



Cercle des Seniors Actifs Europe

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Open Ended Working Group on Ageing – 2023 Intersessional Questionnaire Identification of possible gaps in the protection of the human rights of older persons and how best to address them

Submission from: 2 Young 2 Retire – Europe / Cercle des Seniors Actifs “C’Sa” Europe

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2 Young 2 Retire – Europe / Cercle des Seniors Actifs “C’Sa” Europe is the creator of the global Pass it On Network (PION), a grassroots network of older people from more than 60 countries who champion positive ageing and advocate human rights in older age. Since accreditation to OEWGA in 2018, we have actively contributed to annual submissions and participated in the annual sessions. PION is also a member of the Global Alliance for the Rights of Older People (GAROP), a network of over 400 organization members worldwide, united in the work of strengthening and promoting the human rights of older persons.

The Questions

Identification of gaps

Education, training, lifelong learning and capacity-building

In our 2019 OEWGA submission, we highlighted the need to promote and strengthen the right to lifelong learning for older people globally, with a particular focus on digital hardware access and digital literacy. Internet access is ESSENTIAL for the self-determination and well-being of older people. Digital tools with access to the Internet, plus training and support for their effective use, are needed by every individual, including the older person. This is basic for the self-empowerment that underlies autonomy and independence. Digital literacy is essential to active participation and contribution within society and realizing fundamental civil, social, economic, and political rights.

Since our submission, we have observed a greater focus on digital access and literacy in selected developed countries, such as Australia, Canada, and the USA, but overall, the digital divide remains for the older person and is growing in developing countries. Key reasons include ageism (i.e., bias on ability and desire to learn in older age), age discrimination, and tightening of fiscal spending in the face of global economic challenges.

We need clear human rights standards to guide public policy and program development so that older people can fully enjoy their right to education - lifelong learning is a must-do and a nice-to-do. Such human rights standards transform lives.

Article 28 of the “Convention on the Rights of the Child” (CRD) set the standard that “ States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.”

A recent example of States taking action when a child’s right to education is at risk is found in the June 23, 2023, [press release](#) by the World Bank. The headline says, “70% of 10-year-olds now in Learning Poverty, Unable to Read and Understand a Simple Text”. Reading the article, we learn because there is a universal binding standard on a child's right to education, there is:

- Sustaining commitment;
- Human rights-based intervention framework;
- Continuous monitoring;
- Multistakeholder support when action is required (State, UN Agencies, and a Global NGO)

Another example is digital literacy, where there are approved [global policy standards](#) and even [legislation](#) on incorporating digital literacy into primary and secondary education.

Progressive and concerted global evolution in advancing a child’s knowledge and skills is possible because of Article 28 of CRD. We see the stark difference when universally binding human rights standards are defined, implemented through legislation, policy, and programs, and monitored. This is why we need a UN convention on the rights of older persons.

Right to Work and Access to the Labour Market

In our 2021 OEWSGA submission, we stated that through our members in 60+ countries, we see a growing number of older people seeking work to generate income. Key drivers are:

- public pension systems are facing a shortfall,
- with increased longevity, retirees are likely to outlive their savings,
- and forty-six countries have shrinking populations, thus creating workforce shortages and reducing the national pension pool.

The global practices outlined in our submission on how to expand Availability, Accessibility, Acceptability, and Quality of Work illustrate irrevocably that for older person, the realization of their right to work is interdependent and interrelated with the realization of their other rights. We need new and clear human rights standards to guide policy and program development:

Access to Labour Market Policies and Programs	Human Rights Standards Needed
Employers hire, retain, and develop older workers	Right to education and lifelong learning
Older workers themselves propose and create new models	Right to participate; right to self-determination
Shift away from early exit from the workforce based on age	Prohibit age discrimination
Transition older workers to new opportunities through job shadowing, mentorship, fellowship	Remove ageism barriers (i.e., ageist attitudes on productivity and potential)

For the older person and longevity, we need human rights standards that expand on the context of existing human rights definitions to reflect life in older age and encompass new standards that we have not contemplated in existing international human rights standards - such as those outlined in 2022 OHCHR report on “Normative Standards and obligations under international law in relation to the promotion and protection of the human rights of older persons,” such as palliative care, long term care in addition to lifelong learning.

We need a UN convention where the standards are universal and binding. Universality in the context of human rights means every older person, no matter where they live and what their background, possesses the same rights. The process of reaching universality in the context of 2Young2Retire is the peering sharing and learning that enables us all toward better solutions together and faster. We want a binding instrument so that governments, organizations, and society as a whole are accountable for taking the actions needed for older persons to realize their human rights fully and to monitor progress. Other populations implement and monitor human rights with population-specific human rights treaties, and we have seen positive progress. This is why we advocate for the same for the older population.

[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, and regional mechanisms), specifically with regard to older persons. (500 words).

