



The International  
Federation on Ageing  
responses to the OEWGA  
Questionnaire:

“Identification of possible gaps in the protection of the human rights of older persons and how best to address them.”

November 2023

## **Background**

The Open-ended Working Group on Ageing, in its [decision 13/1](#) adopted at the thirteenth session, requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the fourteenth session of the Working Group and to be presented for consideration by the General Assembly, in accordance with resolution [77/190](#), regarding the existing international framework of the human rights of older persons and possible gaps, and options on how best to address them.

The purpose of this questionnaire is meant 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.

The questionnaire will be sent to all States Members of the United Nations, observers in the General Assembly, A-status National Human Rights Institutions, non-governmental organizations with ECOSOC Status and previously accredited organizations to the Working Group, as well as United Nations Funds, Programmes, Specialized Agencies, and other UN Entities.

## **About the International Federation on Ageing**

The [International Federation on Ageing](#) (IFA) is an international nongovernmental organization with the vision of a world of healthy older people whose rights and choices are both protected and respected. It is a leading voice in the field of ageing addressing many cross-cutting issues that impact healthy ageing, including immunization, hearing, vision, brain, and oral health. The IFA's work is focused on influencing and helping to shape policies to create an environment that enables an older person to do what they value.

## **The Questions**

### **Identification of gaps**

1. For each of the topics that have been considered by the Open-ended Working Group since its eighth session, please state possible gaps your government/organization has identified in the normative framework and practical implementation for the protection of the human rights of older persons. *(500 words each)*
  - a) Equality and non-discrimination**
  - b) Violence, neglect and abuse
  - c) Long-term care and palliative care
  - d) Autonomy and independence
  - e) Protection et sécurité sociales (y compris protection sociale minimale)
  - f) Education, training, lifelong learning and capacity-building
  - g) Right to Work and Access to the Labour Market
  - h) Access to justice
  - i) Contribution of Older Persons to Sustainable Development
  - j) Economic security
  - k) Right to Health and Access to Health Services**
  - l) Social Inclusion**
  - m) Accessibility, infrastructure, and habitat (transport, housing and access)<sup>1</sup>
  - n) Participation in the public life and in decision-making processes<sup>2</sup>**

As an international non-governmental organization whose membership base comprises government, civil society, industry, academia and individuals, the International Federation on Ageing (IFA) appreciates the opportunity to identify gaps in the protection of the human rights of older adults. The IFA has identified that there are long-lasting limitations, deficiencies, and gaps in international frameworks relating to Equality and Non-Discrimination, the Right to Health and Access to Health Services, Social Inclusion and Participation in the Public Life and in Decision-Making Processes.

### **Equality and Non-Discrimination**

Despite the world's population steadily increasing, older adults continue to experience several forms of inequality and discrimination stemming from ageism and ageist attitudes that are persistent throughout cultures and nations. The 2021 Global Report on Ageism reported alarming rates of ageism and age-based discrimination across all nations. Despite this, there is a current lack of international policies that adequately address age-based discrimination.

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<sup>1</sup> To be discussed at the 14<sup>th</sup> Open-Ended Working Group on Ageing

<sup>2</sup> To be discussed at the 14<sup>th</sup> Open-Ended Working Group on Ageing

Age based discrimination can impact all areas of a person's life, including limiting their ability to have gainful employment, access education, and participate in society in any capacity they are interested in. Ageism can take many different forms including physical abuse, institutional neglect, and lack of equitable access to services – yet no forms of age-based discrimination are adequately addressed or named in international policies.

The intersectionality of ageism and other forms of discrimination further exacerbate this phenomenon, resulting in worsened physical and mental health outcomes and difficulty accessing resources, services, and care that younger people would have access to. For example, individuals with negative self-perceptions of ageing live on average 7.5 years less than those with positive attitudes towards ageing. The Independent Expert's report on ageism has also highlighted the fact that older adults are often excluded from clinical studies, despite them being likely to be the end-users of many medicines. This can limit the full understanding of these medications on this age group. Further forms of discrimination in healthcare include denial of medications, neglect, abandonment, and negative attitudes towards older adults from care providers. Care providers may be dismissive of health concerns, because of a patient's age. These attitudes can also result in disregarding providing high quality treatment, involving the older adult in their own decision making, and other forms of neglect resulting from ageist beliefs. Having international policies that promote healthy ageing, equity, and non-discrimination can alleviate this burden by highlighting the importance and value that older adults play in the social context.

While there are current international frameworks that call for the elimination of all forms of discrimination, the specifics of ageism, and intersectional ageism, are not listed in documents such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Reports by the Independent Expert on the Enjoyment of Human Rights by Older Persons have also found that existing frameworks utilize language that upholds and perpetuates ageist attitudes and beliefs.

