Update to the 2021 Analytical Outcome Study on Normative Standards in International Human Rights Law Regarding Older Persons

Working paper prepared by the Office of the High Commissioner for Human Rights

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Executive Summary

This working paper, prepared by the Office of the High Commissioner for Human Rights (OHCHR), provides an update to the 2021 Working Paper on normative standards in international law regarding older persons, which itself elaborated on the 2012 Analytical Outcome Paper submitted by OHCHR to the third working session in August 2012 of the Open-Ended Working Group on Ageing.

In this analytical update, the question of the adequacy of the normative framework of the international human rights system and its implementation mechanisms for the promotion and protection of the human rights of older persons will be examined through an intersectional lens within the context of several key emerging issues.

The report takes into account insights gained during sessions of the Open-ended Working Group on Ageing (OEWG) that have been held since 2021 (especially its eleventh, twelfth, thirteenth, and fourteenth sessions, from 2021 to 2024); the 2023 and 2025 sessions of the High-Level Political Forum on Sustainable Development; the Second World Summit for Social Development in November 2025; work of the Independent Expert on the human rights of older persons; WHO, ILO, UNDESA and UN regional economic commissions; voices of older persons and their representative organizations, as well as national human rights institutions and a range of other stakeholders.

The findings of this update are in line with the conclusions of the 2021 Working Paper and the 2012 Analytical Outcome Paper, which suggest that the current global human rights framework provides fragmented and inconsistent coverage of the human rights of older persons both in law and practice. The absence of a dedicated normative instrument concerning older persons' rights and the conceptual limitations of existing instruments remain significant factors contributing to a lack of protection. The adoption of a dedicated legally binding international instrument would be/is an effective way to bring about major changes in the promotion and protection of the human rights of older persons across all regions.

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THE OPEN-ENDED WORKING GROUP ON AGEING (OEWG)

1. Over the past decade and a half, the OEWG has accumulated a substantial amount of evidence-based data on older persons' human rights. One of its key findings during this period is that while existing international human rights instruments provide general protection of older persons, they fail to adequately address their lived realities, vulnerabilities and the systemic discrimination they often experience.

2. During the course of the OEWG's sessions during this period, the existence of protection failures as well as normative gaps have come to light due to a lack of recognition of older persons as rights holders in international treaties. Among the areas in which such gaps are apparent: long term care, autonomy and legal capacity, social protection and income security, access to justice, participation in decision-making and protection of older persons from abuse and violence.

3. A key finding of the OEWG is that laws, policies and institutional practices have failed to address persistent structural ageism, with access to healthcare, employment, justice, digital technologies and social participation being impacted by age-based discrimination. The OEWG has underscored that inequalities experienced throughout a person's life tend to accumulate and intensify in older age, and this disproportionally affects older women, migrants, persons with disabilities, as well as those in rural or marginalized communities. Moreover, a lack of age-disaggregated data amplifies the invisibility these categories of persons, thus making it difficult for policy-makers to obtain reliable evidence-based information on them.

4. In its eleventh to fourteenth sessions, held between 2021 and 2024, the OEWG has highlighted future-oriented and emerging risks, such as digital exclusion, the impact of climate change, as well as the vulnerabilities of older people in conflict and crisis situations. These developments demonstrate that the existing frameworks are insufficient to respond to the evolving global challenges impacting older persons.

5. It is worth noting that over the course of its fourteen sessions, from 2011 to 2024, OEWG discussions have gradually shifted from identifying gaps to the articulation of a normative infrastructure. Several key recommendations that have been made in this context are:

    a) To develop a legally binding instrument;
    b) To consider older persons as active rights holders;
    c) To mainstream the issue of ageing across all policy domains and at every stage of life;
    d) To develop and implement measures to combat ageism;
    e) To strengthen data systems for informed decision-making, including collection of age-disaggregated data; and
    f) To encourage and facilitate meaningful participation of older persons.

6. In response to repeated stakeholder insistence that current protections remain inconsistent, only weakly enforced and relatively unresponsive to meet demographic shifts in the absence of a universal, legally binding document on the rights of older persons, the OEWG has finally laid the foundation for the creation of such a document.

I. KEY FINDINGS

A. Cross-cutting and structural protection gaps

7. One key output of the OEWG sessions has been to have identified many glaring legal and normative protection gaps; while existing human rights treaties apply to persons of all ages, these fail to provide age-specific guidelines on issues such as age-based discrimination, long-term care, autonomy, accessibility,

participation, or emergency protection. As a result, older persons are often unable to access remedies or protections when their rights are violated because of inconsistent enforcement mechanisms and official determinations regarding alleged violations.

8. While the UN Principles for Older Persons and the Madrid International Plan of Action on Ageing are valuable soft law norms, but they remain non-binding and are implemented inconsistently.

B. Ageism embedded in the system

9. Ageism should be addressed as a structural problem embedded in institutions and service delivery systems, rather than being discussed only on an individual basis. Critical systems of social protection are impacted by ageist systems that shape eligibility requirements in pension schemes, mandatory retirement plans, digital platforms, public service offerings, and access to healthcare. As a result, older persons fail to be considered equal before the law and remain treated as passive care recipients, rather than as rights holders.

