effectively respect, protect and fulfil their human rights,

Identification of possible gaps

10. *Takes note* of the substantive responses to the questionnaire¹ shared to all Members States, members of the specialized agencies, observers in the General Assembly, national human rights institutions and non-governmental organizations and the Independent Expert of the Human Rights Council on the enjoyment of all human rights by older persons;
11. *Acknowledges* that combating ageism and eliminating all forms of violence and discrimination against older persons and promoting their dignity is fundamental to ensuring the full enjoyment of their human rights;
12. *Notes* that gaps have been identified, in particular in areas related to equality and non-discrimination, violence, neglect and abuse, autonomy and independence, long-term and palliative care, social protection and social security, education, training, lifelong learning and capacity-building, access to justice, right to work and access to the labour market, economic security, contribution to sustainable development, right to health and access to health services, and social inclusion;

¹ 36 from Member States, 1 from an Inter-Governmental Organization, 15 from A-status National Human Rights Institutions (NHRIs), 44 from Accredited Non-Governmental Organizations (NGOs), 1 from the United Nations System, and 1 from the Independent Expert on the enjoyment of all human rights by older persons.

13. *Also notes* that additional issues persist, including due to the emerging technologies and global challenges, which can affect the enjoyment of human rights in a universal, indivisible, interrelated and interdependent way by older persons;

How best to address them

14. *Recognizes* that Member States have identified a variety of ways to address gaps on the protection of the human rights of older persons, ranging from the lack of a specific instrument on the human rights of older persons to the lack of proper implementation of the existing Human Right framework, and that more concrete actions are needed;

15. *Reaffirms* the importance of respecting, protecting and fulfilling all human rights of older persons, which are universal, indivisible, interrelated and interdependent, including by taking measures to combat age-based discrimination and provide older persons legal protection against all forms of discrimination;

16. *Recommends* Member States to raise political ambition at local, national, regional and multilateral levels, on ways to enhance the promotion and protection of the human rights and dignity of older persons;

17. *Also recommends* Member States, in addressing gaps in the protection of the human rights of older persons, to consider the feasibility, in a non-exclusive manner, of the following:

- a) a consensus-based legally binding instrument to promote, protect and ensure the recognition and the realization, on an equal basis, of all human rights of older persons;
- b) an Optional Protocol to an existing Human Rights Treaty on the protection and enjoyment of the human rights of older persons;

18. *Further recommends*:

- a) That Member States systematically address the matter in different multilateral fora, including in the Universal Periodic Review, with a view to provide specific and appropriate safeguards at the international level for the rights of older persons, including their rights to health, social protection, to be free from violence, to work, to participate in decision making processes, to adequate standard of living, including adequate housing and to food, among others,
- b) the increase of technical cooperation efforts, data sharing, as wells as the expansion of the role of regional commissions on ageing and the provision of resources to enhance

cooperation with all relevant stakeholders to promote the human rights of older persons and develop partnerships in this regard,

- c) the Human Rights Treaty Bodies and Special Procedures mandate holders to address, as appropriate, the specific situations of older persons on the enjoyment of all their human rights,
- d) the inclusion of specific human rights issues faced by older persons in current and future UN intergovernmental processes, so to raise awareness and acknowledge the crosscutting and multidimensional nature of all matters concerning to them;

19. Recommends the consideration of the current document by the General Assembly with a view to promote further concrete discussions on next steps on the protection and promotion of the human rights of older persons.