In countries that do address concerns regarding ageing within their legal framework, there remains a lack of continuity or clarity in definitions that can lead to differing levels of protection of the rights of older adults. Without a clear intergovernmental framework, individual countries are unable to align their own regulations with recognized and supported definitions. Additionally, there are gaps in the minimum standards around combating and preventing ageism due to the lack of international conventions. Without minimum standards, there is no mechanism for accountability and reporting, and therefore no way to conduct comparative analysis between countries.

## **Right to Health and Access to Health Services**

Age increases the risk of many health conditions, and these can have significant impacts on functional ability and intrinsic capacity. Older people often have higher rates of chronic conditions such as non-communicable diseases and disabilities and are therefore at high risk of serious and life-threatening complications from communicable diseases if left without proper access to health services. This trend was shown extensively throughout the COVID-19 pandemic, which highlights the urgent need for aged-care policies and consideration of older adults when planning and funding healthcare services.

Barriers to accessing care for older adults must be addressed globally, reflecting the urgent need for systemic changes to the way healthcare is administered. Included in this is a need to refocus healthcare on patient-centred care and move away from diagnosis-based care. Holistic, patient centred care is increasingly important in older adults due to the high prevalence of multimorbidity in this demographic. Cost also becomes a significant barrier, as the cost associated with healthcare increases with age and older individuals are more likely to be living on fixed incomes. Furthermore, societal challenges exist that limit the effectiveness and quality of care received. Ageism, lack of autonomy, and paternalistic treatment from healthcare providers can contribute to an individual's dislike of healthcare services which may cause them to delay seeking care when needed.

While the ICESCR protects the rights of all to enjoy the highest standard of physical and mental health, there is no mention of the additional burdens and barriers that older persons face when trying to achieve this. Without the inclusion of these additional barriers within frameworks, the experiences of older adults are neglected, and their health outcomes are disregarded. The insufficient inclusion of older adults in discussions around the right to health, and the formalization of policies around the right to health creates barriers to this right for current and future older persons and encourages ageist beliefs that older adults lack competencies and fail to contribute to society.

To ensure that older adults can overcome barriers in accessing healthcare services, systems and international frameworks need to prioritize a holistic care model, with professionals who are well-versed and knowledgeable in geriatrics and aged care. Additionally, care should focus on maximizing autonomy, and empowering individuals to make informed decisions regarding their care whenever possible. These policies and frameworks need to address that older adults are human rights holders, and not only recipients of social care programs.

## **Social Inclusion**

Understanding social inclusion as a gateway to accessing other human rights — as outlined in Conventions such as the ICESCR, the Convention on the Rights of Persons with Disabilities, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment — Member States are obligated to ensure that older adults experience social inclusion when they live both in the community and in long-term care settings. Yet, older adults are often left to the outskirts of society due to age and other impairments that may be more prevalent in older age. While the importance of social inclusion is outlined with regard to other communities, there is no internationally recognized framework that specifically names older adults as being at greater risk of social exclusion.

Recognizing social inclusion as an important aspect of dignity and human rights is a central tenant to promoting healthy ageing. Social exclusion can have negative psychological and biological impacts, including cognitive decline, loss of functional ability, and worsening mental health outcomes.

There are currently no international frameworks that address the human right to social inclusion. The right to social inclusion is particularly important for groups who are often left on the outskirts of society, such as older adults.

The limitations, deficiencies and gaps in international frameworks protecting and promoting the rights of older adults impact all aspects of their lives. A convention on the rights of older adults is urgently needed to address these gaps and unify nations towards a common agenda of supporting a globally ageing population.

### **Participation in the Public life and in Decision-Making Processes**

The UN 2030 Agenda for Sustainable Development clearly called for a “Leave no one behind approach” yet older adults are often left out of decision-making processes at a national and international level. This exclusion can be a result of policies requiring mandatory retirement, due to barriers that may prevent older adults from attending decision-making meetings and events, and due to attitudes, that limit the meaningful inclusion and incorporation of older person’s ideas, opinions, and experiences. Older adults should be meaningfully included in decision-making processes that concern them and their experiences to provide a robust, comprehensive, and inclusive approach to these policies, programmes, and decisions.

The Convention of the Rights of Persons with Disabilities does include the right to participate in public life, not all older adults have disabilities, and therefore leaves opportunities for older adults to be excluded from these activities. Without international frameworks that address the right to participate in public life and decision-making processes, and without the clear inclusion of older adults within this right, older

adults are not adequately represented in public life, and they are given no opportunity to hold their governments accountable for the lack of representation.

An international framework is urgently needed to protect the right of older adults to participate in public life and in decision-making processes that concern them and their experiences. Without this, the policies and decisions being created are more likely to uphold ageist beliefs and are not reflective of the experiences that a globally ageing population is having. A convention on the human rights of older adults would ensure that governments include older persons when developing legislation, policies and programmes concerning them and in any decision-making about different aspects of their lives.