10. Findings show that needs of older populations are generally ignored, insofar as ageism is deeply rooted in government legislation and policies in many countries. Existing systems often fail to recognize older persons as active rights holders deserving proper healthcare, education, employment, social protection, justice, as well as digital access.

11. A global response must move beyond welfare or care-based approaches and toward a rights-based legal framework grounded in equality, dignity, participation and autonomy. Ageism can only be addressed through structural legal reform that adopts a rights-based and age-inclusive approach, stronger and enforceable legal protections, age-inclusive policies and meaningful representation and participation of older persons in decision-making processes.

C. Intersectional discrimination

12. Harms and vulnerabilities in older age are not evenly distributed between the sexes, with older women and non-binary persons facing additional intersectional discrimination shaped by gendered labour markets, reduced pension access, unpaid caregiving responsibilities, lower lifetime earnings, and widowhood.

13. Older persons with disabilities also face heightened risks of inaccessible, or at least difficult-to-access services, lack of assistance in decision-making, substitute decision-making, and involuntary institutionalization. Migrants, refugees, and displaced persons also face language barriers, documentation hurdles and discriminatory exclusion from services, including in crisis situations. It is essential to acknowledge the central role that intersectionality plays in shaping older persons' experiences of discrimination in order to fully comprehend real-world patterns of the forms of rights-denial underscored in this report.

14. Indeed, discrimination in older age is rarely experienced from the standpoint of age alone. Accumulated over a person's life-course, inequalities linked to disability, gender, migration status, displacement, poverty and other disadvantages often intensify in later life. Access to healthcare, social protection, justice, autonomy, and participation is shaped by intersecting forms of discrimination. As a result, the most marginalized older persons remain invisible within existing legal and policy frameworks.

15. These findings must inform responses that are rights-based, intersectional, inclusive in both design and implementation. The lived and diverse realities of older persons must be recognized in laws and policies, and these should address the structural barriers that disproportionately affect those facing multiple and overlapping forms of discrimination. Many older people continue to be excluded from protection, participation, and enjoyment of their human rights as existing equalities continue to widen. A targeted and coordinated action is required.

D. An increase in emerging risks

16. Emerging global challenges are far from age-neutral. The rapid development of AI tools and global digitalization are increasingly reshaping access to finances, welfare, health services, and public administration, meaning the rights of older persons in these areas of daily life, particularly in the case of persons lacking digital literacy or access, can find themselves excluded from essential services and remedies to real or perceived human rights violations in a world where the public-facing systems people must interact with on a daily basis have become fully digitalized by default.

17. Harms faced by older persons are exacerbated by conflict and climate change, with disasters, extreme heat, displacement, and health system disruptions representing particular risks for older persons. Yet, these remain largely unaccounted for in adaptation planning, early warning systems, humanitarian response and climate-change mitigation criteria. Existing systems continue to ignore the realities and needs of older persons and the risk of accelerating emerging risks.

18. OEWG's findings must inform responses that place older persons at the centre of digital governance, climate adaptation and humanitarian planning. It is imperative that laws and policies be designed and implemented to ensure accessibility, inclusion and equal protection, including by offering offline alternatives, age-inclusive emergency responses, accessible and sufficient health and social services and the participation of older persons in decision-making processes. Absent a meaningful age-responsive framework, emerging risks will continue to accelerate and widen inequalities, excluding older persons from essential protections and support.

II. KEY ISSUES AND OUTCOMES OF OEWG SESSIONS

A. 11th session (2021)

19. During the 11th session, findings of the 2021 OHCHR update to the 2012 Analytical Outcome were reiterated, namely that existing international standards are insufficient and continue to leave significant, persistent normative and implementation gaps in the protection of the human rights of older persons. The session consolidated more than 100 submissions from Member States, UN entities, NHRIs, NGOs, and other civil society stakeholders, who confirmed the existence of critical legal and policy gaps and emphasized the need for clearer normative standards applicable to older age.[1]

20. Two key areas were the focus of this session, namely the right to work and access to the labour market,[2] and the right to seek justice.[3] The broader context of the COVID-19 pandemic was also examined from the standpoint of how it exposed persistent barriers to the enjoyment of rights in the form of systemic discrimination, structural weaknesses in long-term care, digital exclusion and age-based inequalities in access to health services and essential information. Ageism emerged as a pervasive root cause of human rights violations, present in laws, policies, institutions and social norms in all contributions, which stressed the rarity of legally binding and enforceable obligations for States to eliminate age-based discrimination or implement age-responsive measures.

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[1] Submissions to OEWG (11th session), https://social.desa.un.org/issues/ageing/oewga/eleventh-working-session

[2] United Nations Department of Economic and Social Affairs (DESA) *Substantive Inputs on the Focus Areas "Right to Work and Access to Labour Market and Access* to Justice*" (A/AC.278/2021/CRP.3)*

[3] United Nations, *Substantive inputs on the focus area "Access to justice" – Working document submitted by the Office of the High Commissioner for Human Rights*, A/AC.278/2021/CRP.4, 8 March 2021.

