Questions and Answers:

1. The OHCHR 2021 Updated Study and the OHCHR 2022 HRC report (A/HRC/49/70) concluded that the Committee on Economic, Social and Cultural Rights has engaged consistently with some rights that are of particular concern to older persons, but that in other areas older persons were relatively invisible. The two analyses argued that this was at least in part the result of conceptual limitations in the approach of the existing human rights treaties (including the ICESCR) to ageing issues, ageism and age discrimination.

1. In what areas do you consider that the CESCR has
2. given adequate attention to the human rights of older persons and
3. failed to give adequate attention to those rights?
* My assessment is that the CESCR has given adequate attention to the rights of older persons in the area of social security. The issue of insufficient old age pension or social benefits for older persons and hence poverty or the risk of poverty suffered by older persons are frequently addressed.
* Health care is another area. The issue of lack of care for older persons, whether in care facilities or at homes or community, as well as the lack of care personnel, have been addressed.
* Abuse or violence against older persons was also addressed, although not sufficiently enough.
* The issue of gender equality, whether from the perspective of discrimination against older women or women’s primary burden for care for the older persons, was also addressed frequently.
* Failure to give adequate attention is in the area of right to work and right at work. This issue was addressed only occasionally, since older persons are not considered to be working.
* Another right ignored is right to education. Older persons are not considered to be the subject of education any more. The Covenant obliges States to provide free primary education and even higher education, but does not talk about adult education as necessary.
* Regarding cultural rights, the CESCR frequently addresses the issue of digital divide and internet access, but this is usually about male/female and rural/urban discrepancies. No attention was given to the older persons’ access to internet, digital devices or online information.
1. What do you consider are the reasons for this record? Are they conceptual or operational or both? What barriers stand in the way of the CESCR giving greater attention to these issues?
* In principle, there should be no conceptual barriers to discuss any economic, social and cultural rights , since ICESCR prescribes non-discrimination. No one, including the older persons, should not be discriminated on any ground. Therefore, any economic, social and cultural rights should be also guaranteed to the older persons.
* At the same time, however, the right to work and right to education are considered to be directed to the work force and the children and young persons. Article 10 of the Covenant, protection of the family, talks about mother and children to be protected. When the Covenant was drafted, the issue of older persons as of today was not envisaged.
* Operationally, the CESCR does not receive enough information on the situation of older persons, nor have enough space and time to raise the issue of older persons in its list of issues or during constructive dialogue. The Committee should choose among competing issues what to raise, and often the issue of older persons become invisible.

2. In light of your experience as a member of both the CESCR and a former member of the CEDAW, do you consider that the adoption of a specific convention on the human rights of older persons would stimulate a more systematic and sustained focus on the human rights of older persons generally? Would it also inform the work of the CESCR and other treaty bodies on these issues in the same way that thematic treaties such as the CRC and the CRPD have done?

* Yes, I believe so. A specialized convention on the human rights of older persons will certainly draw the CESCR’s attention on the rights of older persons in a more systematic and sustained way in general. At the same time, there will develop a division of labor, and the CESCR will concentrate more in the areas of its expertise, I suspect.

3. In relation to strengthening the protection of the human rights of older persons, what are the key requests / recommendations to the Human Rights Council and OHCHR as the next steps.

* Currently, the human rights of older persons are discussed only for a very limited time when the independent expert reports to HRC. There is no other open forum to discuss the various aspects of the issue. I would request to the Human Rights Council and OHCHR to create a space such as a Forum for Indigenous Peoples or a Day of Discussion on the human rights of older persons, so that the relevant stakeholders, in particular the older persons themselves and their organizations, bring the various issues related to the human rights of older persons, raise the awareness of the States and policy makers and discuss what to do.