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Open-ended Working Group on Ageing

Fifth working session

New York, 30 July-1 August 2014

Report of the Open-ended Working Group on Ageing

Rapporteur: Janet Zeenat **Karim** (Malawi)

I. Organization of the session

A. Opening and duration of the session

1. The Open-ended Working Group on Ageing, established by the General Assembly in its resolution [65/182](#) of 21 December 2010, for the purpose of strengthening the protection of the human rights of older persons, held its fifth working session at United Nations Headquarters from 30 July to 1 August 2014. The Working Group held six meetings.
2. The session was opened by the Chair of the Working Group, Mateo Estrémé (Argentina).

B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of organizations of the United Nations system and observers for intergovernmental and non-governmental organizations also attended. A list of participants is available in document [A/AC.278/2014/INF/1](#) (and also from <http://social.un.org/ageing-working-group/fifthsession.shtml>).

C. Election of officers

4. At its 1st meeting, on 30 July, the Working Group elected, by acclamation, AlDaana Mohammed A.H. Al-Mulla (Qatar), Matej Marn (Slovenia) and Iakovos Iakovidis (Greece) as Vice-Chairs.



D. Agenda and organization of work

5. At its 1st meeting, on 30 July, the Working Group adopted its provisional agenda, as contained in document [A/AC.278/2014/1](#). The agenda read as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
4. Existing international framework on the human rights of older persons and identification of existing gaps at the international level.
5. Other matters.
6. Provisional agenda for the sixth working session of the Open-ended Working Group on Ageing.
7. Adoption of the report.

6. At the same meeting, the Working Group approved the proposed organization of work for its fifth working session, as set out in an informal paper, issued in English only.

E. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing

7. At its 1st meeting, on 30 July, the Working Group decided to grant accreditation to the following non-governmental organizations to participate in its work:

Age Action (Ireland)

Asociación Gerontológica Costarricense (Costa Rica)

Asociación Mutual de los Agentes de los Organismos para la Tercera Edad (Argentina)

Bulgarian Red Cross (Bulgaria)

Coalition of Services of the Elderly (Philippines)

Japan Support Center for Activity and Research for Older People (Japan)

Palestinian Center for Communication and Development Strategies (State of Palestine)

Red Cross of Serbia (Serbia)

Saar Nepal (Nepal)

Senior Citizens Association of Zambia (Zambia)

The Aged-care Rights Service (Australia)

Uganda Reach the Aged Association (Uganda)

Wellbeing Foundation (India)

F. Documentation

8. The list of documents before the Working Group at its fifth working session is available from <http://social.un.org/ageing-working-group/fifthsession.shtml>.

II. Existing international framework on the human rights of older persons and identification of existing gaps at the international level

9. The Working Group considered item 4 of the agenda at its 1st to the 6th meetings, from 30 July to 1 August 2014. It held a general discussion of the item at the 1st to 3rd meetings, on 30 and 31 July.

10. At its 1st meeting, on 30 July, the Working Group heard statements by the representatives of the European Union, the United States of America, Japan, Brazil, Colombia, Turkey, Switzerland, Indonesia, Sweden, Nicaragua, the Russian Federation, Chile, Peru, Albania, Mexico, Saudi Arabia, Egypt, Canada, Bangladesh, Costa Rica, Australia, South Africa and Pakistan.

11. At its 2nd meeting, on 30 July, the Working Group heard statements by the representatives of the Philippines, Kenya, the Dominican Republic, Slovenia, Thailand, Denmark and Argentina.

12. At the same meeting, a statement was made by the observer for Partners in Population and Development, an intergovernmental organization.

13. Also at the 2nd meeting, a statement was made by the representative of the International Labour Organization.

14. At the 3rd meeting, on 31 July, statements were made by the representatives of the following non-governmental organizations: International Federation on Ageing, AGE Platform Europe, HelpAge International, International Association of Homes and Services for the Ageing, The Aged-care Rights Service, Global Action on Aging, International Association for Hospice and Palliative Care, and Gray Panthers.

Panel discussion on “Human rights and care of older persons”

15. At its 2nd meeting, on 30 July, the Working Group held a panel discussion on the topic “Human rights and care of older persons”, moderated by the Vice-Chair, Iakovos Iakovidis (Greece). Presentations were made by the following panellists: Ruthe Isden, Programme Director, Age UK, United Kingdom of Great Britain and Northern Ireland; Isabella Aboderin, Senior Research Scientist, African Population and Health Research Center, Nairobi; Kasia Jurczak, Policy Analyst, European Commission; and Mateja Kožuh Novak, President, Federation of Pensioners Organizations, Slovenia.

16. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of Costa Rica, Argentina, Uruguay, Japan and Israel.

