**INFORMAL CONTRIBUTION**

We deliver this informal contribution to the **Multi-stakeholder meeting on the human rights of older persons** held at the Human Rights Council on 29 and 30 August 2022 on behalf of Argentina, Austria, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Montenegro, Namibia, North Macedonia, Panama, the Philippines, Portugal, Serbia, Slovenia, Thailand, Turkey and Uruguay.

Ageing and the Human Rights of Older Persons have been addressed for many decades in the international arena, leading to some significant achievements such as the UN Principles for older persons (1991), the Madrid International Plan of Action on Ageing (2002), the ongoing work of the Open-Ended Working Group for the purpose of strengthening the protection of the human rights of older persons (2010), the creation of the mandate of the UN Independent Expert on the enjoyment of all human rights by older persons (2013) and the UN Decade of Healthy Ageing (2021-2030). Gradually, a wider and better understanding of the rights-based approach towards ageing is being developed.

However, throughout the past years and especially during the global COVID-19 pandemic, the evidence has shown that the existing international human rights system offers inadequate protection of the rights of older persons.

The UN High Commissioner for Human Rights has concluded that the current international framework provides fragmented and inconsistent coverage of the human rights of older persons in law and practice and that there is a need to move expeditiously towards developing and adopting a coherent, comprehensive and integrated human rights framework on older persons, while further integrating older persons’ concerns into the work of existing mechanisms.[[1]](#footnote-1)

We, the Member States, in collaboration with civil society, NHRIs, the UN and older persons themselves, must find a way to address the gaps and inconsistencies through an international legal instrument, an international convention on the human rights of older persons.

This informal contribution gathers some of the main points a convention on the rights of older persons should include. It does not represent a comprehensive compilation but aims to offer the elements for further discussions.

**Flexible and dynamic definition of older persons**

Ageing and the different stages of life, although correlated with biological processes, are socially determined. Understanding age as a social construct guides human rights discourse on ageing by underlining the agency, autonomy and independence of older persons.[[2]](#footnote-2) There is no specific age at which a person can or is likely to experience ageism and age-based discrimination. Social, environmental and political barriers, rather than chronological age or intrinsic individual weaknesses, pose obstacles to the enjoyment of human rights by older persons. Therefore, the convention's scope must include **all people subjected to ageism,** discrimination and denial of rights based on their older age.

**Overarching principles**

**Human rights in older age must be grounded in the principles of dignity, equality, non-discrimination, autonomy, independence and meaningful participation.**

Older persons have the right to **equality and freedom from discrimination** on the basis of their age or on any other ground, alone or in combination with another ground or grounds. It should consider the intersectional and cumulative effects of discrimination.

Older persons' **autonomy and independence** in all aspects of life should underpin and be affirmed by the convention, including by the inclusion of their right to enjoy legal capacity and equal recognition before the law, to decide about their life plans, support and care, leisure time, property, work, income, finances, place of residence, health and medical treatment or care, and personal relationships, participation in political and public life and in social and cultural activities, among other issues.

At the same time, the concept of autonomy is to be complemented by older persons' independence and consent, including the support to enable their **independent living**, **full inclusion and participation** in the society, including in the digital sphere,and **affordable and accessible care and support services**.

**Lifelong learning, education and skills-building** without discrimination are crucial for autonomous and independent lives.

Older persons must be able to live their lives **free from all forms of violence, abuse, ableism, exploitation and neglect**. Due attention should be paid to **awareness-raising** of older persons' rights, capacities and the different forms of violence, abuse, discrimination and neglect they are exposed to and prioritizing older persons belonging to other groups in situations of vulnerability.

Finally, the convention should pay particular attention also to the older person's rights **to access to justice, housing,** **privacy, and healthy environment**.

1. A/HRC/49/70. Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons. Report of the United Nations High Commissioner for Human Rights. [↑](#footnote-ref-1)
2. A/HRC/48/53. Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler. [↑](#footnote-ref-2)