



General Assembly

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Open-ended Working Group on Ageing

Fourteenth session

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Item 7 of the provisional agenda*

Other matters

Draft decision submitted by the Chair of the Open-ended Working Group

Recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them

The Open-ended Working Group on Ageing,

1. Taking note of its decision 13/1 of 6 April 2023 on the 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,

2. Noting that, between 2022 and 2030, the number of persons aged 60 years or over is projected to grow by 31 per cent and that this increase will be the greatest and the most rapid in the developing world, and recognizing that greater attention needs to be paid to the specific challenges affecting older persons, including in the field of human rights,

3. Recognizing the essential contribution that older persons can continue to make to the functioning of societies and towards the implementation of the 2030 Agenda for Sustainable Development,¹ and recognizing also the importance of the full and effective enjoyment of their human rights,

4. Recalling that all human rights are universal, indivisible, inalienable, interrelated and interdependent, and reaffirming the obligation of States to respect, protect and promote the human rights and fundamental freedoms of older persons,

* [A/AC.278/2024/1](#).

¹ Resolution 70/1.



Existing international documents on the human rights of older persons

5. Recalls the Universal Declaration of Human Rights² and all relevant international human rights instruments, including the International Covenant on Civil and Political Rights,³ the International Covenant on Economic, Social and Cultural Rights,⁴ the Convention on the Elimination of All Forms of Discrimination against Women,⁵ the Convention on the Rights of Persons with Disabilities⁶ and the International Convention on the Elimination of All Forms of Racial Discrimination;⁷

6. Notes the regional developments and normative instruments on the protection and promotion of the human rights of older persons, particularly those from Latin America and the Caribbean, Africa and Europe;

7. Recalls the 2030 Agenda for Sustainable Development, and stresses 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;

8. Reaffirms the Political Declaration and the Madrid International Plan of Action on Ageing, 2002,⁸ and recalls the related review and appraisal processes;

9. Recalls the United Nations Principles for Older Persons⁹ and all previous General Assembly resolutions on the follow-up to the Second World Assembly on Ageing and all previous Human Rights Council resolutions on the human rights of older persons;

10. Also recalls all relevant World Health Assembly resolutions on ageing, including its decision 73(12) of 3 August 2020, entitled “Decade of Healthy Ageing 2020–2030”;¹⁰

11. Takes note of the findings in the reports of the Secretary-General on the “Follow-up to the International Year of Older Persons: Second World Assembly on Ageing” and in the reports of the United Nations High Commissioner for Human Rights;

12. Takes note with appreciation of the work of the Independent Expert on the enjoyment of all human rights by older persons, and also takes note of her reports;

13. Takes note of the working paper prepared by the Office of the United Nations 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”;

Identification of possible gaps in the protection of the human rights of older persons

14. Recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including the Human Rights Council and relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and

² Resolution 217 A (III).

³ See resolution 2200 A (XXI), annex.

⁴ Ibid.

⁵ United Nations, *Treaty Series*, vol. 1249, No. 20378.

⁶ Ibid., vol. 2515, No. 44910.

⁷ Ibid., vol. 660, No. 9464.

⁸ Report of the Second World Assembly on Ageing, Madrid, 8–12 April 2002 (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annexes I and II.

⁹ Resolution 46/91, annex.

¹⁰ See World Health Organization, document WHA73/2020/REC/1.

relevant non-governmental organizations in identifying and addressing possible gaps in the protection of the human rights of older persons;

15. Takes note of the work of the 13 sessions of the Open-ended Working Group on Ageing;

16. Also takes note of the intersessional work of the Open-Ended Working Group on Ageing between its thirteenth and fourteenth sessions and the substantive responses to the questionnaire entitled “Identification of possible gaps in the protection of the human rights of older persons and how best to address them” shared with all Member States, members of the specialized agencies, observers in the General Assembly, national human rights institutions and non-governmental organizations and the Independent Expert on the enjoyment of all human rights by older persons;