21. Current international instruments insufficiently protect the rights of older persons. And without explicit, enforceable legal standards, protections will continue to be fragmented. Given this situation, a number of States expressed support for moving toward the creation of a legally binding international instrument.[4]

22. Many of those present at the session felt that the development of a robust, dedicated legal framework was urgently needed to close gaps experienced by older persons and ensure that they may fully exercise their rights in all areas, ranging from employment, to social protection, to access to justice, to participation in public life.[5]

B. 12th session (2022)

23. Despite the substantial contribution older persons make to the economic, social, and cultural life of their communities, they continue to face widespread barriers. These include (but are not limited to) pervasive ageism, insufficient income security, social exclusion, barriers in accessing health and long-term care, lack of economic security, and weak social protection schemes. These vulnerabilities were exacerbated by the advent of the COVID-19 pandemic, which intensified social exclusion, discrimination, financial hardship, and digital exclusion.[6]

24. Challenges such as labour market discrimination, inadequate pensions, rural-urban disparities, inaccessible justice systems, under-resourced care structures, and limited protection for informal work subject many older persons vulnerable to neglect, poverty and rights violations that are often compounded by intersecting factors linked to disability, gender, rurality, and the problems inherent in informal labour.[7]

25. Submissions to the 12th session identified important implementation gaps, including the fact that the existing legal framework is insufficient to fully protect the rights of older persons, who are virtually invisible in the context of sustainable development agendas and economic policies due to a lack of age-disaggregated data, fragmented legal protections or inconsistent implementation. There is a growing global consensus[8] on the urgent need to close protection gaps, ensure accountability and establish stronger normative standards, including through the creation of a legally binding instrument, improved global coordination, and the adoption of a rights-based approach to ageing.

26. Going forward, States must transition from symbolic rights recognition to the adoption of a genuine life-course approach to older persons' rights, ensuring they can benefit from adequate social protection, digital and civic inclusion, properly funded health and care systems, robust and secure data systems, meaningful participation in the community, adequate pensions, and access to age-inclusive labour markets.[9] States should establish enabling settings that promote lifelong learning, intergenerational interaction, as well as accessible urban infrastructure, so as to foster meaningful participation of older persons in economic and civic life.[10] The abilities, expertise, and leadership of older persons must be incorporated into SDG's and development initiatives. States should improve their domestic data systems, incorporating software mechanisms that allow gender, age, disability and urban-rural-disaggregated filtering in order to better

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[4] Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons, https://social.desa.un.org/sites/default/files/owega/documents/eleventh/OHCHR%20HROP%20working%20paper%2022%20Mar%202021.pdf

[5] IBID

[6] IBID

[7] A/AC.278/2022/CRP.3

[8] Member State's Submission's to the 12th Session, https://social.un.org/ageing-working-group/Twelfthsession-uns.shtm

[9] IBID

[10] Report of the Twelfth Session of the OEWGA (A/AC.278/2022/2), discussion on "Contribution of older persons to sustainable development.

understand the needs of older persons from society and their contributions to it, thus allowing States to develop policies that better reflect the lived realities of older persons.[11]

27. To guarantee older persons' economic security, a rights-based and life-course approach to social protection is needed. States should fill the significant gaps that impact the economic life of unpaid caregivers, informal workers and people with interrupted working histories, as well as expand contributory and non-contributory pension plans and ensure regular pension indexation. Age-based discrimination in the workplace must be addressed, reskilling opportunities must be offered and entrepreneurship must be encouraged at all stages of life in order to enable older people to remain economically engaged. To limit ever-increasing out-of-pocket medical expenses that can drive many older people into sickness and poverty, investments in age-friendly services, long term care and accessible healthcare and home and community-based support are essential.[12]

28. Looking toward the future, the OEWG should strive to create clearer normative standards that can resolve the recurring protection gaps identified in a range of submissions. The 12th session of the OEWG concluded that it was necessary to take concrete steps to identify legal gaps and explore options for a stronger international framework, as existing systems remain fragmented and inadequate. For many delegations, this process contains the potential for the creation of a legally binding international instrument. In order to move from discussion to coordinated action, States have an opportunity now to enable older persons to fully exercise their rights and participate meaningfully and equally in the society.

C. 13th session (2023)

29. During this session it was pointed out that persistent human rights challenges such as widespread social and digital exclusion, ageism, discrimination, financial insecurity and inadequate access to healthcare were magnified by the COVID-19.[13]

30. While national strategies to promote healthy ageing, social inclusion and health access were repeatedly mentioned, current legal instruments remain fragmented and insufficient for narrowing normative protection gaps in these areas.

31. Normative and implementation gaps were underscored by Member States, NHRIs, NGOs, and UN entities in discussions on the two focus areas: the right to health and economic security, and the right to social inclusion. These include: limited geriatric and long-term care services, discriminatory medical practices, inordinate out-of-pocket expenses, limited participation in decision-making processes, the digital divide, mandatory retirement age, structural exclusion from financial services, employment issues, and under-investment in community-based support. Evidence-based policymaking is negatively impacted by a lack of disaggregated data related to age, disability and gender.[14]

32. It was generally agreed that while commitments regarding the right to health and economic security as well as social inclusion are encouraging, incremental reform is insufficient, as the lived experiences of many older persons is not helped by such measures. The OEWG was asked to advance discussions toward the

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[11] A/AC.278/2022/CRP.4; A/AC.278/2022/2.

