

BRIEF BACKGROUND NOTES ON AGEING ISSUES

LEADING UP TO THE ESTABLISHMENT OF THE

OPEN-ENDED WORKING GROUP ON AGEING,

AND ITS WORK DURING ITS FOURTEEN SESSIONS

FOREWORD

These background notes provide a brief history and listing of United Nations reports (the UN Department of Economic and Social Affairs and the Office of the High Commissioner for Human Rights) and resolutions of the General Assembly and Human Rights Council that led to the establishment of the Open-ended Working Group on Ageing (OEWGA) in 2010. Relevant reports of UN-DESA and OHCHR and resolutions of the General Assembly and the Human Rights Council adopted during that period are also included.

Links have been provided to the reports of each session of the OEWGA and to the OEWGA website which lists reports submitted to each session by Member States, organizations of the United Nations system, National Human Rights Institutions and non-governmental organizations. Over 900 reports have been submitted to the OEWGA during its 14 years of deliberations.

These Background Notes also refer to the issues discussed by the OEWGA during its fourteen sessions and to the work of the Independent Expert on the enjoyment of all human rights by older persons.

Following General Assembly 78/324, adopted on 13 August 2024 (see page 11), which concluded the mandate of the OEWGA, it is expected that the Human Rights Council, as one of the relevant United Nations bodies, will consider the recommendations of the OEWGA in its decision 14/1.

The advocacy work undertaken around the world by representatives, young and old, of national human rights institutions and non-governmental organizations and by older persons themselves must be fully acknowledged. Their participation at and contributions to the sessions of the OEWGA reflected their strong commitment to protecting the human rights of older persons everywhere.

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A. BRIEF HISTORY

At the time of the adoption of the Universal Declaration on Human Rights in 1948, the question of the rights of older persons was first raised by Argentina, but the matter was referred to the Economic and Social Council. There is no reference to age discrimination in the UDHR.

(<https://documents.un.org/doc/resolution/gen/nr0/043/88/pdf/nr004388.pdf>)

Ageing issues and concerns of older persons are discussed, at the global intergovernmental level, by the Commission for Social Development, a functional commission of the Economic and Social Council and by the Human Rights Council. Ageing issues also fall under the agenda item for Social Development in the Third Committee of the General Assembly. Within the United Nations Secretariat, ageing issues are addressed by the Department of Economic and Social Affairs (Programme on Ageing Section) (<https://www.un.org/development/desa/ageing/>), the Office of the High Commissioner for Human Rights (<https://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>), and the five regional commissions, located in Addis Ababa, Bangkok, Beirut, Geneva and Santiago. They, as part of the United Nations Secretariat, have contributed to the discussions of the Open-ended Working Group on Ageing. Other organizations of the United Nations system that have also contributed to the discussions of the OEWGA include: OCHA, UNDP, UNAIDS, UNHCR, UN-HABITAT, UNODC, UNOPS, UNRWA, UNDRR, UNWomen, ILO, WHO, FAO, IFAD, WFP, IOM, ITU, UNESCO, WIPO, PAHO. The World Health Organization also has a programme on ageing (https://www.who.int/health-topics/ageing#tab=tab_1).

- **United Nations Department of Economic and Social Affairs – key events/reports related to protecting the human rights of older persons.**
- In 1982, the General Assembly, in its resolution 37/51 (<https://undocs.org/A/RES/37/51>) endorsed the Vienna International Plan of Action on Ageing, adopted by consensus at the first **World Assembly on Ageing held in Vienna, Austria from 2 July to 6 August 1982**.
- In 1990, the General Assembly, in its resolution 45/106, designated 1 October as International Day for the Elderly (subsequently changed to International Day for Older Persons).
- In 1991, the General Assembly, in its resolution 46/91, adopted the Principles for Older Persons, encouraging Governments to incorporate five basic principles into their national programmes whenever possible - independence, participation, care, self-fulfillment, dignity. (<https://undocs.org/A/RES/46/91>).
- In 1992, in its resolution 47/5, the General Assembly adopted the Proclamation on Ageing (<https://undocs.org/A/RES/47/5>) and decided to observe 1999 as the International Year of Older Persons "in recognition of humanity's demographic coming of age and the promise it holds for maturing attitudes and capabilities in social, economic, cultural and spiritual undertakings, not least for global peace and development in the next century".
- In 1995, in its resolution 50/141, the General Assembly decided "that henceforth the term "older persons" should be substituted for the term "the elderly", in conformity with the United Nations Principles for Older Persons, with the result that the Year and the Day concerned shall be called the International Year of Older Persons and the International Day of Older Persons (<https://undocs.org/A/RES/50/141>)
- In 2002, following the Second World Assembly on Ageing held in Madrid from 8-12 April 2002 the **Political Declaration and Madrid International Plan of Action on Ageing (MIPAA)** were endorsed by the General Assembly in its resolution 57/167 of 18 December 2002 (<https://undocs.org/A/RES/57/167>). The MIPAA focused on three priority areas: older persons and development; advancing health and well-being into old age; and ensuring enabling and supportive environments.

THE ABOVE PROGRAMMES OF ACTION AND RESOLUTIONS ARE "SOFT LAW" AND ARE NOT LEGALLY BINDING.

- In 2009, pursuant to General Assembly resolution 63/151 of 18 December 2008, the Secretary-General submitted a report on implementation of that resolution, including information on the promotion and protection of human rights as they pertain to older persons (A/64/127- <https://undocs.org/A/64/127>) in which he concluded that despite the existence of both policy and legal documents, the human rights of older persons have not been adequately promoted or protected.
- In 2010, pursuant to General Assembly resolution 64/132, the Secretary-General submitted another report (A/65/157- <https://undocs.org/A/65/157>) that pointed out that civil society and public opinion have increasingly addressed the issue of older persons through a human rights perspective, advocating for a comprehensive international instrument to protect the rights of older persons. In a second report that year (A/65/158 - <https://undocs.org/A/65/158>) submitted to the General Assembly, the Secretary-General, in assessing implementation of MIPAA, also drew attention to empowering older persons and promoting their rights. The General Assembly, in its resolution 65/182 of 21 December 2010, took note of those two reports and decided to establish an open-ended working group (see below General Assembly resolution 65/182).
- In 2011, the Secretary-General's report to the General Assembly focused on the situation of the human rights of older persons in all regions of the world, emphasizing four major areas of concern: poverty and inadequate living conditions; age-related discrimination; violence and abuse; and lack of special measures, mechanisms and services (<https://undocs.org/A/66/173>). In noting the report, the General Assembly, in its resolution 66/127, also designated 15 June as World Elder Abuse Awareness Day (<https://undocs.org/A/RES/66/127>).
- In 2012, the Secretary-General's report provided an overview of the integration of older persons in social development and explored the key challenges faced by older persons in that regard and in the enjoyment of their human rights (<https://undocs.org/A/67/188>).
- From 2013 to 2022, annual reports of the Secretary-General to the General Assembly covered numerous topics, including age-based discrimination and neglect, abuse and violence; access to decent work and employment for older persons; older adults and mental health; issues related to the Sustainable Development Goals; long-term care; older persons in emergency crises; economic security, impact of COVID-19; digital technologies and global ageing; intergenerational solidarity work of Inter-Agency Group on Ageing. General Assembly resolutions on "Follow-up to the Second World Assembly on Ageing" referring to the Secretary-General's reports are listed below, where references to the OEWGA also appear.
- In 2023, The Commission for Social Development considered the report of the Secretary-General on the Fourth review and appraisal of the Madrid International Plan of Action on Ageing, 2002 in which it was stated that some Governments and non-government stakeholders in the ECA, ECLAC, ESCAP, ESCWA and ECE regions noted that the development of an international legal instrument on the human rights of older persons would complement and reinforce the Plan and would be key to promoting and protecting the rights and dignity of older persons, including in any successor policy frameworks on ageing (<https://undocs.org/E/CN.5/2023/6>)

