Open-ended Working Group on Ageing
Fourth working session
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Compilation of existing international legal instruments, documents and programmes that directly or indirectly address the situation of older persons, including those of conferences, summits, meetings or international or regional seminars convened by the United Nations and intergovernmental and non-governmental organizations

This compilation has been prepared by the UN Office of the High Commissioner for Human Rights, pursuant paragraph 4 of General Assembly Resolution 67/139, which requested “the Secretary-General, with the support of the Office of the United Nations High Commissioner for Human Rights, the Division for Social Policy and Development of the Department of Economic and Social Affairs of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to submit to the Working Group by its fourth session and from within existing resources a compilation of existing international legal instruments, documents and programmes that directly or indirectly address the situation of older persons, including those of conferences, summits, meetings or international or regional seminars convened by the United Nations and intergovernmental and non-governmental organizations”.

International Human Rights Treaties

Instruments dedicated to the human rights of older persons:

None


None
International human rights treaties containing a general prohibition of discrimination on the basis of age

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 7:

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

Other explicit provisions in human rights treaties explicitly addressing age and older persons:

Convention on the Elimination of All Forms of Discrimination against Women, Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

   (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

Convention on the Rights of Persons with Disabilities

Article 13 - Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Article 16 - Freedom from exploitation, violence and abuse

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

Article 25 – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States
Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

Article 28 - Adequate standard of living and social protection

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes.

General comments and recommendations by UN treaty bodies

Treaty Body General Recommendations and General Comments

CESCR General Comment No. 6, The economic, social and cultural rights of older persons, 12/08/1995

http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/482a0aced8049067c12563ed005aef9e?OpenDocument

CEDAW, General Recommendation No. 27, CEDAW/C/2010/47/GC.1


CESCR, General Comment No. 14, The right to the highest attainable standard of health, E/C.12/2000/4


CESCR, General Comment No. 20, Non-Discrimination in economic, social and cultural rights, E/C.12/GC/20


CESCR, General Comment No. 21, Right of everyone to participate in cultural life, E/C.12/GC/21, 21

Human Rights Committee, General Comment no.18, Non Discrimination, HRI/GEN/Rev.6

Treaty Body Concluding Observations

CEDAW, Concluding Observations, Albania, CEDAW/C/ALB/CO/3., 16 December 2012

CEDAW, Concluding Observations, The Netherlands, CEDAW/C/NLD/CO 5, 5 February 2010, para 45

CEDAW, Concluding Observations, Argentina, CEDAW/C/ARG/CO/6, 16 August 2010, para 42

CEDAW, Concluding Observations, Papua New Guinea, CEDAW/C/PNG/CO/3, 30 July 2010, para 28

CESCR, Concluding Observations for Democratic People’s Republic of Korea, E/C.12/1/ADD.95

CESCR, Concluding Observations for Canada, E/C.12/1993/5

Human Rights Committee, Concluding Observations, Germany, CCPR/CO/80/DEU, 4 May 2004
CEDAW, Concluding Observation, Iceland, A/57/38, 2002, para 250

Concluding Comments France, Fortieth session 14 Jan-1 Feb 2008, CEDAW/C/FRA/CO/6

CESCR, Consideration of Reports, Submitted by State Parties under Articles 16 and 17, Slovenia, E/C, 12/SVN/CO/1, para 22, 35

CESCR, Consideration of Reports, Submitted by State Parties under Articles 16 and 17 Concluding Observations of the CESCR, Serbia and Montenegro, E/C.12/1/Add.108, Thirty-fourth session 25 April-13 May 2005, para 8

Reports of UN Special Procedures

Thematic study on the realization of the right to health of older persons by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, 4 July 2011, A/HR C/18/37 (the right to health of older persons)