[12] A/AC.278/2022/CRP.4, sections on health, long-term care, and multidimensional poverty.

[13] United Nations, General Assembly, Report of the Open-ended Working Group on Ageing on its 13th session, A/AC.278/2023/2, 26 April 2023

[14] Submissions to the 13th Session, https://social.un.org/ageing-working-group/Thirteenthsession-ngos.shtml

creation of specific normative standards, including a legally binding instrument specifically aimed at defining and protecting the rights of older persons.[15]

33. Participants at the session emphasized the need for a rights-based approach, strengthened accountability, comprehensive data collection, age-inclusive health and social systems, and meaningful participation of older persons in policymaking. Only through a coordinated effort may States overcome long-standing protection gaps and guarantee that older persons can live with dignity, enjoy full inclusion and remain fully autonomous in all areas of their daily lives.

D. 14th session (2024)

34. The 14th session emphasized the urgency of supporting and strengthening the protection of older persons' human rights amid shifting demographics and in the face of geopolitical conflict, digital exclusion, and discrimination. While some States work domestically to promote healthcare, age-friendly and enabling environments, social protection, and the inclusion of older persons, existing international human rights instruments remain insufficient and fragmented. Delegations stressed the urgent need for a legally binding international instrument to defend, protect and close normative gaps and fully protect the rights of older persons.[16]

35. Structural barriers were identified in the session's focus areas in terms of accessibility, infrastructure and habitat,[17] as well as participation in public life and decision-making.[18] These barriers impinge on older persons' dignity, equal participation, and autonomy. Due to inaccessible transport and housing, unsafe environments, digital exclusion, and limited community-based support, older persons' access to essential services is also often limited.[19]

36. Ageism is a cross-cutting, intersectional challenge, with discrimination often compounded by such factors as gender, disability, migration, rural residence and socioeconomic status. Inequality and exclusion are further exacerbated by limited enforcement, obstacles to remedies, and uneven implementation.

37. It was agreed that progress can only be achieved through the creation of a legally binding instrument designed to protect the rights of older persons that addresses the problems of long-standing systemic and structural inequalities.

III. HIGH-LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT

38. Older persons are the fastest-growing demographic in the world, yet they remain among the most at risk of being left behind in efforts to achieve the goals of the 2030 Agenda. While the urgency to prioritize the needs of older persons was reaffirmed in the 2023 Political Declaration of the High-Level Political Forum (HLPF),[20] persistent inequalities continue to undermine older persons' rights, including through age discrimination, inadequate long-term care, limited social protection, and barriers to digital access. As highlighted by the OEWG, States are not on track to meet their SDG commitments or human rights

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[15] IBID

[16] A/AC.278/2024/2

[17] United Nations, *Substantive Inputs on the Focus Area "Accessibility, Infrastructure and Habitat (Transport, Housing and Access)"*, A/AC.278/2024/CRP.3

[18] United Nations, *Substantive inputs on the focus area "Participation in public life and in decision-making processes"* (A/AC.278/2024/CRP.4),

[19] IBID

[20] A/RES/78/1, Political Declaration of the high level political forum on sustainable development, paras 1-3, 14 A/RES/78/1

obligations, as is evidenced by recent setbacks in terms of rising poverty, weakened health systems and a widening of the digital divide.[21]

39. It was reported that only 35 per cent of the SDG's targets are on track, while 18 per cent have fallen below 2015 levels, according to SDG Report 2025.[22] Older persons are disproportionately affected by these trends, as they rely heavily on accessible healthcare, social protection, inclusive financial and digital systems, and age-friendly environments. Older women, people with disabilities, and those living alone, in rural areas, and in humanitarian aid contexts are particularly impacted.

40. The 2025 HLPF further highlighted the fact that climate shocks, geopolitical instability, economic pressures and widening inequalities have intensified exclusion.[23] Older persons continue to be underrepresented in global data collection, and they are not sufficiently taken into account in national SDG strategies. Despite the rise in climate-related disasters, age-responsive mechanisms are still a rarity.

41. Despite States reporting progress in terms of pension reform, expansion of universal health coverage and digital inclusion initiatives, efforts are uneven and small in scale. Crucially, the global SDG financing gap is now estimated at USD 4 trillion per year, a fact that hampers investment in vital long-term care, integrated health services and social protection.[24]

42. Older persons continue to face overlapping and compounded vulnerabilities in the face of global crises and age-unfriendly policies. The report goes on to say that 50 per cent of the global population hold ageist attitudes,[25]and that 38 of the 53 SDG indicators relevant to older persons still lack age-disaggregated data, thereby limiting older persons' visibility and making evidence-based policymaking difficult.[26] Across regions, national preparedness remains uneven, with many States lacking age-inclusive emergency responses, accessible digital systems, adequate long-term care structures, fragmented legal frameworks, under-resourced public institutions, inadequate pension systems, and unequal access to healthcare and support services. All of which continues to undermine the ability of older persons to fully exercise their human rights on an equal basis.