17. Recognizes that ageism is a widely prevalent and prejudicial attitude that may rest on the assumption that neglect of, and discrimination against, older persons is acceptable, and that ageism is the common source of, the justification for and the driving force behind age discrimination;

18. Acknowledges that eliminating ageism, and all forms of violence, discrimination and neglect against older persons, as well as eradicating poverty in all its dimensions, and promoting their dignity and well-being, is fundamental for the full enjoyment of their human rights and fundamental freedoms;

19. Also acknowledges that older women often face discrimination resulting from gender inequality and are at greater risk of social and economic exclusion, as well as physical and psychological abuse and violence, thereby affecting their enjoyment of human rights and fundamental freedoms;

20. Notes that responses to the questionnaire have identified possible normative and implementation gaps in the protection of the human rights of older persons, inter alia, 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, access to the labour market, economic security, contribution to sustainable development, right to the enjoyment of the highest attainable standard of physical and mental health and access to health services, social inclusion, accessibility, infrastructure and habitat (transport, housing and access), and participation in public life and in decision-making processes;

21. Also notes that additional challenges for the protection of the human rights of older persons may arise, including but not limited to poverty, climate change, armed conflict, risks posed by emerging technologies, financial and economic crises and burdens on health systems, and further notes in this regard that many countries may not be sufficiently prepared to respond to the needs of the rapidly ageing population, including the need for preventive, curative, palliative and specialized care;

How best to address possible gaps in the protection of the human rights of older persons

22. Recognizes that responses to the questionnaire have identified a variety of ways to address possible gaps in the protection of the human rights of older persons, ranging from a specific instrument on the human rights of older persons to better implementation of the existing human rights framework, and that in some areas more concrete actions are needed;

23. Encourages Member States to accelerate their efforts to mainstream the linkages between population ageing and sustainable development into national

policies and programmes across all levels of government, where appropriate, and to link ageing to frameworks for social and economic development and human rights;

24. Recommends that Member States raise political commitment at national, regional and international levels on ways to ensure the full enjoyment of the human rights, dignity and well-being of older persons;

25. Also recommends that Member States, in addressing possible gaps in the protection of the human rights of older persons, consider, in a non-exclusive manner, the following options:

(a) An international 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) Optional protocols to existing human rights treaties on the protection and enjoyment of the human rights of older persons;

(c) To address the human rights of older persons in relevant multilateral forums, with full respect for their mandates, including in the Human Rights Council and its subsidiary bodies, with a view to providing specific and appropriate safeguards at the international level for the rights of older persons;

(d) The feasibility of an update to the international plan of action on ageing;

(e) To strengthen, as appropriate, cooperation with the regional commissions and other relevant stakeholders in promoting discussions on ageing, including through the increase of technical cooperation efforts, data-sharing and developing partnerships in this regard;

(f) To enhance capacity to more effectively collect age-disaggregated data, statistics and qualitative information, disaggregated also, when necessary, by other relevant factors, in order to improve assessment of the situation of older persons;

(g) To address, where appropriate, the situation of the human rights of older persons in their reports to existing international human rights bodies to which they are parties and encourage treaty body monitoring mechanisms and special procedure mandate holders to pay due regard to the situation of the human rights of older persons in their dialogue with Member States, particularly in their concluding observations and reports, respectively;

(h) To pay regard to specific human rights issues faced by older persons in current and future United Nations intergovernmental processes, as appropriate;

(i) To promote effective measures against ageism and to view older persons as active contributors to society and not as passive receivers of care and assistance and an impending burden on welfare systems and economies, while promoting and protecting their human rights;

(j) To promote and support initiatives to advance a positive public image of older persons and their multiple contributions to their families, communities and societies;

26. Further recommends the consideration of the current document by the General Assembly with a view to promoting further concrete discussions on next steps on the protection and promotion of the human rights of older persons.