Non-binding UN Policy Instruments

Vienna International Plan of Action on Ageing, adopted at the World Assembly on Ageing in 1982
Madrid International Plan of Action on Ageing, adopted at the Second World Assembly on Ageing (2002) and endorsed by the General Assembly in resolution 57/167

http://social.un.org/index/Portals/0/ageing/documents/Fulltext-E.pdf

Non-binding Regional Policy Instruments

ECLAC, Regional Strategy for the implementation in Latin America and the Caribbean of the Madrid International Plan on Ageing

http://social.un.org/index/LinkClick.aspx?fileticket=RHZ2ZEjCwY%3D&tabid=330

ECLAC, Declaration of Brasilia for the Latin American and Caribbean Region (2007)


UNECE, Regional Implementation Strategy for the Madrid International Plan of Action on Ageing (ECE/AC.23/2002/2/Rev.6)


Arab Plan of Action on Ageing to the Year 2012 (E/ESCWA/SD/2002/WG.1/8)

http://social.un.org/index/LinkClick.aspx?fileticket=4cLluxtdW0I%3D&tabid=330

African Union Policy Framework and Plan of Action on Ageing

http://social.un.org/index/LinkClick.aspx?fileticket=3d_YFGLRS5s%3D&tabid=330

Declaration of Commitment of Port of Spain of Plenipotentiaries, Organization of American States, OAS (2009)

https://docs.google.com/viewer?a=v&q=cache:kn1AX-VrJwoJ:scm.oas.org/IDMS/Redirectpage.aspx%3Fclass%3DCAJP/GT/DHPM%26classNum%3D45%26lang%3DDe+%26hl=en%26gl=ch%26pid=bl%26srcid=ADGEESggusprAYUDdowQfw1MolP4x8rFZ7-Z1mgTUGJamyW90H19w0U9qeie5e4nr91Y1daKRPOIfHKo2HtAXWMHnQGCBGWGhMI_i-JemioeUFe-OaTq1qf_IkJCtvpvyIEYh3Xm8f&sig=AHIEtbRFLyHrNjkJUsEY17ImoA-KuLjpgA

Resolution 2455 on human rights and older persons, Organization of American States (2009)


Plan of Action of the Pan American Health Organisation/ World Health Organisation, including Active and healthy Ageing (2009)

UN Resolutions, Reports and documents

Resolutions
Resolution adopted by the General Assembly, Follow-up to the Second World Assembly on Ageing, 4 Feb 2011, A/RES/65/182

A/RES/66/127

A/RES/64/132 (op 14)

E/2010/14 ops 4, 10 and 12


1992 Global Targets on Ageing for the Year 2001 (A/RES/47/86)


Proclamation on Ageing – A/RES/47/5


UN Principles for Older Persons, GA Resolution 49/91, A/RES/46/91


Reports
Follow-up to the Second World Assembly on Ageing, Report of the Secretary-General, 22 July 2011, A/66/173


Human rights of older persons: International human rights principles and standards, OHCHR, Background paper, revised and updated Open-ended Working Group, 18-21 April 2011


Statement of the United Nations High Commissioner for Human Rights on 1 October 2010


Submissions to the Secretary - General report, GA res. 65/182

E/CN.5/2012/5 Report of the Secretary-General. Second Review and Appraisal of MIPAA

E/CN.5/2010/4 Report of the Secretary-General. Further the implementation of MIPAA


International Labour Organisation (ILO) Standards

ILO Convention no. 102 concerning Social Security (minimum Standards) 1952, 201 UNTS 132, Part V


ILO Convention No. 128 concerning Invalidity, Old Age and Survivors Benefits 1967, 699 UNTS 185


ILO, R131, Invalidity, Old-Age and Survivor’s Benefits Recommendation, 1967;

R162 Older Workers Recommendation, 1980; Section II, para 5(g)
R166 Termination of Employment Recommendation, 1982


Documents from other UN Agencies

World Health Organisation, A life course perspective of maintaining independence in older age, 1999


World Health Organisation and World Bank, World Report on Disability, 2011


United Nations Division for the Advancement of Women, Gender Dimensions of Ageing Women, 2000


