

UNODC's input to the Fourteenth Session of the Open-Ended Working Group on Ageing

The United Nations Office on Drugs and Crime (UNODC) is pleased to submit to the attention of the Chair of the UN General Assembly Open-ended Working Group on Ageing, Her Excellency María del Carmen Squeff, its substantive inputs on the focus area "Participation in public life and in decision-making processes" to inform the Fourteenth Session of the Working Group and strengthen the protection of human rights of older persons.

Focus area: Participation in public life and in decision-making processes

Equality and non-discrimination

- 1. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?*

As stressed in the Report of the Independent Expert on the enjoyment of all human rights by older persons, violence against and abuse and neglect of older persons (A/HRC/54/26), the number of older persons who become victims of abuse or violence is expected to "grow rapidly in the future" as "[a]geism, compounded by inequalities that are exacerbated later in life, makes it more likely that older persons will experience maltreatment and abuse that may lead to patterns of violence." Therefore, it is necessary to put in place effective strategies to prevent victimization in the first place and provide older persons with the necessary care and support to counter these risks.¹ Fear of victimization, or lived experiences of victimization, including based on intersectional factors such as gender or race, can limit and hinder opportunities to participate in public life and decision-making processes.

Between 2019 and 2030, the number of persons aged 60 years or over is projected to grow by 38 per cent, from roughly 1 billion to 1.4 billion worldwide, surpassing the number of young people. The scale and pace of the older population increase will be greatest in the developing world. In this context, increased attention is needed in addressing the needs of older persons regarding access to justice, including when they are confronted with elder abuse or belong to an ageing prison population. Access to justice refers to the ability of persons to resolve and prevent justice problems, receive equal treatment before the law and fully participate in society. Several regional human rights mechanisms have acknowledged the specific justice needs of older persons, particularly following the adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons.

Women, children, youth, people living in poverty, people of African descent and other people facing discrimination on the basis of their race, disabilities, religion, age, gender, and/or due to belonging to disadvantaged and marginalized groups, in particular people on the move, trafficked persons, indigenous peoples, people living in remote areas, people deprived of their liberty and people with substance use disorders, have historically and structurally been excluded and faced discrimination by and within the criminal justice system in many societies.

¹ Violence against and abuse and neglect of older persons. Report of the Independent Expert on the enjoyment of all human rights by older persons (A/HRC/54/26). The report states that "Abuse of older persons is recognized in many countries as a public health issue; it is a global human rights issue that requires States' urgent attention and action."

Individuals belonging to one or more of these groups face intersecting obstacles to access to justice. To ensure equal access to justice for all, criminal legislation, institutions and processes must be reformed to put those excluded by the justice system at the centre. New approaches that build on legal empowerment strategies must be developed with and by these populations themselves.

In this context, recalling the Kyoto Declaration adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, the General Assembly, on 19 December 2023, adopted resolution A/RES/78/227, entitled “Equal access to justice for all,” an unprecedented resolution focusing on criminal justice systems and ensuring equal access to justice for all, including for persons facing discrimination motivated by age, such as older persons. Taking note of the Secretary-General’s report “Our Common Agenda,” and “[a]ffirming the need to eradicate violence, discrimination and intolerance against people in vulnerable situations, Indigenous Peoples and local communities,” the GA “[e]ncourages Member States, in accordance with their domestic legislation and within their capacity, to ensure equal access to justice and application of the law to all, including by taking effective measures that are informed by relevant data, such as data on age and gender.” UNODC was also requested to “convene a meeting of experts, nominated by Member States, during the intersessional period, with interpretation into all official languages of the United Nations, subject to the availability of extrabudgetary resources, with a view to sharing information on challenges, lessons learned, best practices and enabling factors needed to enhance the functioning of criminal justice systems to ensure equal access to justice for all.”

One of the most prevalent forms of abuse of older persons is financial and material abuse. The pervasive threat of fraud poses a considerable risk to individuals, economies and societal trust globally. However, this risk is compounded by significant underreporting, driven by feelings of shame, self-blame, or even a failure to recognize fraudulent activities as crimes. Moreover, the rapid evolution of technology has provided organized criminal groups with unprecedented opportunities to perpetrate fraud on a larger scale and across borders, exacerbating the challenge.

Although fraud can affect anyone, certain demographics, such as the elderly, are particularly vulnerable. Age-related factors like mental health issues, cognitive decline and varying levels of trust make this demographic more susceptible to different forms of fraud. Research has highlighted the susceptibility of elderly individuals to investment scams, often perpetrated through telemarketing schemes.² Furthermore, the vulnerability of the elderly is compounded by social factors such as loneliness and isolation, which create fertile ground for trust-based fraud, including romance scams. Criminals exploit these vulnerabilities by establishing fraudulent relationships either in person, over the phone, or through online channels, preying on the desire for companionship and connection.

Thus, fraud represents a challenge for the elderly, impacting their financial situation and lowering their levels of trust and confidence in their capabilities, limiting their ability to engage in public life and decision-making processes. Therefore, the interplay of technological advancements, societal vulnerabilities, and demographic characteristics underscores the urgent need for comprehensive policy and legislative responses to prevent and combat fraud and protect vulnerable populations effectively.

² Shover N., Coffey G. S., Sanders C. R. (2004). Dialing for dollars: Opportunities, justifications, and telemarketing fraud. *Qualitative Sociology*, 27(1), 59–75.