B. GENERAL ASSEMBLY RESOLUTIONS CONCERNING MANDATE OF THE OPEN-ENDED WORKING GROUP ON AGEING (see also Section F, OEWGA's key discussions)

2010 A/RES/65/182: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/65/182>

OP 28 –“Decides to establish an open-ended working group, open to all States Members of the United Nations, for the purpose of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the

feasibility of further instruments and measures, and request the Secretary-General to provide all necessary support within existing resources for the duration of its mandate;"

2011 **A/RES/66/127:** Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/66/127>

OP. 33 – “Invites States and relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as inter-governmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Open-ended Working Group, as appropriate;”

2012 **A/RES/67/143:** Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/67/143>

OP. 34: “Invites States and relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as inter-governmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

2012 **A/RES/67/139:** Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons: <https://undocs.org/A/RES/67/139>

OP.1: **Decides** that the Open-ended Working Group on Ageing, which shall be open to all Member States and observers of the United Nations shall, as part of its mandate and starting from its upcoming fourth session, to be held in 2013, **consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons**, based on the holistic approach in the work carried out in the fields of social development, human rights and non-discrimination, as well as gender equality and the empowerment of women, and taking into account the inputs of the Human Rights Council, the reports of the Working Group and the recommendations of the Commission for Social Development and the Commission on the Status of Women, as well as the contributions from the second global review and appraisal of the Madrid International Plan of Action on Ageing, 2002, to be held during the fifty-first session of the Commission for Social Development;

OP. 2: “**Requests** the Working Group to present to the General Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection;”

OP.3: “*Invites States and relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental organizations with an interest in the matter, to make contributions to the work entrusted to the Working Group, as set out in paragraph 1 above, and invites relevant non-governmental organizations to contribute, as appropriate, on the basis of the modalities for participation agreed by the Working Group;”*

OP. 4. **Requests** 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;”

This resolution was controversial and was subject to a vote – 54 yes, 5 no (Canada, Israel, Seychelles, South Sudan, USA), and 118 abstentions. Nevertheless, the resolution stands as an adopted resolution of the General Assembly.

2013 A/RES/68/134: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/68/134>

OP. 45: “Invites States and relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

2014 A/RES/69/146: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/69/146>

OP 47: “Calls upon Member States to continue to contribute to the work of the Working Group, in particular by presenting concrete proposals, practical measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons, in order to enable it to fulfil its mandate;”

OP.49: “*Invites* relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

2015 No resolution on follow-up to the Second World Assembly on Ageing was adopted in 2015 (under Third Committee item for social development). However, under the Third Committee item for human rights, the following resolution was adopted:

A/RES/70/164: Measures to enhance the promotion and protection of the human rights and dignity of older persons: <https://undocs.org/A/RES/70/164>

OP. 8: “*Recommends* that States parties to existing international human rights instruments, where appropriate, address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay more attention to the situation of older persons in their dialogue with Member States, in their consideration of reports and in their country missions;”

OP.10: “*Invites* relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as intergovernmental and relevant non-governmental organizations with an interest in the matter, to continue to make contributions to the work entrusted to the Open-ended Working Group, as appropriate;”

OP 11: “encourages Member states to continue to contribute to the work of the Open-ended Working Group, in particular by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate;”

2016 A/RES/71/164: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/71/164>

OP.6: “*Takes note* of the report of the Independent Expert issued during the thirtieth session of the **Human Rights Council**, [A/HRC/30/43] also takes note of the comprehensive report issued during the thirty-third session of the **Human Rights Council** [A/HRC/33/44], which was brought to the attention of the Open-ended Working Group on Ageing at its seventh session, and encourages Member States to be mindful of the recommendations contained therein;”

OP.19: “ Recommends that States parties to existing international human rights instruments, where appropriate, address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay more attention to the situation of older persons in their dialogue with Member States, in their consideration of reports or in their country missions;”

OP 45: “Encourages Member states to continue to contribute to the work of the Open-ended Working Group, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate** of strengthening the protection of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.”

2017 A/RES/72/144: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/72/144>

OP.23: “Encourages States parties to existing international human rights instruments, where appropriate, to address the situation of older persons more explicitly in their reports, and encourages treaty body monitoring mechanisms and special procedures mandate holders, in accordance with their mandates, to pay due regard to the situation of older persons in their dialogue with Member States, in their consideration of reports or in their country missions;

OP.50: “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panelists, during the first eight working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

OP 51: “Encourages Member states to continue to contribute to the work of the Open-ended Working Group, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate** of strengthening the protection of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.”

2018 A/RES/73/143: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/73/143>

OP.49: “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first nine working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

OP.50: “Encourages Member states to continue to contribute to the work of the Open-ended Working Group, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices,**

lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.”

This resolution also included the OEWGA on the Organization's official calendar of conferences and meetings, with guaranteed interpretation services.

2019 A/RES/74/125: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/74/125>

OP.51: “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first 10 working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

OP.52: “*Encourages Member States to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures, and by considering adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly:*

OP.53: “*Requests the Secretary-General to provide all necessary support to the Open-ended Working Group on Ageing for the organization of its eleventh session, of four days, in April 2020, with the provision of conference services, including interpretation services, and to include the annual sessions of the Working Group in the Organization's calendar of conferences and meetings;*

OP.54: “*Invites the Independent Expert to address and engage in an interactive dialogue with the General Assembly at its seventy-fifth session under the agenda item entitled “Social development”.*”

2020 A/RES/75/152, 2020 (no OEWGA meeting in 2020 because of COVID-19 – “technical carry-over resolution”). <https://undocs.org/A/RES/75/152>

OP.51: “*Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first 10 working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”*

OP.52: “*Encourages Member States to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular by presenting measures to enhance the promotion*

and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures, and by considering adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly;”

OP.53: “Requests the Secretary-General to provide all necessary support to the Open-ended Working Group on Ageing for the organization of its eleventh session, of four days, in March–April 2021, with the provision of conference services, including interpretation services, and to include the annual sessions of the Working Group in the Organization’s calendar of conferences and meetings;”

OP.54: “**Invites the Independent Expert to address and engage in an interactive dialogue with the General Assembly at its seventy-sixth session under the agenda item entitled “Social development”;**

2021 A/RES/76/138: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/76/138>

OP.9: “Takes note of the report of the Independent Expert issued in accordance with Human Rights Council resolution 42/12 and encourages Member States to be mindful of the recommendations contained therein”. <https://undocs.org/A/76/157>. (report on human rights of older women: the intersection between ageing and gender).

