

11th Session of the OEWGA

Agenda Item 6

**Follow-up to resolution 75/152: Follow-up of the focus areas of the tenth working session** ☐  
**Discussion on normative inputs**

Input Matthias von Schwanenflügel

Madam Chair,

at the 2019 Open Ended Working Group on Ageing we examined two topics in depth, “Education, Training, Life-Long Learning and Capacity Building” and “Social Protection and Social Security”. The International Covenant on Economic, Social and Cultural Rights addresses both topics in a general way. Furthermore, both topics are part of the SDGs and the Agenda 2030. Human rights have no age limit. Their full enjoyment must be guaranteed at any age, till the last breath. However, last session’s discussions have shown that there is still work to be done.

Regarding the **first issue of “life-long learning and capacity building”**, as the background paper prepared by DESA points out, one can state, that while on the normative side, many good examples have been presented on the national level, there still remains work to be done. The legally binding international instruments in this area while not excluding older persons, do not explicitly list older persons as addressees of the rights enshrined. And therefore, the Treaty Bodies rarely do investigate how these obligations are implemented with regard to older persons, or whether there are special needs of older persons in this field. E.g. CESCR only once issued a General Comment on the right to lifelong learning.

WHO in the 10<sup>th</sup> session pointed out, that “life-long learning is a life-course approach strategy that enables older persons to have the knowledge and skills to manage their health, to keep abreast of ICT developments, to participate, to adjust to ageing, to maintain their identity and to keep interested in life”. ILO put the spotlight on the importance of life long skills development as essential for continued participation in the labor market. In addition, the COVID-19 pandemic has demonstrated that skills for using ICT devices can be essential in times of health crisis to participate in social and economic life. Figures for the

EU provided by the Fundamental Rights Agency, have shown that the digital gap between the generations is considerable.

Therefore, in October 2020 the Council of the EU agreed on Council Conclusions on “Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalization” putting a focus on the importance of life-long learning and skills development.

The DWSA background paper reminds us of the UNESCO Recommendation on Adult Learning, of ILO publications and WHO standards, listing seven elements reaching from basic literacy skills, including ICT literacy, to the principle of learning as an ongoing lifelong process empowering human beings throughout their life to actively engage with social issues, health issues, well-being etc. Thus, I dare to conclude, life-long learning is one of the essentials for a good and active ageing of the individual and societies. The suggested obligations provide guidance on the various measures that should be taken to fulfill the obligation to provide access to education, training, life-long learning and capacity building.

Tomorrow OHCHR will conduct a side event to present a study called “Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons” which has been submitted as a working paper for this year’s session. This study observes, that there has been only modest follow-up in the work of the treaty bodies regarding the issue of life-long learning for older persons. The study states that a “number of submissions ... addressed the consequences of the lack of a specific detailed guarantee of the rights of older persons to education, training and life-long learning” (p. 46) and pointed out that the “lack of a specific, comprehensive and integrated normative framework appears to be a headwind in the way of more effectively advancing the realization of the human rights of older persons” (p.50).

Thus, we should now move on – after having identified the gaps in this area, we should now discuss how to close them. Germany will support this discussion!

Let me now continue with thoughts on the second topic, **“Social Protection and Social Security”**.

Based on the paper by DESA, let me say that having the means for a life in dignity is enshrined in many international and regional instruments, including the International Covenant on Economic, Social and Cultural Rights, various ILO ‘Conventions and the EU Charter of Fundamental Rights. The paths trod to

achieve the fulfillment of this right are as diverse as are the standards that define a life in dignity, to be guaranteed by social protection floors, throughout the globe. As the report from the 2019 session points out, social protection is a very wide field, encompassing items like “welfare, livelihoods, affordable health care, social security and social assistance” to name but a few. There is an interconnectedness of the right to social protection and social security with other human rights such as adequate standard of living, health, housing and education

As the background paper recaps, in some systems social protection floors are at least to some part linked to participation in the labor market in the life course and good wages that lead to contributions. As we have learned from the first item, continuous development of skills, in combination with formal education in younger years is important for the participation in the labor market, thus also essential for a better living in old ages. So, the two items are interconnected. But looking at the life course, we should all bear in mind, that in the majority of the countries older women in their youth did not have the opportunity to achieve the same degree of education and thus often had less chances on the labor market with negative consequences for their social protection which leads us to one of this year’s main topics, displaying the importance of intergenerational fairness.

However, as the last year of the pandemic has demonstrated so painfully, even if the field is wide, it is essential for the human kind, that we ensure that vulnerable groups, who have been hit hard by the pandemic, are guaranteed a social protection floor, including access to affordable health care. The pandemic has also laid in the open, how much we depend on care work done in the family, and this is an example of intergenerational solidarity par excellence. There is on the one hand the care work that especially many older women deliver by caring for their grandchildren or partner, on the other hand, the care done by adult children for their ageing parents in need for support.

The study of OHCHR observes, that there are extensive international human rights and ILO standards on the right to social protection and social security. However, there is still space to consider how some of these provisions may be better implemented in view of the major challenges and transformations

impacting the world of work and old age-related policies and legal frameworks. The study also relates to issues regarding intergenerational fairness, which is of utmost importance in the field of social protection and social security.

Let me at the end invite you all to tomorrow's side event where the OHCHR Paper will be presented and discussed. In my opinion this paper is a useful analysis of the existing international and regional legally binding norms and their implementation regarding the human rights of older persons. I hope that many of us will participate in this side event and that this working- paper will move forward our in-depth discussion on possible implementations.