

Summary of the 22nd Roundtable with Professor Zvezdan Pirtošek, the UN Independent Expert on the enjoyment of all human rights by older persons

The 22nd ASEM Roundtable with Experts on the Human Rights of Older Persons was held with Professor Zvezdan Pirtošek (Professor of Neurology at the Faculty of Medicine, University of Ljubljana, Slovenia), the United Nations Independent Expert on the enjoyment of all human rights by older persons (hereinafter “UN Independent Expert”), as the invited guest. The meeting brought together representatives from the ASEM Global Ageing Center (AGAC), the National Human Rights Commission of Korea (NHRCK), academia, and civil society to share recent international developments concerning the human rights of older persons, discuss progress toward the enactment of a Framework Act on the Human Rights of Older Persons in the Republic of Korea, and explore directions for future international cooperation.

In his opening remarks, AGAC Executive Director Suh Chung-ha explained that the roundtable provided an opportunity to review recent international developments concerning the human rights of older persons and to share Korea’s experiences and challenges. He noted that the meeting was intended to facilitate an open exchange of views on the current situation and challenges of the human rights of older persons in Korea, while also discussing international priorities and future directions for advancing their rights from the perspective of the UN Independent Expert.





A Rights-Based Approach to the Human Rights of Older Persons and Changes in the International Landscape

UN Independent Expert Pirtošek explained that international discussions on the human rights of older persons have reached an important turning point. In July, the first substantive session of the Intergovernmental Working Group (IGWG) tasked with elaborating a legally binding international instrument on the human rights of older persons was held in Geneva. He noted that the focus of discussions is now shifting beyond the question of whether older persons require specific protection toward determining which rights should be guaranteed, what obligations should be imposed on States, and how those rights and obligations can be effectively implemented.

He further pointed out that although older persons already enjoy all universal human rights, age is often insufficiently visible in laws, policies, and monitoring frameworks. Because protections for older persons are dispersed across various systems—including social welfare, health, employment, disability, and care—older persons may receive services without being recognized as rights-holders, or may formally possess rights without being able to exercise them effectively.

Dr. Pirtošek also noted Korea's traditional culture of respect for older persons. He stressed, however, that respectful language and cultural traditions alone are insufficient if poverty, involuntary retirement, loneliness, and restrictions on self-determination in care facilities persist. Respect for older persons, he emphasized, must be translated into rights that can be meaningfully exercised in practice.

Ageism, Autonomy, and Self-Determination of Older Persons

Dr. Choi Sung Jae (Chairperson of AGAC Board of Directors, Professor Emeritus of Seoul National University) identified ageism as one of the fundamental causes of human rights violations against older persons. He emphasized the need not only to raise public awareness of ageism but also to provide education grounded in scientific evidence so that people of all generations, from children to older persons, can develop an accurate understanding of ageing and age.

In response, Dr. Pirtošek explained that one distinctive feature of ageism compared with other forms of discrimination is that everyone, if they live long enough, will eventually become an older person. He also noted that ageism can be internalized by older persons themselves, making it particularly difficult to recognize and overcome.

He explained that ageism may be embedded even in actions that appear well-intentioned — for example, when a healthcare professional treats an older patient kindly but directs questions about the patient's condition to their children rather than to the patient. He also noted that regarding poverty or illness in later life as inevitable, or restricting access to employment and insurance on the basis of age, may constitute forms of structural ageism.

Dr. Pirtošek particularly emphasized that needing support should not be equated with losing autonomy. Even when older persons require assistance with communication, mobility, financial management, care, or decision-making, they remain the agents of their own lives. A diagnosis of cognitive impairment should not automatically be regarded as a loss of decision-making capacity. As decision-making capacity may vary depending on the circumstances and the particular decision at hand, adequate support should be provided to enable older persons to identify and express their will and preferences.

He further explained that this rights-based approach should also apply to long-term care and caregiving. Older persons should, to the greatest extent possible, be able to decide where and with whom they live, consent to or refuse care, maintain relationships and privacy, and challenge unjustified restrictions or treatment. He noted that involuntary institutionalization, physical restraints, and the use of medication for convenience should likewise be examined from the perspectives of liberty, dignity, and physical and mental integrity.