OP.57: “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first 11 working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

OP.58. “Encourages Member States to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures, and by considering adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly;”**

2022 A/RES/77/190: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/77/190>.

OP.9: “Takes note of the report of the Independent Expert issued in accordance with Human Rights Council resolution 42/12, and encourages Member States to be mindful of the recommendations contained therein”. <https://undocs.org/A/77/239> (report on older persons and the right to adequate housing).

OP.62. “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and

treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first 12 working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;

OP. 63. “Encourages Member States to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures, and by considering adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly;**”

2023 A/RES/78/177: Follow-up to the Second World Assembly on Ageing: <https://undocs.org/A/RES/78/177>

OP.10: “Takes note of the report of the Independent Expert issued in accordance with Human Rights Council resolution 51/4 and encourages Member states to be mindful of the recommendations contained therein” <https://undocs.org/A/78/226> (report on the rights of older persons in the context of climate change-induced disasters and how to build forward more equally).

OP. 65. “Notes with appreciation the work of the Open-ended Working Group on Ageing, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as national human rights institutions, intergovernmental and relevant non-governmental organizations with an interest in the matter and invited panellists, during the first 13 working sessions of the Working Group, and invites Member States, as well as relevant bodies and organizations of the United Nations system and other relevant stakeholders, to continue to make contributions to the work entrusted to the Working Group, as appropriate;”

OP. 66: “Encourages Member States to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular **by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument, as appropriate, in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures, and by considering adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly;**”

2024 A/RES/78/324: Consideration of decision 14/1 of the Open-end Working Group on Ageing, entitled “Recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them” (<https://undocs.org/A/RES/78/324>), adopted on 13 August 2024.

OP.1: Decides that the Open-ended Working Group on Ageing has completed its work, in view of the adoption of decision 14/1 by the Open-ended Working Group on Ageing in line with its mandate outlined in the resolution 65/182 and all subsequent resolutions on the follow-up to the

Second World Assembly on Ageing, including 78/177 of 19 December 2023, and to conclude the mandate of the Open-ended Working Group on Ageing, under agenda item “Social development: social development, including questions relating to the world social situation and to youth, ageing, persons with disabilities and the family” of the Third Committee;

OP. 2. Urges relevant United Nations bodies, respecting the relevant mandate, to further consider the recommendations as adopted by the Open-ended Working Group on Ageing in its decision 14/1;

OP.3. Requests the President of the General Assembly to hold a **high-level meeting** at its seventy-ninth session to exchange views and share experiences on the recommendations included in decision 14/1 of the Open-ended Working Group on Ageing, in an equitable and non-exclusive manner, and to define next steps on the challenges and opportunities regarding the rights and well-being of older persons.

Note: In OP.2 above, “relevant United Nations bodies” would include the Human Rights Council. It is also noted that during the 78th session of the General Assembly, it adopted two resolutions on the work of the OEWGA, namely A/RES/78/177 (as noted above) as well as A/RES/78/324.

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C. HUMAN RIGHTS COUNCIL RESOLUTIONS CONCERNING OLDER PERSONS (see also Section D, REPORTS OF OHCHR)

The Human Rights Council (HRC) has adopted a number of specific resolutions concerning the human rights of older persons over the years, based on a number of reports prepared by the Office of the High Commissioner for Human Rights, and others. The Human Rights Council also recommended the appointment of an Independent Expert on the enjoyment of all human rights by older persons.

2009 A/HRC/AC/3/2 (<https://documents.un.org/doc/undoc/gen/g09/164/03/pdf/g0916403.pdf>)

The Advisory Committee of the Human Rights Council, at its third session, in its recommendation 3/6, designated Ms. Chin-Sung Chung, member of the Advisory Committee, to prepare an initial working paper on the need to study the human rights of elderly people, including by making practical recommendations, with a view to promoting and protecting these rights, to be submitted to the Advisory Committee at its fourth session.

2010 Working paper prepared by Ms. Chin-Sung, with the collaboration of Ms. Chanmi Kim and Ms. Bridget Sleap (HelpAge International) (<https://undocs.org/A/HRC/AC/4/CRP.1>), which concluded that there are normative and implementation gaps in the international human rights framework and recommended a full study on discrimination in the context of the human rights of older persons with consideration of the establishment of an international convention on the human rights of the elderly.

A/HRC/AC/4/4 (<https://undocs.org/A/HRC/AC/4/4>)

The Advisory Committee at its fourth session, in its recommendation 4/4, *inter alia*, welcomed the working paper submitted by Ms. Chin-Sung Chung, and expressed the hope that the Human Rights Council would consider entrusting the Advisory Committee with the preparation of a study on the application to older persons of existing United Nations human rights instrument and on any possible gaps in the current legal framework.

2012 A/HRC/RES/21/23 Human rights of older persons. (<https://undocs.org/A/HRC/RES/21/23>)

The HRC recalled the establishment of the Open-Ended Working Group on Ageing, noted the report of the Secretary-General (A/67/188) (<https://undocs.org/A/67/188>) and the report of the United Nations High Commissioner (E/2012/51) (<https://undocs.org/E/2012/51>) and requested the

Office of the High Commissioner for Human Rights (OHCHR) to organize an intersessional public consultation on the promotion and protection of the human rights of older persons.

2013 A/HRC/RES/24/20 Human rights of older persons (<https://undocs.org/A/HRC/RES/24/20>)

Acknowledging the OHCHR report on the promotion and protection of the human rights of older persons - A/HRC/24/25 (<https://undocs.org/A/HRC/24/25>), the HRC decided to appoint an Independent Expert on the enjoyment of all human persons by older persons for a period of 3 years and requested the IE to report annually to the Council; and requested the Secretary-General to ensure that the IE report is brought to the attention of the Open-ended Working Group on Ageing.

A/HRC/RES/24/25 The Social Forum

The HRC decided that the 2014 Social Forum would focus on the human rights of older persons and requested the OHCHR to make available relevant United Nations reports and documents and to submit the report of the Forum at the 26th session of the Council.

2016 A/HRC/RES/33/5 Human rights of older persons (<https://undocs.org/A/HRC/RES/33/5>)

The HRC extended the mandate of the Independent Expert for an additional 3 years and requested the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programme of work.