Panel discussion on “Violence and abuse against older persons”

17. At its 3rd meeting, on 31 July, the Working Group held a panel discussion on the topic “Violence and abuse against older persons”, moderated by John Alexander Ackon, Deputy Minister, Ministry of Gender, Children and Social Protection of Ghana. Presentations were made by the following panellists: Claudia Mahler, Senior Researcher, German Institute for Human Rights; Silvia Perel-Levin, Chair, NGO Committee on Ageing, Geneva; Milutin Vracević, Health and Care Programme Manager, Red Cross of Serbia; Ruthe Isden, Programme Director of Age UK, United Kingdom of Great Britain and Northern Ireland; and Kazi Reazul Hoque, Commissioner, National Human Rights Commission, Bangladesh.

18. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of Argentina, Costa Rica, Sweden, Israel, the Netherlands, France, Brazil and the European Union. The representative of the International Longevity Centre Global Alliance (also on behalf of the International Alliance Against Elder Abuse), a non-governmental organization, also participated in the dialogue.

Panel discussion on “Planning for end-of-life care: legal and financial issues”

19. At its 4th meeting, on 31 July, the Working Group held a panel discussion on the topic “Planning for end-of-life care: legal and financial issues”, moderated by the Vice-Chair, AlDaana Mohammed A.H. Al-Mulla (Qatar). Presentations were made by the following panellists: Mónica Roqué, National Policy Director on Older Persons, Ministry of Social Development, Argentina; Andrew Byrnes, Professor of Law, University of New South Wales, Australia; David Obot, Chair, Uganda Reach the Aged Association, Uganda; and Sooyoun Han, Founding Member, Care Rights, Republic of Korea.

20. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of Costa Rica, the Netherlands, Colombia, the European Union and Brazil. The representatives of the following non-governmental organizations also participated: HelpAge International, AARP, American Bar Association, Age UK and ASCATE.

Presentations by the Independent Expert on the enjoyment of all human rights by older persons and the Chair and Rapporteur of the 2014 Social Forum of the Human Rights Council

21. At its 5th meeting, on 1 August, the Working Group heard a presentation by the Independent Expert on the enjoyment of all human rights by older persons, Rosita Kornfeld-Matte.

22. At the same meeting, the Independent Expert responded to the comments made and questions posed by the representatives of Albania, Costa Rica, Colombia, Uruguay, Japan, the European Union, El Salvador, Brazil, Mexico, Argentina and Chile and the observer for Partners in Population and Development.

23. Also at the 5th meeting, the representatives of the following non-governmental organizations participated in the interactive discussion: National Association of Community Legal Centres, Australia; Gray Panthers; HelpAge International; Association of World Citizens; International Network for the Prevention of Elder

Abuse; ASCATE; Qualivida Institute; and International Longevity Centre Global Alliance (also on behalf of the International Alliance Against Elder Abuse).

24. At the same meeting, the Working Group heard a presentation by the Chair and Rapporteur of the 2014 Social Forum of the Human Rights Council, Monica Roqué, who is also Director of National Policy for Older Persons, Ministry of Social Development of Argentina.

25. Also at the 5th meeting, statements were made by the representatives of the European Union, Albania, Canada, Uganda and Colombia.

26. At the same meeting, a statement was made by the representative of the Office of the United Nations High Commissioner for Human Rights.

Moderated dialogue on “How to strengthen the rights of older persons through enhanced implementation of the Madrid International Plan of Action on Ageing (MIPAA)”

27. At its 5th meeting, on 1 August, the Working Group held an interactive dialogue on the topic “How to strengthen the rights of older persons through enhanced implementation of the Madrid International Plan of Action on Ageing (MIPAA)”, moderated by the Vice-Chair, Matej Marn (Slovenia).

28. At the same meeting, statements were made by the representatives of the European Union, the United States of America, Canada and France, and the observer for Partners in Population and Development.

29. Also at the 5th meeting, the representatives of the following non-governmental organizations made statements: Gray Panthers, Age UK, Red Cross of Bulgaria (also on behalf of AGE Platform Europe), Minnesota Citizens Concerned for Life, Association nationale pour l'évaluation environnementale (ANEE), International Alliance of Women and Fraternité Notre Dame.

Presentation on “Older persons and post-2015 agenda”

30. At the 6th meeting, on 1 August, the Working Group heard a presentation on the topic “Older persons and post-2015 agenda”, by the Special Adviser to the Secretary-General on Post-2015 Development Planning, Amina Mohammed.

31. At the same meeting, the Special Adviser to the Secretary-General on Post-2015 Development Planning responded to the comments made and questions posed by the representatives of Canada, Armenia, Japan, Kenya, the Dominican Republic and the European Union and the observer for Partners in Population and Development.