43. The strengthening of multilateral action is essential to ensure that the rights of older persons are integrated consistently into international human rights, development, humanitarian, and climate frameworks. Older persons remain insufficiently visible when it comes to global policy agendas and sustainable development processes due to a lack of age-disaggregated data and inadequate monitoring systems, even in the face of a shift in demographics and the human rights implications of population ageing.[27] With multilateral organizations serving as the principal forum and providing their support, the need now is to move toward a legally binding international instrument on the rights of older persons which will strengthen accountability mechanisms and promote a rights-based approach to ageing.

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[21] A/RES/78/324, *Consideration of decision 14/1 of the Open-ended Working Group on Ageing*, para. 1–3.

[22] The Sustainable Development Goals Report 2025, p. (corresponding regression and progress data).

[23] ECOSOC HLPF 2025 Summary, Section II ("Key messages"), paras. 1–5.

[24] ECOSOC HLPF 2025 Summary, Section V ("Unlocking means of implementation"), financing gap reference

[25] World Health Organization, *Global Report on Ageism* (2021).

[26] United Nations Department of Economic and Social Affairs (DESA), *Substantive Inputs on the Focus Area "Contribution of Older Persons to Sustainable Development"*, A/AC.278/2022/CRP.3.

[27] United Nations Department of Economic and Social Affairs (DESA), *Substantive Inputs on the Focus Area "Contribution of Older Persons to Sustainable Development"*, A/AC.278/2022/CRP.3.]

44. The call of the General Assembly for a high-level conference to discuss the way forward and actions to be taken at the conclusion of the OEWG's mandate in 2024 represents a crucial turning point.[28] As both the SDGs and the full realization of the human rights of older persons can only be achieved by 2030 if there is more coherent, sustainable and adequate financing and action to support evidence-based policymaking.

IV. WORLD SOCIAL SUMMIT (WSSD2)

45. After Copenhagen, the Second World Summit for Social Development (WSSD2) represented a significant international event to advance inclusive social development and address key challenges. The realization that population ageing is transforming societies the world over was a major theme of WSSD2. In its Declaration it was mentioned that by 2030, the number of people over the age of 60[29] will surpass the number of younger people globally, thereby stress-testing the world's a commitment to the motto "leave no one behind."[30] As emphasized by global leaders, population ageing is a global phenomenon that will shape and influence policy in the future, thereby transforming the phenomenon of ageing and the rights of older persons into a fundamental social development issue.

46. Many of the commitments made at the WSSD2 are particularly relevant to the rights of older persons, including combating age discrimination, guaranteeing meaningful participation, expanding universal social protection and healthcare systems, promoting decent work and lifelong learning, and providing entrepreneurship opportunities for older workers. Such commitments would help bridge the digital divide through inclusive and age-appropriate digital literacy and technology access. By integrating older persons into programmes designed to foster social inclusion and poverty reduction, these commitments firmly integrate ageing into global development efforts.

47. While WSSD2 is the UN social development agenda's clearest political acknowledgment of older persons' rights to date, critical gaps remain, including a lack of commitment to creating a legally binding instrument, limited references to long-term care, autonomy, and protection from abuse in older age, and a need for age-disaggregated data to inform evidence-based policymaking.

48. WSSD2 represents a meaningful reaffirmation of the global consensus that human dignity, equality and justice are inseparable from social progress. Member States acknowledged that population ageing is now a distinguishing feature of the world's profound demographic, economic and social transformations. WSSD2 helped change interest in the situation of older persons from a rather circumscribed concern to a development priority, by embedding the issue of ageing within the three pillars of social development poverty eradication, the right to decent work, and social inclusion.[31]

49. Older persons contribute greatly to societies, and protecting their rights and well-being is key to attaining sustainable development for all. The WSSD2 demonstrates that international cooperation on the basis of common principles and coordinated effort remains an important tool for the promotion and advancement of social justice amid times of global uncertainty. In this context, WSSD2 represents a strong platform to advance the notion of a rights-based approach to ageing and to ensure that older persons are recognized as

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[28] A/RES/78/324, para. 3 (GA call for a high-level meeting on next steps regarding older persons' rights).

[29] A/RES/80/5

[30] General Assembly resolution 78/261, "World Social Summit under the title 'Second World Summit for Social Development'", A/RES/78/261 (26 February 2024), para. 1

General Assembly resolution 78

[31] General Assembly resolution 80/5, *Doha Political Declaration of the "World Social Summit" under the title "the Second World Summit for Social Development"*, A/RES/80/5 (4 November 2025), para. 18 (i).

essential contributors to sustainable development.[32]

50. WSSD2 is unable, of course. to resolve all the outstanding protection gaps; nonetheless, it provides renewed momentum, high-level recognition, and increased visibility of older persons within the context of global development and human rights agendas. Importantly, the General Assembly has adopted follow-up arrangements, creating meaningful opportunities for older persons and their representative organizations to participate in implementation, monitoring and accountability mechanisms through the Commission for Social Development[33]and regional preparatory processes led by UN regional commissions.[34]

V. EMERGING ISSUES

A. Armed conflict and older persons

51. According to ICRC, "Around 130 armed conflicts were being fought worldwide in 2024, more than twice the number recorded 15 years earlier"[35]. UNHCR has emphasized that armed conflict has become more frequent, protracted and urbanized over the past decade, with a minimum of 123.2 million persons having been forcibly displaced by the end of 2024 as a result of war, violence or persecution.[36] This sharp rise is driven by large-scale protracted crises, including those in Sudan, Gaza, Myanmar and the eastern provinces of the Democratic Republic of the Congo.