2017 A/HRC/RES/35/13 Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons. (<https://undocs.org/A/HRC/RES/35/13>)

The report of a one-day intersessional seminar was submitted to the HRC at its 39th session in 2018 – (<https://undocs.org/A/HRC/39/32>)

2018 A/HRC/RES/39/18 Enhancement of technical cooperation and capacity-building in the field of human rights (<https://undocs.org/A/HRC/RES/39/18>)

The HRC requested the OHCHR to prepare a report on activities undertaken by the Office and relevant United Nations country teams and agencies, and regional organizations to support States' efforts to promote and protect the human rights of older persons and their autonomy and independence, and address implementation gaps in national legislation, policies and programmes, including where applicable those relating to the Sustainable Development Goals, income security, the promotion of active and healthy ageing, the use of assistive technology, access to information and lifelong learning, combating all forms of discrimination against older persons, paying particular attention to older women and supporting the full integration of older persons in society and access to care, health and support services for older persons in their communities. The report submitted to the HRC - <https://undocs.org/A/HRC/41/32>

2019 A/HRC/RES/42/12 Human rights of older persons (<https://undocs.org/A/HRC/RES/42/12>)

The HRC extended the mandate of the Independent Expert for an additional 3 years. The HRC also requested that in addition to reporting to it regularly, the IE should also report regularly to the General Assembly.

2020 A/HRC/RES/44/7 Human rights and climate change (<https://undocs.org/A/HRC/RES/44/7>)

The HRC called attention to the rights of older persons who are disproportionately affected by the negative impact of climate change. OHCHR submitted a report pursuant to that resolution - <https://undocs.org/A/HRC/47/46>

2021 A/HRC/RES/48/3 Human rights of older persons (<https://undocs.org/A/HRC/RES/48/3>)

The HRC called attention to a number of issues concerning older persons, **focusing on ageism**, age discrimination, violence and abuse, social protection, food and housing, right to work, access to justice, new technologies, life-long learning, health support long-term care and palliative care,

unpaid care work. The HRC took note of the report of the Independent Expert on **ageism** (<https://undocs.org/A/HRC/48/53>). It also requested that OHCHR prepare a report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons and organize a multistakeholder meeting to discuss that report.

2022 A/HRC/RES/51/4 Human rights of older persons (<https://undocs.org/A/HRC/RES/51/4>)

The Human Rights Council extended the mandate of the Independent Expert for an additional three years (May 2023 – May 2026)

2023 A/HRC/RES/54/13 Human rights of older persons (<https://undocs.org/A/HRC/RES/54/13>)

The HRC, taking note of the report of the Independent Expert on violence against and abuse and neglect of older persons (<https://undocs.org/A/HRC/54/26>), the report of the United Nations High Commissioner for Human Rights on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons (<https://undocs.org/A/HRC/49/70>), and the summary report of the multistakeholder meeting (<https://undocs.org/A/HRC/52/49>), and Decision 13/1 of the OEWGA <https://undocs.org/A/AC.278/2023/2>), requested the OHCHR to convene a meeting of human rights experts regarding violence against and abuse and neglect of older persons in all settings and submit the report to the Council at its 57th session. The report of the meeting of human rights experts, held on 13-14 June 2023, was submitted to the HRC at its 57th session (<https://undocs.org/A/HRC/57/36>).

It should be noted that older persons' issues are also sometimes addressed by other Special Procedures on topics such as human rights and extreme poverty, right of everyone to the enjoyment of the highest attainable standard of physical and mental health, rights of persons with disabilities, discrimination against women and girls, etc. See website of HRC Special Procedures (https://www.ohchr.org/en/ohchr_homepage).<https://www.ohchr.org/en/special-procedures-human-rights-council>

D. REPORTS BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

2012 E/2012/51 The United Nations High Commissioner for Human Rights submitted a report to the Economic and Social Council concerning the human rights situation of older persons, including through an analysis of existing international instruments and **gaps in the protection regime**. The High Commissioner concluded that "current arrangements at the national and international level to protect the human rights of older persons are inadequate. Dedicated measures to strengthen the international protection regime for older persons are called for without further delay. Member States should explore various measures, including a new dedicated international instrument, a new special procedure mandate under the auspices of the Human rights Council, and mainstreaming the human rights of older persons throughout existing mechanisms, policies and programmes." (<https://undocs.org/E/2012/51>).

2013 A/HRC/24/25 Pursuant to HRC resolution A/HRC/RES/21/23, the OHCHR report on the consultation on the promotion and protection of the human rights of older persons concluded that human rights should guide the policies developed to ensure that older persons enjoy a dignified life. (<https://undocs.org/A/HRC/24/25>)

2014 A/HRC/26/46 Pursuant to HRC resolution A/HRC/RES/24/25, the report of the 2014 Social Forum, which focused on the rights of older persons, was submitted to the HRC at its 26th session. One of the recommendations of the Social Forum was that Member States should commence work on drafting a legally binding human rights instrument that can facilitate efforts to respect, protect and fulfil the rights of older persons. (<https://undocs.org/A/HRC/26/46>)

2019 A/HRC/41/32 Pursuant to HRC resolution 39/18, the report on the OHCHR, UN system and regional organizations activities to support States' efforts to promote and protect the human

rights of older persons, concluded, *inter alia*, that technical cooperation and capacity-building play a critical role in enabling older persons to continue to contribute to society and in fulfilling the promise of leaving no one behind set out in the 2030 Agenda; and that a human rights - based approach would require a fundamental shift in the viewing of older persons as rights holders and active agents of change, rather than simply as vulnerable populations who need assistance and support (<https://undocs.org/A/HRC/41/32>).

2021 A/HRC/47/46 Pursuant to HRC resolution A/HRC/RES/44/7, the OHCHR report that examined the human rights impacts of climate change on older persons and the related commitments and obligations of States, highlighted the benefits of climate action by older persons, provided examples of promising practice and offered conclusions and recommendations, including, *inter alia*, the consideration by States and other stakeholders of adopting an international legal instrument protecting the human rights of older persons. (<https://undocs.org/A/HRC/47/46>).

OHCHR updated the 2012 Analytical Outcome study on the normative standards in international human rights law in relation to older persons, which was also made available to the Open Ended Working Group at its 11th session, but it was not discussed. (<https://social.un.org/ageing-working-group/documents/eleventh/OHCHR%20HROP%20working%20paper%202022%20Mar%202021.pdf>). Austria and Germany requested that it be in the programme of work for the OEWGA at its 12th session, 11-14 April 2022.

2022 A/HRC/49/70 Pursuant to HRC resolution A/HRC/RES/48/3, the OHCHR report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons made a number of recommendations to further strengthen and protect the enjoyment of all human rights by older persons. (<https://undocs.org/A/HRC/49/70>).

Pursuant to HRC resolution A/HRC/RES/48/3, OHCHR also convened a multi-stakeholder meeting on the human rights of older persons, that was held 29-30 August 2022.

