

[The 17th Talking about the Human Rights of Older Persons]

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1. Presentation: Ageism, Intersectionality, and Human Rights of Older Persons

☐ Ageism and Intersectionality

- Intersectionality of Ageism: Ageism intersects with discrimination based on poverty, disability, gender, and mental health, impacting older persons' human rights in every level, from individual to societal.
- Life Course and Rights-Based Approach: There is a need to address the issues faced by older persons through a life course and rights-based approach that recognizes the heterogeneity of the older population and treats older persons as subjects of rights rather than mere beneficiaries of charity.
- Development of Human Rights Mechanisms: An international framework for the human rights of older persons must be strengthened, and states have an obligation to respect, protect, and implement appropriate measures for the human rights of older persons.
- Need for an International Convention: The 1948 Universal Declaration of Human Rights does not include age as a factor for human rights protection, and the absence of conventions specifically addressing the human rights of older persons creates a gap in human rights protection, making such conventions essential.

☐ International Human Rights Mechanisms:

- UNHCR: Meets three times a year in Geneva, where 47 member countries discuss global human rights issues, including women's rights and the rights of persons with disabilities.
- Treaty Bodies:
 1. Conventions signed by governments create binding obligations, requiring

ratification by national parliaments to become national law. Once the minimum ratifications are met, a committee of experts monitors implementation and countries report every 4-5 years for recommendations.

2. Nine major conventions address various groups like women, children, and persons with disabilities. Conventions fill gaps left by the ICCPR and ICESCR but do not specifically cover older persons' rights, which remains an area of ongoing advocacy.

- Universal Periodic Review (UPR): Every 4-5 years, all countries undergo a review, reporting on human rights issues. Three member states compile the report and recommendations. Governments often prefer peer review over expert reviews. Despite progress, older persons' rights are often overlooked.
- Special Procedures: Include independent experts and special rapporteurs working on various issues. There is an independent expert focused on the rights of older persons.
- Regional Mechanisms: Some regions have adopted frameworks for older persons, such as the Inter-American Convention (2015) and the African Protocol (2023). However, Asia lacks such a convention, and many European recommendations, like those on long-term care, remain non-binding.

☐ **Challenges in Protecting the Rights of Older Persons:**

- Lack of Agreed International Standards: Existing conventions cover broad groups but do not specifically address older persons.
- Data Gaps: Insufficient age-disaggregated data fails to capture the diverse needs of older populations, especially in lower-income regions.
- Uneven Coverage by UN Human Rights Mechanisms: Existing mechanisms do not consistently address older persons' rights.
- Disconnect Between MIPAA, National Policies, and Human Rights Mechanisms: National aging policies often do not align with international human rights mechanisms, leaving older persons overlooked.

☐ **Efforts of the International Community to Promote the Human Rights of Older Adults**

- OWEGA (Open-ended Working Group on Aging)
 1. Was established in 2010 to analyze how existing human rights mechanisms address older persons' rights and assess the feasibility of an instrument.
 2. Since the first meeting in 2011, there has been ongoing disagreement among governments regarding the necessity of a convention up to the 14th meeting; however, in 2024, there has been progress in recognizing the need to develop a legally binding convention.
 3. In August 2024, General Assembly resolution was adopted that incorporated the decisions made by the Open-ended Working Group to develop a convention for the rights of older persons. The Open-ended Working Group fulfilled its mandate and ceased to exist.
- Advancements by the Human Rights Council:
 1. Mandate of Independent Expert was established in 2013, and the role includes country visits, thematic reports on issues like ageism
 2. In 2021 resolution, ageism was officially included in human rights language, 2023 resolution addressed violence, abuse, and neglect, focusing on legal obligations of member states.
 3. There is a hope for the Human Rights Council to establish a working group to draft a legally binding instrument for older persons' rights in upcoming session in March 2025, and to initiate discussions on the scope, language, topics, and drafting methods of the instrument.
- Civil Society: Civil society plays a direct role in the Human Rights Council, participating in discussions, proposing resolutions, and lobbying governments to include older persons in reports and resolutions.

☐ **The Role of a Convention**

- Establish universal norms and standards
- Help states adopt non-discriminatory laws and eliminate ageism
- Focus on multiple forms of discrimination faced by older persons
- Provide a platform for advocacy and increase public awareness

- Potentially increase funding for programs supporting older persons
- Establish reporting and accountability mechanisms

2. Questions and Answers

- Q1: Will there be a body to take over OWEGA's role?
- A1: OWEGA has never had the mandate to draft a convention. Its role has been to analyze gaps in the protection of the human rights of older persons and assess the feasibility of a convention. It is hoped that the Human Rights Council in Geneva will adopt a resolution to establish a working group tasked with drafting a convention. A resolution to establish an intergovernmental group in Geneva is expected to be adopted by March, paving the way for the drafting process to begin in 2026. The ultimate goal is to establish a working group dedicated to drafting a convention on the rights of older persons.
- Q2: What challenges exist in developing a convention, and will progress in Geneva be faster than in New York?
- A2: Developing a convention will take several years, but this process will not start from scratch. It will build on the evidence base established over the past 14 years of discussions, including contributions from the Open-ended Working Group on Ageing and independent experts. It is crucial to draft the convention in a way that ensures fundamental rights, such as independent living for older persons, are not compromised. This process requires in-depth discussions, consultations with stakeholders, and the active participation of civil society. Although the process may be slow, these steps are essential to creating a comprehensive and inclusive convention.