52. At the same time, the global population is rapidly ageing rapidly. 22 per cent of the world's population, and around 80 per cent of those persons will live in low- or middle-income countries disproportionally affected by conflict and disaster.[37]

53. Older persons now represent a significantly larger proportion of conflict-afflicted civilians than in previous decades. Despite this concerning reality, they remain largely unaccounted for in conflict prevention, humanitarian response and peacebuilding efforts. Multiple UN mechanisms, including the Independent Expert on the Enjoyment of all Human Rights by Older Persons, have stressed that older persons are "disproportionately affected by armed conflict and related human rights violations."[38] For example, nearly one in four people affected by the ongoing conflict in Ukraine is 60 years of age or older.[39] And yet older persons remain invisible and overlooked in conflict response, humanitarian protection and assistance, as well as peacebuilding. Less than one per cent of humanitarian aid is explicitly allocated to the needs of older persons and persons with disabilities.[40]

54. Older persons face a recurring pattern of acute risks in recent and ongoing conflicts such as those in Sudan, Ukraine, the Occupied Palestinian Territory (OPT), including Gaza, Ethiopia, Myanmar, Yemen, the Democratic Republic of the Congo, and the Central African Republic. Due to disability, limited mobility, a lack of access to information, and fear of displacement, older persons are more likely to remain in place

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[32] A/RES/80/5, paras. 31 (b), 31 (h).

[33] A/RES/80/5, para. 43 (c).

[34] A/RES/80/5, para. 43 (d).

[35] From ICRC Annual Report 2024: https://www.icrc.org/en/report/icrc-annual-report-2024

[36] UNHCR, Global Trend: Forced Displacement in 2024, Jube 20255UNHCR, *Global Trends: Forced Displacement in 2024*, June 2025, page 8, available at https://www.unhcr.org/sites/default/files/2025-06/global-trends-report-2024.pdf

[37] Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler (A/80/203) https://docs.un.org/en/A/80/203

[38] Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler (A/80/203) https://docs.un.org/en/A/80/203

[39] See https://data.unhcr.org/en/documents/download/103254.

[40] Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler (A/80/203) https://docs.un.org/en/A/80/203

during hostilities, which increases the likelihood of their being killed, subject to starvation or abandoned without medical care.

55. The impacts on older persons of ongoing conflicts:

a) **Sudan**. Between 1 January and 30 June 2024, UN Human Rights documented the death of at least 3,384 civilians in the context of the conflict, mostly in Darfur, followed by Kordofan and Khartoum. This represents nearly 80 per cent (4,238) of all civilian casualties documented during all of 2024.[41] Many older widowed women or those serving as primary caregivers have been among those harmed by conflict-related sexual violence, including gang rape in and around displacement sites.[42]

   Older persons with disabilities are also severely affected due to inaccessible evacuation routes, the collapse of health services, with only 20-30 per cent of facilities functioning, and shortages of essential medicine for chronic illnesses.[43] Over 11 million persons have been internally displaced in areas with widespread destruction of infrastructure. Older persons often lack the ability to flee conflict areas, resulting in family separation, abandonment, or death along escape routes.

b) **Ukraine**. Pre-war demographics caused older persons to be uniquely exposed to harm, with 25 per cent of the population of the country being over the age of 60 prior to the invasion in 2022—a portion of the population among the highest of any major conflict.[44] The UN Human Rights Monitoring Mission in Ukraine (HRMMU) update of May 2023 communicated that older persons were disproportionately at risk, and from 1 December 2024 to 31 May 2025, OHCHR's periodic report mentioned that older persons "continued to face barriers in evacuating from dangerous areas and in accessing adequate and affordable housing once displaced". [45] According to the UN Human Rights Monitoring Mission in Ukraine (HRMMU), older persons make up a disproportionate share of civilian casualties, having increased by 27 per cent between January and October 2025 as compared with the same period in 2024, with 12,062 casualties in the first ten months of 2025. This exceeds the total number recorded for all of 2024.[46] In all, 53, 006 civilian casualties, including 14,534 deaths, have been documented, since 2022.[47]

a) **Occupied Palestinian Territory (OPT), including Gaza**. Humanitarian reporting indicates that since 7 October 2023, older persons constitute a significant proportion of those unable to flee bombardments, evacuate during mass displacement orders, or access food, water, shelter, and medicine.[48] The needs of older persons have been disproportionately affected in Gaza due to recurrent sieges and restrictions, resulting in acute shortages of chronic disease medication, dialysis treatments, pain management, mobility

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[41] OHCHR, Human Rights Situation in Sudan, 1 January – 30 June 2025

[42] OHCHR, A/HRC/58/29, paras. 48–55; UN Human Rights, "Reports of summary executions and other serious violations" (2025); survivor testimonies from consultations convened by the FFM and civil society networks (2024–2025).

[43] WHO, Surveillance System for Attacks on Healthcare (2024–2025); OHCHR, A/HRC/58/29, paras. 37–38, 54, 78; reporting on collapse of chronic care, maternal services, and shortage of essential medicines.

[44] HelpAge International, *Ukraine: Older People at the Centre of the Crisis* (2023) p. 3.