Enacting a Framework Act and Ensuring the Effective Protection of Rights

Former AGAC Executive Director Dr. Lee Hye Kyung (Co-Chairperson of Supporters of the Human Rights of Older Persons, Professor Emerita of Yonsei University) explained the process and background behind AGAC's efforts to promote the enactment of a Framework Act on the Human Rights of Older Persons. AGAC has held a series of forums with approximately 100 Korean experts on ageing and policies for older persons, discussing a broad range of human rights issues including poverty, loneliness, gender, and social justice. Through these discussions, AGAC recognized that Korean society has tended to view issues concerning older persons primarily through the lens of welfare policy, while a human rights-based perspective remains insufficiently developed.

To bring about a paradigm shift in policies concerning older persons, AGAC therefore began advocating for a Framework Act on the Human Rights of Older Persons. A working group of experts prepared a draft bill, after which a coalition with civil society organizations was formed and a legislative petition was submitted to the National Assembly. Lee emphasized that the central purpose of the Framework Act is to recognize older persons not merely as recipients of support or protection, but as equal citizens and rights-holders.

Attorney Seo Chaewan (Lawyers for a Democratic Society) identified several challenges encountered in developing the Framework Act. Information on actual cases of human rights violations against older persons is dispersed across multiple institutions and procedures, making systematic collection difficult. She also explained that further discussion is needed on whether specific rights, such as the right to work, should be explicitly stipulated in greater detail or whether, given the nature of a framework act, greater emphasis should be placed on procedural mechanisms such as human rights impact assessments and governance structures.

Mr. Seo further noted that government authorities have argued that a separate framework act may not be necessary because the individual rights of older persons are already addressed under various existing laws. Against this background, she stressed the need to develop a more persuasive rationale for why a dedicated Framework Act on the Human Rights of Older Persons is necessary.

In response, Dr. Pirtošek emphasized that merely declaring rights in legislation is insufficient.

An effective legal framework requires clearly defined responsibilities, coordination among government ministries, realistic budgets and implementation timelines, disaggregated data, human rights impact assessments, independent monitoring, accessible remedies, and the continuous participation of older persons.

Dr. Lee similarly stressed that enactment of the Framework Act should not be regarded as the end goal. Even after its enactment, amendments to related legislation, adequate budget allocation, policy monitoring, and sustained legislative advocacy will be necessary. She therefore highlighted the importance of expanding opportunities for continued engagement by experts and civil society advocates working on the human rights of older persons.

Complementarity Between a UN Convention and Domestic Legislation

Dr. Pirtošek explained that Korea's proposed Framework Act and a future UN convention on the human rights of older persons could play mutually reinforcing roles. An international convention could provide a common legal language, define State obligations, and establish international monitoring standards, while domestic legislation could translate those standards into concrete institutions, budgets, procedures, and remedies.

Ms. Baek Ga-yoon (NHRCK) noted that participation by governments and civil society from the Asia-Pacific region was relatively limited at the first meeting of the UN Intergovernmental Working Group. Given that a large proportion of the world's older population lives in the region, she stressed the need to increase the active participation of Asia-Pacific governments and civil society organizations, particularly as understanding of and interest in a rights-based approach to ageing remain insufficient.

Ms. Baek also proposed that discussions on an international convention should more explicitly address intersectional discrimination experienced by older women, migrants, persons with disabilities, LGBTQ+ persons, and other groups. Rather than treating older persons as a homogeneous group, she emphasized the importance of recognizing the multiple and intersecting forms of discrimination experienced by diverse groups of older persons.

Participants agreed that, as Korea was a co-sponsor of UN Human Rights Council Resolution 58/13, it should play a more active role in future discussions of the Intergovernmental Working Group. Dr. Pirtošek observed that Korea could provide an important example for the

internajonal community given both the excepjonally rapid pace of its transijon to a super - aged society and its ongoing efforts to establish a legal framework for the human rights of older persons.