While 2Young2Retire has not engaged with international or regional human rights mechanisms, we wanted to know how the human rights of older persons are included in UPR without a dedicated treaty. So, we completed a light scan of the latest ‘ “National Report” and “Summary of Stakeholder Submission” of 36 countries These countries were selected from the [OHCHR UPR Document website](#) through an impartial grid pattern. There is representation from all five of the UN Regions. 14 countries submitted their latest reports before May 2020 (UN Policy Brief on The Impact of COVID-19 on Older Persons), and 22 submitted after this report was launched. Here are the key findings:

- 10 of the 36 countries (28%) referenced the older person in some way, either in the National Report or the Summary of Stakeholder Submission.
- Amongst the 10 countries, nine countries referenced social security and/or health; 1 referenced discrimination; and 1 referenced sexual orientation and gender identity.
- 41% of the country submissions (9 out of 22) made after the COVID Policy Brief (signed by 140 out of 193 Member States) referenced the older person.

The above findings translate to the following concerning observations:

- Human rights of older persons are mainstreamed into only a minority number of countries (28%).
- When there is a focus on the human rights of older people, it is on the deficits rather than the positive potential, such as rights to work, learn, and participate.
- The COVID wake-up call on the violation of human rights of older people, supported by the COVID policy brief, impacted less than half of the country's submissions to focus on older persons (41%).

While one can be hopeful that trends may improve over time as other countries go through their UPR review cycles, it has been more than three years since the violation of older people's human rights has been further exacerbated through COVID and the COVID policy brief launch. Our older people cannot continue to wait; we need binding universal human rights standards to close gaps and promote a future of positive aging.

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

While there is a need to include the older person in the UPR process widely and consistently, we find the monitoring aspect of the process a solid platform for accountability, a community of practice, and follow-up. These activities result in the progressive improvement of human rights.

Aside from reporting on the progress of various human rights treaties, Member States do follow up on recommendations from the prior review cycles and identify emerging human rights issues and challenges.

As outlined above, in the absence of a treaty or UN convention, discussions on the human rights of older persons are mostly absent from both National Reports from the governments and Stakeholder Summary reports from civil society.

We need new universal binding standards to close the human rights gaps identified collectively by Member States, civil society, NHRIs, and UN agencies over the last thirteen-plus years, accelerate progressive attainment of said rights, and bring about full respect, protection, and fulfillment of the human rights of older persons of today and tomorrow.

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

Mainstreaming ageing and the older person into existing international human mechanisms has been tabled. In our view, mainstreaming ageing into the existing international human rights system alone will not substantially close the human rights protection gaps identified. To close existing human rights protection gaps and fulfill human rights in older age, we need both a new international universal binding human rights instrument and mainstreaming work to continue.

An impactful example of the exponential power of both is found in our Independent Expert's report, "Older Persons and the Right to Adequate Housing." The first part of the report outlines the barriers for older persons relative to the key criteria in fulfilling the standards on the "right to adequate housing." Identifying these barriers provides law and policy makers with guidance on better fulfilling their role as duty-bearers. The report then identifies human rights protection gaps that are not covered in any current international human rights instrument and treaties, such as ageism, age discrimination, and multiple forms of discrimination because of intersectionality. This duality gap is true for all the topics covered so far in the Open-Ended Working Group on Ageing. For example, education/lifelong learning and digital access. Hence, an integrated new universal binding human rights instrument on older persons is needed to set holistic standards to address the needs and challenges of the older population.

Another option that has been referenced is protocols to existing human rights treaties. This would be an [Optional Protocol](#) – "an instrument that establishes additional rights and obligations to a treaty" and requires separate ratification. In our view, there are three fundamental concerns with this approach relative to the rights of older people:

- Given the number of human rights protection gaps that have been identified in the past thirteen-plus years, it is more effective and efficient to develop one instrument versus working through the conceptual gaps in the context of two protocols – one for [ICESCR](#) and one for [ICCPR](#).
- Existing population or thematic specific human rights are codified through their own treaties. The fulsomeness of each topic requires a standalone instrument and related protocols over time. Six of the sixteen existing treaties categorized as human rights in the [OHCHR treaty deposit](#) have one or more protocols or amendments appended. Similar trends are found with thematic treaties.

- We have witnessed the progressive advancement of population-specific human rights that is possible when supported by a dedicated binding universal human rights instrument. Why should it be different or any less for the older population of which all of humanity is or will be part - should we be fortunate to reach this life stage?

The final option that is discussed from time to time is a “Declaration” of older people’s human rights. We do not support this. We want a UN convention where progress is monitored, and discussion is continuous in pace with our growing longevity narrative and aging population. A UN convention on the rights of older persons ensures all older people do and will age with rights, dignity, and self-determination.

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)

Not applicable.

The Deadline

Deadline to send responses to the questionnaire is 24 November 2023.

All inputs will be posted online.

Submissions to be sent to Stefano Guerra stefano.guerra@mne.pt and Pedro Paranhos pedro.paranhos@itamaraty.gov.br with copy to ageing@un.org