2023 A/HRC/52/49 The summary report of the multi-stakeholder meeting was submitted to the HRC at its 52nd session. (<https://undocs.org/A/HRC/52/49>)

2024 A/HRC/57/36 Pursuant to HRC resolution 54/13, the OHCHR convened an expert meeting on the human rights obligations of States regarding violence against and abuse and neglect of older persons in all settings and submitted the report to the Council at its 57th session. (<https://undocs.org/A/HRC/57/36>)

E. INDEPENDENT EXPERT

Taking note of the report of the Secretary-General (A/67/188) which, *inter alia*, explored the key challenges faced by older persons in the enjoyment of their human rights, and the OHCHR reports E/2012/5 and A/HRC/24/25 (see above) the HRC in 2013 decided to appoint **an independent expert on the enjoyment of all human rights by older persons** to, *inter alia*, assess the implementation of existing international instruments with regard to older persons while identifying both best practices in the implementation of existing law related to the promotion and protection of the rights of older persons and gaps in the implementation of existing law (HRC resolution 24/20 - <https://undocs.org/A/HRC/RES/24/20>). The HRC also requested the IE to report annually to the Council and to present his/her first report at its twenty-seventh session, with a view to presenting a comprehensive report at its thirty-third session. The HRC further requested the Secretary-General to ensure that the reports of the Independent Expert are brought to the attention of the Open-Ended Working Group on Ageing.

The first Independent Expert was Rosa Kornfeld Matte (Chile) and her three-year term began in June 2014, which was renewed in 2016 and ended in May 2020. Her comprehensive report submitted to the HRC at its thirty-third session, A/HRC/33/44 (<https://undocs.org/A/HRC/33/44>) noted that “while the Madrid International Plan of Action contains a number of references to human rights, it is not a human rights instrument and it addresses ageing issues mainly from a development perspective. It has not been designed to comprehensively address existing protection gaps and is therefore not sufficient to ensure the full enjoyment of their human rights by older persons.”

The second Independent Expert is Claudia Mahler (Austria). Her three-year term began in June 2020. In its resolution A/HRC/RES/42/12 (<https://undocs.org/A/HRC/RES/42/12>) extending her mandate, the Human Rights Council also requested that in addition to reporting to it regularly, the Independent Expert should also report regularly to the General Assembly. Ms. Mahler's term as Independent Expert was extended to May 2026 by the HRC resolution A/HRC/RES/51/4 in 2022 (<https://undocs.org/A/HRC/RES/51/4>)

Reports of the Independent Experts are listed in annex IV.

F. OEWGA's KEY DISCUSSIONS

The United Nations Department of Economic and Social Affairs (Programme on Ageing Section) provided secretariat services to the Open-ended Working Group on Ageing (OEWGA), which included preparation of reports for the OEWGA's discussions, in collaboration with the Office of the High Commissioner for Human Rights.

The OEWGA, from its inception, convened panels to discuss ageing issues – **see annex I**. Each of its reports includes a Chair's summary (not a negotiated text). Subsequent actions taken by the General Assembly each year appear in Section B.

2011 At its first session (<https://undocs.org/A/AC.278/2011/4>), panel discussions addressed:

- a. setting the scene: existing international framework on the human rights of older persons
- b. setting the scene: existing regional framework or mechanisms on the human rights of older persons
- c. identification of existing gaps at the international level and measures to address them.

At its second session (<https://undocs.org/A/AC.278/2011/5>) panel discussions addressed:

- a. discrimination and multiple discrimination
- b. right to health of older persons
- c. violence and abuse against older persons
- d. social protection and older persons
- e. age and social exclusion of older persons
- f. identification of existing gaps at the international level and measures to address them

2012 At its third session (<https://undocs.org/A/AC.278/2012/1>) panel discussions addressed:

- a. age discrimination
- b. autonomy, independent living and health care
- c. life in dignity, social security and access to resources
- d. abuse and violence
- e. access to justice

2013 At its fourth session (<https://undocs.org/A/AC.278/2013/2>) panel discussions addressed:

- a. promotion and protection of the human rights and dignity of older persons: contributions from the second global review and appraisal of MIPAA
- b. update on multilateral processes
- c. social security and the right to health
- d. discrimination and access to work

Pursuant to General Assembly resolution 67/139 of 20 December 2012, the OEWGA at its fourth session received proposals for possible “**main elements**” that could be included in a convention, compiled on the basis of a survey conducted among Member States, civil society organizations and organizations of the United Nations system. **No agreement was reached on the way forward. See annex II** for list of possible elements for a convention. The OEWGA also received a presentation from the OHCHR on the compilation of existing international legal instruments, documents and programmes that directly or indirectly address the situation of older persons.

Announcement was made of the formation of a Group of Friends of Older Persons (Member State membership).

2014 At its 5th session (<https://undocs.org/A/AC.278/2014/2>), the OEWGA heard presentations by the Independent Expert and by the Chair and Rapporteur of the 2014 Social Forum of the Human Rights Council; and by the Special Adviser to the Secretary-General on Post-2015 Development Planning on the topic “Older persons and post-2015 agenda”. Panel discussions addressed:

- a. human rights and care of older persons
- b. violence and abuse against older persons
- c. planning for end-of-life care: legal and financial issues
- d. how to strengthen the rights of older persons through enhanced implementation of MIPAA

2015 At its 6th session (<https://undocs.org/A/AC.278/2015/2>) the OEWGA heard a presentation from the Independent Expert. Panel discussions addressed:

- a. recent policy developments and initiatives concerning the human rights of older persons
- b. recent legislative and legal developments and challenges in the human rights of older persons
- c. follow-up to General Assembly resolution 69/146: proposals and measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons
- d. older persons and human rights in the post-2015 development agenda.

The Chair of the OEWGA invited Member States to start working on the text of a legal instrument.

2016 At the 7th session (<https://undocs.org/A/AC.278/2016/2>), the OEWGA decided, pursuant to General Assembly resolution 70/163 of 17 December 2015 concerning **national institutions for the promotion and protection of human rights**, to invite national human rights institutions compliant with the Paris Principles (<https://undocs.org/A/RES/48/134>) to participate in its work.

The OEWGA heard a presentation from the Independent Expert. Panel discussions addressed:

- a. recent regional developments and initiatives concerning the human rights of older persons
- b. human rights dimensions concerning older persons in recent policy developments and initiatives in multilateral processes
- c. follow-up to General Assembly resolution 70/164 (<https://undocs.org/A/RES/70/164>) on measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action is needed.

At the same session, the Chair listed, on the basis of discussions, **14 issues** that “need to be better addressed by the international community in order to allow older persons to fully enjoy their human rights.” **See annex III.** The two focus areas selected for in-depth discussion by the OEWGA at its 8th session in 2017 were:

- a. equality and non-discrimination
- b. violence, neglect, and abuse

Member States, National Human Rights Institutes and NGOs were requested to submit inputs for those discussions, on the basis of specific guiding questions to be provided.