UNFPA and HelpAge International, Ageing in the Twenty-First Century. A Celebration and A Challenge

http://unfpa.org/ageingreport/

Other Documents from Regional Organizations

Permanent Council of the Organization of American States

Committee on Juridical and Political Affairs, Working Group on Protecting the Human Rights of Older Persons

http://www.oas.org/consejo/cajp/personas%20mayores.asp#Docs

Organization of American States General Assembly Resolution AG/RES. 2654 (XLI-O/11) Protecting the Human Rights of Older Persons, adopted at the four the plenary session of the forty-first General Assembly, 7 June 2011


Report on the Situation of Older persons in the Hemisphere and the Effectiveness of Binding Universal and Regional Human Rights Instruments with Regards to Protection of the Human Rights of Older Persons; December 5, 2011); OEA/Ser.G; CAJP/GT/DHPM-14/11 rev. 1

http://www.oas.org/consejo/cajp/human%20rights.asp#Older Persons

Council of Europe

Steering Committee for Human Rights (CDDH), Drafting Group on the Human Rights of the Elderly (CDDH-AGE) documents and reports
Meeting report, 1st meeting, Council of Europe, Strasbourg, 23 March 2012, CDDH-AGE(2012)R1

http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/cddh-age/default_EN.asp

Viewpoint of the Commissioner for Human Rights of 28 April 2008: “Aged people are too often ignored and denied their full human rights”

http://www.coe.int/t/commissioner/viewpoints/080428_en.asp


https://wcd.coe.int/ViewDoc.jsp?id=983313&Site=COE&BackColorInternet=B9BDEF&BackColorIntranet=FFCD4F&BackColorLogged=FFC679


https://wcd.coe.int/ViewDoc.jsp?id=1463737&Site=COE&BackColorInternet=B9BDEF&BackColorIntranet=FFCD4F&BackColorLogged=FFC679

Council of Europe Recommendation R(99)4 of the Committee of Ministers to Member States on Principles Concerning the Legal Protection of Incapable Adults (adopted on 23 February 1999) (“Recommendation R(99)4”)

http://www.coe.int/t/dg3/healthbioethical/texts_and_documents/Rec(99)4E.pdf

The Rights of Elderly Persons under the European Social Charter, Draft Information Document drawn up by the Secretariat of the Council of Europe, Department of the European Social Charter, March- April 2011

http://assembly.coe.int/Main.asp?link=./Documents/AdoptedText/ta11/ERES1793.htm

Recommendation and Resolutions of the Parliamentary Assembly of the Council of Europe

Resolution 1793 (2011): Promoting active ageing: capitalising on older people’s working potential


Recommendation 1796 (2007): The situation of elderly persons in Europe

Recommendation 1749 (2006): Demographic challenges for social cohesion

http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/EREC1749.htm

Resolution 1502 (2006): Demographic challenges for social cohesion

http://www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1502.htm

Recommendation 1619 (2003): Rights of elderly migrants

http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta03/EREC1619.htm

Recommendation 1591 (2003): Challenges of social policy in Europe’s ageing societies

http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta03/EREC1591.htm

Recommendation 1428 (1999): The future of senior citizens: protection, participation and Promotion

http://assembly.coe.int/documents/AdoptedText/ta99/erec1428.htm


http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta94/EREC1254.htm

Resolution 1008 (1993): on social policies for elderly persons and their self-reliance

http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta93/ERES1008.htm

Recommendation CM/Rec(2011)5 of the Committee of Ministers to member states on reducing the risk of vulnerability of elderly migrants and improving their welfare


Recommendation CM/Rec(2009)6 of the Committee of Ministers to member states on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society; Reply from the Committee of Ministers to the Parliamentary Assembly on “Challenges of social policy in Europe’s ageing societies”


Recommendation No. R (94) 9 of the Committee of Ministers to member states concerning elderly people
Recommendation 1418 (1999) 1 of the Parliamentary Assembly of the Council of Europe, Protection of the human rights and dignity of the terminally ill and the dying


**African Commission on Human and Peoples’ Rights**


http://www.achpr.org/english/Commissioner's%20Activity/43rd%20OS/Special%20Rapporteurs/rights%20of%20older%20persons.pdf