[45] OHCHR, *HRMMU Update on the Human Rights Situation of Older Persons in Ukraine in the Context of the Armed Attack by the Russian Federation* (24 May 2023); OHCHR, *Report on the Human Rights Situation in Ukraine, 1 December 2024 – 31 May 2025* (30 June 2025) para. 6.

[46] UN News, "Ukrainian civilian casualties rise 27 per cent compared to last year", 12 November 2025.

[47] UN News, "Civilian deaths in Ukraine surge past last year's toll as winter deepens crisis, Security Council warned", 20 November 2025.

[48] OCHA, *Gaza Humanitarian Response: Situation Reports* (2024–2025).

assistance and geriatric care.[49] OCHA reports that severe flooding of tented displacement sites, combined with destroyed sanitation systems have exacerbated health risks among older individuals suffering from impaired mobility or chronic illness.[50] In Gaza and the West Bank, many of the documented deaths, including incidents involving the use of explosive weapons in densely populated areas, settler violence and operations in displacement zones have particularly affected older persons unable to quickly escape or seek shelter underground.[51] According to OCHA data, as of 15 November 2025, at least 191 Palestinians had been killed and 2,768 injured in the West Bank alone, including older persons, through actions of Israeli forces and settlers.[52] In addition, there has been a loss of family support networks essential for age-related care due to the demolition of 1,498 structures and the displacement of 1,900 Palestinians in 2025.[53]

a) **Myanmar.** Since the 2021 military takeover, older persons are at severe and disproportionate risk due to increased armed conflict. In 2024, OHCHR confirmed 416 civilian deaths in Rakhine and 482 in Sagaing, with a sharp rise in heavy weapons attacks in which at least 641 people were killed by airstrikes and 252 by artillery shelling during the year.[54] Older persons, especially those with limited mobility, disabilities, or chronic illness, are often unable to evacuate during raids, leading to well-documented cases of older person being burned alive in their homes, shot while attempting to flee, or dying from untreated injuries.[55] Older people with disabilities have been cut off from rehabilitation services and mobility assistance, with the Special Rapporteur warning of a hidden crisis in post-coup Myanmar.[56]

a) **Yemen.** Elderly people were among the most severely impacted by nearly a decade of armed conflict between the internationally recognized Government, Ansar Allah, and associated armed groups. UN human rights mechanisms, such as the former Group of Eminent International and Regional Experts on Yemen, have documented patterns of indiscriminate air strikes, shelling of residential areas, torture, attacks on health facilities, and obstruction of humanitarian aid resulting in widespread civilian casualties causing long-term disability in many cases.[57] 2023-2024 saw systemic deprivation in the country, where only about 50 per cent of health facilities were operational. 21.6 million people, or roughly two thirds of the population, were in need of protection and assistance, including 17 million experiencing food insecurity problems and 20.3 million requiring medical services, according to the EU's 2024 Yemen Humanitarian Response Plan and the 2024 Humanitarian Implementation Plan. More than 4.5 million people were internally displaced, with 17.7 million requiring protection and at least 1.6 million residing in informal settlements with extremely limited access to basic services.[58]

These harms are compounded in the case of older people as well as members of marginalized groups, such as the Muhamasheen community, which is estimated to comprise 3.2 million people, or 10 per cent of the

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[49] WHO & OHCHR joint humanitarian updates on Gaza health system collapse (2024–2025).

[50] OCHA field report, Gaza flooding update (Nov 2025).

[51] OHCHR, *Human Rights Situation Updates – Gaza Strip / West Bank* (2023–2025).

[52] OCHA opt, *West Bank Casualties Dashboard* (updated to 15 Nov 2025).

[53] OCHA opt, *West Bank Demolitions and Displacement – 2025*.

[54] OHCHR, *Annual Update on the Human Rights Situation in Myanmar 2024* (Februa ry 2025).

[55] OHCHR, *Situation of Human Rights in Myanmar* (A/HRC/57/56, 2024).

[56] Special Rapporteur on the Rights of Persons with Disabilities, *Disability and the Crisis in Myanmar* (OHCHR, 2024).

[57] Human Rights Council, *Situation of human rights in Yemen, including violations and abuses since September 2014*, report of the Group of Eminent International and Regional Experts on Yemen, A/HRC/48/20.

[58] IBID

total population. These persons encounter numerous barriers and are faced with social exclusion when trying to get help as migrants, persons with disabilities or the internally displaced.[59]

1. Evidence gathered and analysis provided by Independent Experts, Special Rapporteurs, OHCHR and humanitarian agencies demonstrate that older people often face compounded and invisible harms during armed conflict. Older people in Ukraine, Sudan, the OPT, including Gaza, Yemen, Ethiopia, the Central African Republic, the Sahel and the Democratic Republic of the Congo face high mortality, systemic exclusion from humanitarian aid, and serious disruption of basic medical care, including life-sustaining treatment for chronic illness. Gender, disability, rurality, ethnicity, poverty, as well as displacement status are examples of intersectional factors that increase older persons' vulnerability to violence, starvation, arbitrary imprisonment and a breakdown of traditional support systems.[60]

56. Evidence shows that such persons remain insufficiently protected in conflict situations, as well as within humanitarian response and post-conflict recovery frameworks. One of the repeated findings by UN monitoring and investigation teams is that effective protection is hindered by persistent ageism and the absence of a legally binding international instrument specifically aimed at the needs of older people.[61] Without decisive and urgent action, the extent of vulnerability will only increase as the world's population ages and armed conflict spreads and intensifies throughout the world.