Discussion on the way forward

32. At the 6th meeting, on 1 August, the Working Group held a discussion on the way forward, during which statements were made by the representatives of the European Union, El Salvador, Canada, France, Albania, Slovenia, Japan, Argentina, the Netherlands, Switzerland, Costa Rica, Uruguay, Chile, Brazil, Kenya, the Dominican Republic and Mexico.

33. At the same meeting, statements were made by the representatives of the following non-governmental organizations: International Longevity Centre Global

Alliance, International Association for Hospice and Palliative Care, HelpAge International, Gray Panthers, International Association of Gerontology and Geriatrics, COTA Australia, National Association of Community Legal Centres (Australia) and International Council on Social Welfare.

34. Also at the 6th meeting, a statement was made by the Chair.

III. Chair's summary of the key points of the discussions

35. At its 1st meeting, on 30 July, the Working Group agreed to include the Chair's summary of the key points of the discussions in the report on the session. The Chair's summary reads as follows:

Chair's summary of the key points of the discussions at the fifth session of the Open-ended Working Group on Ageing established for the purpose of strengthening the protection of the human rights of older persons

The fifth session of the Working Group has allowed us to deepen our knowledge of the various issues that we were working on in previous sessions, while also adding some new ones.

Both during the general debate and the exchange of views that were held during the panels, we have come to realize the importance of this issue for the United Nations and the relevance of the mandate of the Working Group, which, as we all know, is to strengthen the protection of the human rights of older people.

Some delegations have maintained that greater protection of the human rights of older persons can be achieved through a better and more efficient implementation of already existing instruments and mechanisms, including action plans that have been adopted at the international level, such as the Madrid International Plan of Action on Ageing.

For an increasing number of delegations, however, organizations of civil society and several panellists, the goal of greater protection can be reached only through a specific international legal instrument encompassing the particular human rights of older persons, so as to guarantee their full participation in society and combat stereotypes, discrimination, indifference, abuse and ill treatment.

In spite of these differences, however, there are some positions common to all participants at this session, namely:

(a) That the demographic trend leading to the increase of the global population is irreversible and that as result of the increase in life expectancy and the ageing of the world's population, older persons are key actors in our societies from the economic, social and political points of view. This requires a change of paradigm, pursuant to which older persons should be considered not passive subjects who receive assistance from the State, but rather active subjects who should be able to fully exercise their human rights and demand that they be respected. In the debates that are held at the United Nations, we must take stock of this new reality and adapt to the change of paradigm, bringing visibility to older persons;

(b) That the existing mechanisms designed to guarantee the full exercise of the civil, political, social, economic and cultural rights of older people are not adequate, either because there are deficiencies in terms of their implementation, as some States maintain, or because there is a normative gap at the international level which must be filled through the adoption of a legally binding instrument allowing work to be carried out specifically on ill treatment, exclusion, stigmatization, discrimination and the satisfaction of the basic needs of older persons.

This is why the mandate of the Working Group has a special relevance and validity under the current circumstances, since it is the only body within the framework of the United Nations established to discuss the best way to increase the protection of the human rights of older people.

Let us be reminded one more time that in accordance with General Assembly resolution 65/182, this Working Group should dedicate itself to 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”.

However, since the General Assembly decided in paragraph 1 of its resolution 67/139 that the Working Group should “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”, this is also part of our mandate.

We also need to keep in mind that in paragraph 2 of the same resolution, the General Assembly requested that the Working Group “present to the 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”.

As has been expressed by some delegations and representatives of civil society, the fact that General Assembly resolution 67/139 was adopted through a vote does not mean that it does not have full force and that its provisions are not an integral part of the mandate of this Working Group.

Therefore, at the end of this session of the Working Group, we must reflect collectively on how to implement, in its entirety, the mandate that the General Assembly has given to the Working Group, including the question of the main elements of a legal instrument.

Five sessions of the Working Group have been held since 2011, and during those sessions we have been able to visit and, in some cases, revisit most of the concerns associated with the situation of the human rights of older persons worldwide, such as discrimination, the right to health, violence and abuse, social

protection, social exclusion, autonomy and independent living, access to justice, access to work and education, the care of older persons and issues related to the end of life, among others.

We have also had opportunities to discuss the implementation of the Madrid International Plan of Action on Ageing of 2002 and take note of developments both in regional multilateral processes on the elaboration of legal instruments and within the Human Rights Council.

We have discussed some of these human rights issues in more than one session and from more than one perspective. Both in this session and in previous ones, experts from around the world have addressed in depth each of the crucial aspects of those issues to foster an understanding of the nature of the change of paradigm on the role of older persons in society.