2017 At the 8th session (<https://undocs.org/A/AC.278/2017/2>) the OEWGA discussed equality and non-discrimination; and violence, neglect and abuse. Syntheses of the submissions were prepared by the Secretariat (UN/DESA/ Programme on Ageing Unit and OHCHR). Panellists, including the Independent Expert, were invited to discuss the issues.

It was decided that the two focus areas for discussion by the OEWGA at its 9th session would be:

- a. autonomy and independence
- b. long-term and palliative care

It was also decided that in addition to requesting substantive inputs for discussion, the Bureau would also call for “substantive inputs in the form of **normative content** for the development of a possible international standard on protection of the rights of older people to equality and non-discrimination and the right to live free from violence, neglect and abuse” for discussion.

2018 At the **9th session** of the OEWGA (<https://undocs.org/A/AC.278/2018/2>) panelists were again invited to discuss the two selected focus areas (autonomy and independence; long-term and palliative care) but there was **no panel convened to discuss the normative aspects** of equality and non-discrimination, and violence, neglect and abuse (discussed at 8th session). The Independent Expert participated in the panel discussion on autonomy and independence.

The OEWGA also decided on the next two issues to be discussed at its 10th session in 2019, namely:

- a. Social protection and social security (including social protection floors)
- b. Education, training, lifelong learning and capacity-building

At the same session, the Chair suggested that the OEWGA consider at its next session “*the possibility of concluding each session with concrete outcomes in order to capitalize on our deliberations and reflect our agreements with regard to each area affecting the enjoyment of human rights by older persons. Such outcomes could take many forms, such as agreed conclusions or decisions of the Working Group, which should be negotiated between governments and reflect any common points identified in the focus areas examined from a normative perspective.*”

2019 At the 10th session (<https://undocs.org/A/AC.278/2019/2>) reports on the syntheses of inputs received on the two “focus areas” as well as the “Normative inputs” were:

- A/AC.278/2019/CRP.2 (social protection and social security (including social protection floors)).
- A/AC.278/2019/CRP.3 (education, training, life-long learning and capacity-building)
- A/AC.278/2019/CRP.4 (Normative content for the development of a possible international standard on the focus areas “autonomy and independence” and “long-term and palliative care”).

The Independent Expert participated in the panel discussions on both focus areas.

See above reference to General Assembly resolution A/RES/74/125 in 2019, in which it requested the OEWGA to consider adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly.

2020 **The 11th session of OEWGA did not meet** because of COVID-19. However, informal consultations were held on proposed “intergovernmentally negotiated recommendations” but no agreement was reached. Some Member States insisted on a legal interpretation of the meaning of “to consider adopting at each session intergovernmentally negotiated recommendations” in terms of just discussing whether or not recommendations can be formulated for adoption, rather than actually adopting recommendations. The United Nations Legal Counsel provided a list of examples where “to consider adopting” referred to adoption of recommendations/decisions, certain measures etc., and not just considering whether or not recommendations can be formulated for adoption. The informal consultations did not proceed. No decision by the OEWGA in formal session has been taken on whether or not to proceed with consideration of intergovernmentally negotiated recommendations.

2021 The postponed 11th session was a virtual meeting (<https://undocs.org/A/AC.278/2021/2>). Reports on the synthesis of inputs received on the two “focus areas” as well as the “normative inputs” were:

- A/AC.278/2020/CRP.2 (Normative content for the development of a possible international standard on the focus areas “education, training, lifelong learning and capacity building” and “social protection and social security (including social protection floors”) discussed in 2019 (<https://undocs.org/A/AC.278/2020/CRP.2>)

- A/AC.278/2020/CRP.3 (right to work and access to the labour market) – (<https://undocs.org/A/AC.278/2020/CRP.3>)
- A/AC.278/2020/CRP.4 (access to justice) - (<https://undocs.org/A/AC.278/2020/CRP.4>)
- Update to the 2012 Analytical Outcome study on the normative standards in international human rights law in relation to older persons (Working paper prepared by the Office of the High Commissioner for Human Rights, March 2021) was also made available to OEWGA 11 (<https://social.un.org/ageing-working-group/documents/eleventh/OHCHR%20HROP%20working%20paper%202022%20Mar%202021.pdf>).

The Working Paper **was not discussed**. Austria and Germany requested that it be discussed at OEWGA12 (11-14 April 2022). Different views were expressed, but no decision was taken.

The Independent Expert participated in the discussions on the impact of COVID-19 on older persons.

The Chair's summary referred to divergent views on Argentina's proposal to convene an intersessional "contact group" to continue discussions, but no decision one way or the other was recorded.

The Chair's Summary also made a reference to the "divergent views" concerning the General Assembly's request to the OEWGA to consider adopting at each session intergovernmentally negotiated recommendations. But there was no decision recorded as to whether the OEWGA would comply with the General Assembly's request or not.

2022 At the 12th session of the OEWGA (<https://undocs.org/A/AC.278/2022/2>), reports on the syntheses of inputs received on "Normative inputs" and the two "focus areas" were:

- A/AC.278/2022/CRP.2 (Normative content for the development of a possible international standard on the focus areas "right to work and access to the labour market" and "access to justice" discussed in 2021 <https://undocs.org/A/AC.278/2022/CRP.2>)
- A/AC.278/2022/CRP.3 (Contribution of older persons to sustainable development (<https://undocs.org/A/AC.278/2022/CRP.3>)
- A/AC.278/2022/CRP.4 (economic security) (<https://undocs.org/A/AC.278/2022/CRP.4>)

Some delegations commended the document prepared by the OHCHR, "Update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons" (see above 11th session of the OEWGA). Some delegations also referred to the most recent report (A/HRC/49/70) presented by OHCHR at the 49th session of the HRC and stressed the relevance of the findings therein.

The Independent Expert participated in the panel discussions on normative standards for right to work and access to the labour market, and access to justice; and on the focus area "contributions of older persons to sustainable development".

The report of OEWGA referred to the establishment of a cross-regional informal core group to work during the intersessional period with the main objective of preparing a draft decision to be submitted for the consideration of the Working Group at its thirteenth session in 2023. "The draft decision could contain a proposal for the establishment of an intersessional Working Group with the objective of preparing and presenting a draft text determining the main gaps in the international human rights system for older persons, which would be the basis for the further negotiations of instruments and measures to close these gaps by Member States and Observers in the Working Group."

2023 At the 13th session of the OEWGA (<https://undocs.org/A/AC.278/2023/2>) reports on the syntheses of inputs received for "Normative inputs" and for the two "focus areas" were:

- A/AC.278/2023/CRP.2 (Normative content for the development of a possible international standard on the focus areas "Contribution of older persons to sustainable development"; and "Economic security" discussed in 2022) (<https://undocs.org/A/AC.278/2023/CRP.2>)

- A/C.278/2023/CRP.3 (Right to health and health services) (<https://undocs.org/A/AC.278/2023/CRP.3>)
- A/C.278/2023/CRP.4 (Social inclusion) (<https://undocs.org/A/AC.278/2023/CRP.4>)

The Independent Expert participated in the panel discussions on normative inputs for the two focus areas “contribution of older persons to sustainable development” and “economic security”, as well as in the interactive discussion on strengthening the promotion and protection of the human rights of older persons.