Digital Transformation and Emerging Human Rights Challenges

Dr. Pirtošek noted that digital technologies can improve older persons' access to services, safety, and social connectedness, but may also create new forms of exclusion. He therefore emphasized that essenjal services should not be provided exclusively through digital channels and that alternajve means of access should remain available to older persons.

He also stressed that automated decision-making systems should be transparent, open to challenge by affected individuals, and subject to appropriate human oversight. In parjular, algorithmic assessments of efficiency or safety should not override the informed will and preferences of older persons.

Ms. Baek similarly pointed out that issues concerning older persons and the digital divide need to be adequately reflected in internajonal discussions on new technologies and human rights. She further proposed mainstreaming the human rights of older persons across various UN human rights mechanisms, including special procedures, treaty bodies, and the Universal Periodic Review (UPR), rather than limijng the issue to discussions on a dedicated convenjon.

Challenges in the Practical Implementation of Rights

Mr. Cho Hyun-se, Chairperson of HelpAge Korea, shared experiences related to human rights monitoring in long-term care facilijes. He noted that while the inclusion of human rights indicators in evaluajons of long -term care facilijes is a posijve developmen t, the establishment of such indicators alone is unlikely to result in meaningful improvements in human rights. Where human resources, facilijes, and financial resources are limited, addijonal funding and resources are needed to ensure that human rights standards can be implemented effecjvely.

Mr. Cho also shared HelpAge Korea's experience in providing cash assistance to vulnerable older persons in countries including Cambodia, Myanmar, and the Philippines. He explained that in low-income countries, insufficient infrastructure—including limited access to bank

accounts, financial institutions, and online financial services —can make even the direct delivery of cash assistance to older persons in vulnerable communities difficult.

He noted that establishing pension or income security schemes in law and policy is therefore distinct from implementing them effectively in practice. Given differences in institutional and economic conditions and implementation capacities among countries, he stressed that these practical realities should also be taken into account when advancing the human rights of older persons internationally.

International Cooperation and Future Priorities

Ms. Na Young-jae (NHRCK) explained that the NHRCK has led the Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing since 2016 and emphasized the need for more systematic cooperation between the UN Independent Expert and national human rights institutions. Drawing on examples from the field of climate change, where special procedures and national human rights institutions undertake joint research and discussions, she proposed similar cooperation on the human rights of older persons through joint research, data collection, and regular consultations.

She also proposed inviting Dr. Pirtošek to meetings of the GANHRI Working Group on Ageing to discuss not only the proposed international convention but also a broader range of human rights issues affecting older persons.

Dr. Lee Dong-woo, Head of the Older Persons' Human Rights Team at the NHRCK, observed that the discussion reaffirmed that issues concerning the living conditions, human rights protection, autonomy, dignity, and self-determination of older persons are not unique to Korea but are shared challenges for the international community. He also requested the Independent Expert's continued interest and advice so that the proposed Framework Act could develop in a manner consistent with international human rights standards.

Dr. Pirtošek explained that his visit to Korea was an academic visit rather than an official country visit, and that he was therefore not in a position to formally assess a specific Korean bill or comment on its individual provisions in his official capacity. He nevertheless proposed exploring the possibility of an official country visit by the UN Independent Expert in consultation with the Korean government.

He explained that an official country visit would provide an opportunity to meet with a broad range of stakeholders, including government ministries, the NHRCK, civil society, and older persons themselves, and to prepare an official report based on consultations and an assessment of the situation for presentation to the international community. Given Korea's rapid population ageing and ongoing efforts to enact a Framework Act on the Human Rights of Older Persons, he noted that such a visit could provide an important opportunity to advance discussions on the human rights of older persons both domestically and internationally.

Overall, the roundtable underscored the need for policies concerning older persons to shift from protection to participation, from welfare and benevolence to rights, and from approaches dependent on goodwill to those grounded in clear accountability on the part of the State and society. Participants also emphasized the importance of ensuring that Korea's efforts to enact a Framework Act and international efforts to develop a UN convention evolve in mutually reinforcing ways, and that sustained cooperation among governments, national human rights institutions, civil society, and international organizations enables Korea's experience to contribute to the advancement of the human rights of older persons across the Asia-Pacific region and the international community.