Clearly however, this is not sufficient to fulfil our mandate. To identify policy gaps or deficiencies in the implementation of the existing legal framework is only part of our task. We must think beyond this and explore measures that can be taken at the international level to remedy the lack of protection of the human rights of older persons.

In this session, many participants highlighted the fact that the diagnostics phase is over and that we must move to the next, which entails considering proposals for an international legal instrument and making specific recommendations to the General Assembly.

Many important initiatives have emerged from the work of this Group. Let me remind you that as a consequence of our discussions during the fourth session, the Human Rights Council established a special procedure on the issue, and devoted a meeting of the Social Forum to discussing the human rights of older persons. This morning, we had a very fruitful interactive dialogue with the Independent Expert, Ms. Rosa Kornfeld-Matte, whom I thank for her participation and commitment to the human rights of older persons.

The mandate of the Independent Expert is complementary to that of the Working Group: it neither carries more weight nor duplicates the Working Group's mandate. The Independent Expert is mandated to assess the existing international human rights instruments, and at the same time to determine best practices, including the implementation of legislation adopted to enforce the promotion and protection of the rights of older persons and the deficits in the implementation of that legislation, taking into consideration the opinion of the interested parties, such as States, regional mechanisms for human rights, national institutions of human rights, civil society organizations and pertinent academic institutions.

The mandate of our Working Group is more general, since it entails not only assessing the existing international framework and the identification of possible deficiencies, but also making recommendations on the best way to correct them, including through the consideration of proposals for a new international legal instrument. In no way does the mandate of the Independent Expert entail an alteration of the mandate of the Working Group or, in particular, consideration of proposals on an international instrument. Therefore, there is no point in waiting for the issuance of the final report of the Independent Expert before continuing to make progress in the implementation of what has been entrusted to us by the General Assembly.

During this session, several specific proposals on measures to address the gaps in implementation, information, data and monitoring have been identified. In this regard, it is recommended, *inter alia*, that:

(a) The treaty bodies incorporate in their respective mandates and procedures the issue of human rights of older persons, which would entail seeking information from States for inclusion in their periodic reviews, to facilitate specific recommendations in their concluding observations and the highlighting of issues related to ageing in their general observations;

(b) Special procedures consider issues linked to the human rights of older people in their mandates;

(c) States make best use of the universal periodic review to address issues related to ageing;

(d) The funds and programmes of the United Nations system and the specialized agencies include targets and indicators related to older persons;

(e) A comprehensive compilation of all applicable legal instruments be made on the international and regional levels;

(f) Member States include language content related to the rights of older persons in resolutions and documents of various intergovernmental bodies;

(g) The rights of older persons and the issues related thereto be highlighted in the post-2015 development agenda; and in this regard, we today had the opportunity to engage in an exchange of views with Ms. Amina Mohammed, Special Adviser to the Secretary-General on Post-2015 Development Planning, on the best way to make this issue more visible in the next development framework so as to remedy the lack of attention given to it in the Millennium Development Goals;

(h) The name of the Working Group in its abbreviated form reflect the concept of human rights of older persons, since this underlies an essential part of our mandate;

(i) These are concrete proposals for recommendation by the Working Group to the General Assembly.

During this week, we have had the opportunity to hear the clear message delivered by civil society. For my part, a few days ago, I received a petition signed by more than 284,000 people in favour of a convention. I want to assure civil society that your views have been heard and that we have taken careful note of your request regarding a convention.

Given that this Working Group should make a contribution to providing greater protection to older people around the world, we must continue to interact with and receive suggestions and seek advice from non-governmental organizations that work with older persons. I would like to suggest once again that representatives of the civil society of our countries and regions be included in our national delegations.

In my opinion, this Working Group has clearly determined that a multiplicity of instances of the violations of human rights of older persons exist everywhere. We also heard repeatedly that such violations should not be accepted or tolerated. We

must now decide on how to translate this commitment into a more adequate framework for international protection.

As some delegations stated during these deliberations, the consequence of the disablement of international norms is the lack of protection of the rights of older persons. We should live up to the responsibilities entrusted to us to “increase the protection of human rights of older persons”.

I therefore invite the Working Group to begin to work, starting from the next session, on two parallel tracks, to entail (a) a continuing deepening of the level of protection of the human rights of older persons within the current framework and (b) work on the elements of a new international instrument.

IV. Provisional agenda for the sixth working session of the Working Group

36. At the 6th meeting, on 1 August 2014, a statement was made by the Chair regarding the provisional agenda for the sixth working session of the Working Group.

V. Adoption of the report

37. At its 6th meeting, on 1 August 2014, the Working Group adopted the draft report on its fifth working session ([A/AC.278/2014/L.1](#)).