Decision 13/1: The OEWGA adopted decision13/1 that requested the Chair to appoint two Co-Facilitators, one from a developed country and one from a developing country 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, and invited the co-facilitators to conduct open, transparent and inclusive informal intergovernmental meetings between the thirteenth and fourteenth sessions of the Working Group, with all States Members of the United Nations, members of the specialized agencies, and observers in the General Assembly, and to collaborate with national human rights institutions and non-governmental organizations and the Independent Expert of the Human Rights Council on the enjoyment of all human rights by older persons, within her mandate, during the process. The OEWGA also requested the co-facilitators to submit proposed intergovernmental negotiated recommendations to be considered at the fourteenth session of the Working Group and to be presented for consideration by the General Assembly, in accordance with resolution 77/190, regarding the existing international framework of the human rights of older persons and possible gaps, and options on how best to address them.

Brazil and Portugal were appointed as Co-Facilitators and convened three briefings to address possible gaps and options on how best to address them:

- 12 July 2023 – briefing by Independent Expert on the enjoyment of all human rights by older persons, and members of human rights treaty bodies.
- 8 September 2023 – briefing by UN Department of Economic and Social Affairs; OHCHR, UN Resident Coordinator in Serbia, World Health Organization.
- 20 November 2023 – briefing by National Human Rights Institutions (NHRIs), NGOs.

The Co-Facilitators also sent a **questionnaire** to Member States, NHRIs and NGOs to facilitate 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. (https://social.un.org/ageing-working-group/intersessional_events.shtml)

On the basis of the briefings, responses to the questionnaire (https://social.un.org/ageing-working-group/intersessional_responses.shtml) and findings from reports submitted to the OEWGA, the Co-Facilitators submitted proposed intergovernmental negotiated recommendations for consideration of the OEWGA at its fourteenth session (11-14 April 2024).

2024 At the 14th session of the OEWGA (<https://social.un.org/ageing-working-group/fourteenthsession.shtml>) reports on the syntheses of inputs received for the two “focus areas” were:

- A/C.278/2024/CRP.2 (normative content for the development of a possible international standard on the previous two focus areas “Right to health and access to health services” and “social inclusion”) (<https://undocs.org/A/AC.278/2024/CRP.2>)
- A/AC.278/2024/CRP.3 (“Accessibility, infrastructure and habitat (transport, housing and access”) (<https://undocs.org/A/AC.278/2024/CRP.3>)
- A/AC.278/2024/CRP.4 (“Participation in public life and in decision-making processes”) (<https://undocs.org/A/AC.278/2024/CRP.4>)

The Independent Expert participated in the interactive discussion on accessibility, infrastructure and habitat (transport, housing and access).

Following submission by the Co-Facilitators of intergovernmentally negotiated recommendations, the OEWGA adopted Decision 14/1 on Recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them, as presented by the Co-Facilitators following intergovernmental negotiations. See above reference to General Assembly resolution 78/324 on OEWGA Decision 14/1, in section B.

Website for all sessions of the OEWGA and all documentation:
<https://social.un.org/ageing-working-group/>

NOTES:

It should also be noted that this document does not include listing of documents submitted by Member States and civil society to the discussions of each session of the OEWGA. Over 900 documents have been submitted to the OEWGA for its deliberations. All documents can be found for each session of the OEWGA on its website: <https://social.un.org/ageing-working-group/>

Other documents and information on the work of the United Nations Department of Economic and Social Affairs/Programme on Ageing Section can be found: <https://www.un.org/development/desa/ageing/>

For all documents and information on the work of OHCHR on human rights of older persons, see:
<https://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>

ANNEXES

- Annex I: Topics discussed by the OEWGA.
- Annex II: Main elements, presented to fourth session of OEWGA (2013).
- Annex III: List of specific issues proposed for discussion (OEWGA report on its 7th session in 2016).
- Annex IV: Reports of the Independent Experts
- Annex V Why we need a convention(Flyer)

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Annex 1

TOPICS DISCUSSED BY THE OEWGA

Setting the scene: existing international framework on the human rights of older persons	1 st session
Setting the scene: existing regional framework or mechanisms on the human rights of older persons	1 st session
Identification of existing gaps at the international level and measures to address them	1 st session
Age and social exclusion, social inclusion of older persons	2 nd session, 13 th
Identification of existing gaps at the international level and measures to address them	2 nd session
Violence and abuse against older persons	2 nd , 3 rd , 5 th , 8 th , 9 th sessions
Social security; social protection	2 nd , 4 th , 10 th sessions
Health	2 nd , 13 th , 14 th
Age discrimination	2 nd , 3 rd , 8 th sessions
Autonomy, independent living and health care	3 rd , 9 th , 10 th sessions
Life in dignity, social dignity and access to resources	3 rd session
Access to justice	3 rd session, 11 th session
Human rights dimensions concerning older persons in recent policy developments and initiatives in multilateral processes	4 th session, 7 th session,
How to strengthen the rights of older persons through enhanced implementation of MIPAA	4 th , 5 th sessions
Human rights and care of older persons	5 th , 9 th , 10 th sessions
Planning for end-of-life care: legal and financial issues	5 th , 9 th , 10 th sessions
Regional developments and initiatives concerning the human rights of older persons	6 th session, 7 th , 8 th sessions
Recent legislative and legal developments and challenges in the human rights of older persons	6 th session

Follow-up to resolution 69/146: Proposals and measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons	6 th session,
Older persons and human rights in the post 2015 development agenda	6 th session, 12 th , 13 th
Follow-up to resolution 70/164 on measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action is needed.	7 th session
Equality and non-discrimination	8 th , 9 th sessions
Long-term and palliative care	9 th , 10 th sessions
Life-long learning	10 th , 11 th sessions
Right to work	4 th , 11 th sessions
Economic security	12 th , 13 th sessions
Contribution of older persons to sustainable development	12 th 13 th sessions
Participation in the public life and in decision-making process	14 th session
Accessibility, infrastructure and habitat (transport, housing and access)	14 th session
Participation of the Independent Expert (Rosa Kornfeld Matte) • Reports (see annex IV)	5 th , 6 th , 7 th , 8 th , 9 th sessions,
Participation of the Independent Expert (Claudia Mahler) • Reports (see Annex IV)	10 th , 11 th , 12 th , 13 th , 14th sessions

Annex II

“MAIN ELEMENTS”

(In response to **General Assembly resolution 67/139, of 20 December 2012**, in which the General Assembly requested the Working Group to present to the General Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection”, **31 Member States, 36 civil society organizations and 4 organizations of the United Nations responded to the General Assembly request. Responses were made available at OEWGA, 4th session, held 12-15 August 2013 – see A/A.278/2013/2, page 17. (<http://social.un.org/ageing-working-group/fourthsession.shtml>)**