#### [Options on how best to address the gaps](#)

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons. *(500 words)*

The International Federation on Ageing is committed to strengthening the human rights of older adults through international advocacy, partnerships and active engagement in the UN and related agencies such as the World Health Organization. As an organization with general consultative status with the United Nations, this has included providing written and oral statements, as well as side events, at the UN Open-Ended Working Group on Ageing, UN Commission on the Status of Women, UN Human Rights Council, and other key UN activities/events. These activities work to call to action the urgent need to prioritize the human rights of older adults across multiple, diverse workstreams and portfolios.

The International Federation on Ageing also prioritizes international rights mechanisms through maintaining representatives at UN headquarters in New York City, Geneva, and Vienna. These individuals represent the organization and endeavor to uphold emerging trends in ageing and promote the equitable treatment of older adults throughout UN events and decision-making processes. As an international organization, maintaining a focus on intergovernmental collaboration and advocacy is central to the mission of the organization.

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate. *(500 words)*

Many of the International Federation on Ageing's campaigns and projects have worked to bring attention to gaps and limitations in current policies. These have included highlighting gaps in

vaccination policies across National Immunization Technical Advisory Groups and Long-Term Care Settings which leave older adults at greater risk of vaccine preventable diseases. The IFA has also endeavored to create global learning and advocacy networks through work with the Non-Communicable Disease Alliance, Civil Society Organization Alliance, and Global Network of Age-Friendly Cities and Communities. All work to advocate towards the rights of older adults to have access to quality healthcare, healthy built environments, and lives free of discrimination.

Through engagement with the World Health Organization and in holding general consultative status with the United Nations, the IFA has worked to advocate for international frameworks that protect the human rights of older adults. This has included highlighting the voices and experiences of older adults through the development of written and oral statements at various UN and WHO representations.

However, there remains a distinct lack of internationally recognized regulations that can be used to create substantive change in the treatment of older adults globally. A specific human rights instrument to protect the human rights of older persons would dispel ageism, age discrimination and the view that older persons are unproductive, a burden on society and dispensable, and would provide international definitions and minimum standards of practice. It would act as an anti-discriminatory tool and require governments to collect data, develop indicators, establish laws and policies, and develop programmes that take fully into account the rights and concerns of older person.

The lack of international framework on the protection of human rights for older adults can hinder further policy development, research, and advocacy efforts around the rights of older people on international, national, and regional levels which prevents positive action towards strengthening the protection of the rights of older people. This gap prevents there from being comprehensive evaluation mechanisms, opportunities for comparative evaluation between countries, and the creation of minimum standards of practice. A new UN Convention is therefore needed to enable, empower, and enforce the creation of human rights mechanisms specific to the rights of all older people regardless of economic or social status.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate. (500 words)



While there are regional and national mechanisms that explicitly state that the rights of older adults are protected, such as the Inter-American Convention on Protecting the Human Rights of Older Persons and the African Protocol, these frameworks are limited in their focus at the regional levels. An international framework on the protection of the human rights of older adults is crucial for establishing the human rights of older persons and to promoting healthy ageing and the dignity of older persons in an increasingly ageing world. An international legal instrument would codify the rights of older persons in one single document, recognizing the specific challenges related to ageing and serving as a stool for both empowerment and protection.

International conventions are also key resources for national and regional policymakers who can adapt the convention to further suit local needs and challenges. Without an international convention as a foundation, there is no unifying basis or motivation for national policymakers to adopt their own frameworks to protect and promote the human rights of older adults. An international UN Convention would lay the foundation in explicitly stating internationally recognized definitions, minimum standards of practice, and reporting requirements for all member states. This allows for the protection of current and future older persons, regardless of their location, economic or social status, or any other demographic feature.

4. *If applicable*, what is your assessment on the protection of the human rights of older persons according to regional and international instruments? (500 words)

Based on the work of the International Federation on Ageing in collaboration with diverse stakeholders across the world, representing diverse experts in the field of ageing, it is understood that until there is a binding UN convention on the rights of older persons the rights of older persons are not protected. The limitations, deficiencies, and gaps in international human rights frameworks allow for ageism, discrimination, and worsened health outcomes to persist. Many of the existing documents on human rights do not explicitly state older people or address the unique challenges and experiences these individuals have. There are no current frameworks that adequately and comprehensively address human rights in older age, or address combatting ageism and age discrimination. A UN Convention would clarify definitions and nation-state's obligations to uphold the protection of human rights in older adults, provide mechanisms for enforcement and monitoring, and encourage national policy to be created and implemented. A binding UN

convention on the rights of older persons not only benefits all older people around the world but also those who are future older persons.

The numerous submissions to the Open-Ended Working Group from the IFA and various stakeholders including individuals, nations, civil society organizations, and national human rights institutions have demonstrated that the only efficient and effective way to comprehensively protect the human rights of older adults globally is the creation of a UN Convention on the Rights of Older Persons.