1. General principles

- Dignity
- Independence
- Autonomy
- Equity
- Gender equality
- Non-discrimination
- Accessibility
- Empowerment
- Self-realization
- Intergenerational solidarity
- Respect for diversity and difference
- Participation and integration

2. Economic empowerment of older persons

- Right to an adequate standard of living, including food, water, housing and clothing
- Right to access to work
- Right to social protection, financial security and social assistance
- Right to access to credit, establishment of business, income generating activities
- Right to ownership of property
- Right to education and training

3. Social and civic participation

- Right to accessibility
- Right to information
- Right to legal services
- Right to judicial protection and equality before the law
- Right to public and political life
- Right to social and cultural life/recreation and sport
- Right to freedom of association

4. Health

- Right to access care and long-term care
- Right to health care and mental health
- Right to vital drugs
- Right to social services

5. Dignity

- Right to respect for privacy
- Right to freedom from abuse and violence
- Right to physical security
- Right to end of life, to life and dignified death

6. Diversity

- Rights of subgroups such as indigenous people, prisoners, disabled older persons, older women and migrants

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**Annex III: List of specific issues proposed for discussion
(OEWGA report on its 7th session in 2016)**

(After the topics are discussed, they are also addressed in the following year in the context of “normative elements” for the development of a possible international standard.)

- 2017** Equality and non-discrimination (discrimination on the basis of age)
Neglect, violence and abuse (ageism)
- 2018** Autonomy and independence
Long-term and palliative care
- 2019** Social protection and social security (including social protection floors)
Education, training, lifelong learning and capacity-building
- 2020** No meeting because of Covid-19 pandemic
- 2021** Right to work and access to the labour market
Access to justice
- 2022** Economic Security
Contribution of older persons to sustainable development
- 2023** Right to health and access to health services
Social inclusion
- 2024** Accessibility, infrastructure and habitat (transport, housing and access)
Participation in the public life and in decision-making processes

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Annex IV. Reports of the Independent Experts

A. Reports of the Independent Experts:

<https://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/Reports.aspx>

a. Rosa Kornfeld-Matte, May 2014 - May 2020

- **2014** Enjoyment of all human rights by older persons (<https://undocs.org/A/HRC/27/46>)
- **2015** Autonomy and care of older person (<https://undocs.org/A/HRC/30/43> and addenda 1-3 on countries visited : Mauritius, Austria, Slovenia)
- **2016** Comprehensive report (<https://undocs.org/A/HRC/33/44>)
- **2017** Robots and rights: the impact of automation on the human rights of older persons (<https://undocs.org/A/HRC/36/48> and addenda 1-2 on countries visited: Singapore, Namibia).
- **2018** Social exclusion: concepts, manifestations and the impact on the human rights of older persons (<https://undocs.org/A/HRC/39/50> and addenda 1-2 on countries visited: Georgia, Montenegro)
- **2019** Human rights of older persons in emergency situations (<https://undocs.org/A/HRC/42/43> and addenda 1-2 on countries visited: Uruguay and Mozambique.
- **2020** Countries visited: China and New Zealand (<https://undocs.org/A/HRC/45/14> and addenda 1-2)

b. Claudia Mahler, 20 May, 2020 – May 2026)

- **2020** - Human rights of older persons: the **data gap** conundrum (<https://undocs.org/A/HRC/45/14>)
- Impact of the coronavirus disease (**COVID-19**) on the enjoyment of all human rights by older persons (<https://undocs.org/A/75/205>)
- **2021** - Human rights of **older women** (<https://undocs.org/A/76/157>)
- Ageism (<https://undocs.org/A/HRC/48/53>)
- **2022** - Older persons and the right to **adequate housing** (<https://undocs.org/A/77/239>)
- Older person **deprived of liberty** (<https://undocs.org/A/51/27>)
- Visit to Finland (<https://undocs.org/A/51/27/Add.1>)
- **2023** - Rights of older persons in the context of **climate change-induced disasters** and how to build forward more equally (<https://undocs.org/A/78/226>)
- **Violence against and abuse and neglect of older persons** (<https://undocs.org/A/HRC/54/26>)
- Countries visited: Nigeria (<https://undocs.org/A/HRC/54/26/Add.1>); Bangladesh (<https://undocs.org/A/HRC/54/26/Add.2>) and the Dominican Republic (<https://undocs.org/A/HRC/54/26/Add.3>)
- **2024** - Future generations of older persons (<https://undocs.org/A/79/167>)
- Legal capacity and informed consent (<https://undocs.org/A/HRC/57/42>)
- Country visited: Peru (<https://undocs.org/A/HRC/57/42/Add.1>)



WHY WE NEED A LEGAL INSTRUMENT TO PROMOTE AND PROTECT THE RIGHTS OF OLDER PERSONS

- There are **gaps** in protection of older persons in existing human rights standards and laws.
- "Age" is not recognized as a category of **discrimination** – unlike gender, race, ethnicity, language, religion.
- Age discrimination and **ageism** are widely tolerated throughout the world.
- Older persons are often treated as subjects or objects of welfare instead of as **rights holders**
- Older persons are often **vulnerable to deprivation and exclusion**, disproportionately during times of crisis.
- Single most pressing challenge to the welfare of older persons is **poverty**, characterized by homelessness, malnutrition, unattended chronic diseases, lack of access to safe drinking water and sanitation, unaffordable medicines and treatments, income insecurity.
- Older persons are at higher risk of **abuse and violence** – physical, verbal, sexual, psychological or financial – and the consequences are often more severe.
- Respect for older persons' rights also **benefits society** as a whole.

Everyone should grow old and prosper with dignity !!

WHAT IS THE ADDED VALUE OF A SPECIFIC CONVENTION TO PROTECT AND PROMOTE THE RIGHTS OF OLDER PERSONS?

A new, legally binding instrument (a convention) would bring **clarity** to both the nature of older persons' rights and the responsibilities necessary to protect them (think of specific conventions for children, women and persons with disabilities, which have made a **HUGE** difference to their lives and to society as a whole, around the world).

A convention on the rights of older persons would, among other things:

- **View older persons as rights-holders.**
- **Codify the rights** of older persons in one single document, recognizing the specific challenges related to ageing and serving as a tool for both empowerment and protection.
- **Establish** a common, global understanding of definitions and minimum standards of practice.
- **Act as an anti-discriminatory tool** to challenge prevailing negative stereotypes about old age.
- Require governments to **collect data, develop indicators, establish laws and policies, develop programmes** that take into account the rights and concerns of older persons.
- Improve **State accountability and transparency** with respect to actions taken for older persons, including with their active participation.
- **Raise public awareness** in respect of older persons' rights.
- **Create societies and environments for all ages, where older persons are also able to contribute, prosper and enjoy their rights.**

References: OHCHR, United Nations, GAROP, HAI, IFA, INPEA, "The rights of older persons; protection and gaps under human rights law", by Marthe Fredvang and Simon Biggs, August 2012.