B. Older persons and artificial intelligence

57. Artificial Intelligence (AI) has emerged as a transformative force reshaping modern societies. It has now begun to impact everything from healthcare, social protection and interaction, finance, the justice system, to labour markets, communication and public administration. For older persons, this technological achievement is creating new opportunities, but it is also presenting significant risks to the full enjoyment of older persons' human rights.

58. The Independent Expert on the Enjoyment of All Human Rights by Older Persons has stated that assistive robotics and AI technologies can both empower and endanger older persons through new forms of exclusion and abuse, and how older persons are impacted—positively or negatively—by such technologies depends on safeguards, regulation and participation.[62] The World Health Organization (WHO) has also found that harmful age-based stereotypes, prejudice and discrimination have managed to find their way into the design of such technologies.[63]

59. The competency of older users of AI technology may be impacted by ethnicity, migration status, sexual orientation, socioeconomic and urban/rural status, as well as gender. For example, older women experience dual discrimination, as they are more likely to live in poverty, lack digital access and carry out unpaid care responsibilities.[64] Moreover, stereotypes suggesting that older women are technologically incompetent may influence AI design and implementation, especially with respect to financial services, job-search tools and financial services.[65]

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[59] IBID

[60] Independent Expert on the enjoyment of all human rights by older persons, thematic report to HRC (2024–2025).

[61] UN DESA, *World Population Ageing 2024*.

[62] *Report of the Independent Expert on the enjoyment of all human rights by older persons*, A/HRC/36/48 (2017), thematic focus on assistive and robotics technology, AI and automation.

[63] World Health Organization, *Global report on ageism* (Geneva, 2021)

[64] IBID

[65] 'The complex face of digital exclusion in old age', Age Platform Europe (8 March 2023)

60. Many older people live with disabilities. While AI can improve accessibility through assistive technologies and adaptive interfaces, it can also perpetuate discrimination when systems label people with disabilities as high risk and thus less employable, or when suitable accommodations are not guaranteed—this according to former Special Rapporteur on the rights of persons with disabilities. An inclusive governance model is necessary which would ban discriminatory AI use, human rights due diligence that integrates disability and age, and active interaction with older people and groups of people with disabilities.[66]

61. Compounded vulnerabilities are faced by older migrants, refugees, racialized minorities, indigenous people, older LGBTI persons and older persons in rural or low-income settings. Older persons from these groups are disproportionally affected due to the implementation of AI systems in immigration control, policing or social services, which may translate into racial, ethnic or migratory status biases.[67] Also, automated language translation and content moderation systems do not always support minority or indigenous languages, which may limit older persons' access to information and participation in civic life. Unless States adopt an intersectional human rights approach that addresses these layered structural factors, digital-only banking, AI driven public services and poor connectivity in rural areas can exacerbate territorial and socioeconomic inequalities.[68]

62. Unless States take an intersectional approach that addresses such structural concerns, poor Internet connectivity in rural areas, where indigenous languages are spoken, can easily result in a widening of the gap between the digital haves and have-nots.

63. The Independent Expert emphasizes how the universality of rights is impacted by older people's frequent exclusion from decision-making processes with respect to accountability related to the data systems at the heart of many new technologies. According to the OHCHR's Mapping Report on New & Emerging Technologies, older people cannot benefit equally from the plus side of AI systems more for structural reasons than because of a lack of norms.[69] Therefore, States, civil society, etc., must adopt age- inclusive strategies; otherwise, AI might exacerbate exclusion and widen the digital divide rather than helping to close it.

64. In order to ensure that AI acts as a powerful tool for inclusion and empowerment, States must adopt a human rights-based approach and an age-inclusive and intersectional approach to ensure the meaningful participation of older persons in AI governance, eliminate ageism in AI systems, guarantee transparency and accountability of AI systems through adequate regulations, and incorporate safeguards to ensure privacy, equality, and dignity.

C. Climate change and the human rights of older persons

65. Climate change has magnified existing inequalities and revealed the presence of structural discrimination preventing older persons from fully exercising their human rights. Older persons face disproportionate risks due to extreme heat, food and water insecurity, pollution, natural disasters, displacement, and a breakdown in healthcare systems. Many older persons are among those most affected yet least protected by these issues because of intersecting factors such as gender, disability, poverty, race, rural or informal settings, and indigeneity. While the provisions of international human rights law related to climate change apply to older persons, they tend to remain largely invisible in data systems, climate policy and adaptation planning.

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[66] IBID

[67] UN for the Coordination of Humanitarian Affairs, Digital Equity for All Ages, International Day of Older Persons 2021, theme 'Digital Equity for All Ages'

[68] International Telecommunication Union, Ageing in a digital world, from vulnerable to valuable (2021)

[69] Human Rights and New & Emerging Digital Technologies, Mapping Report 2024 (UN)

66. A landmark advisory opinion on a state's climate obligations was issued by the International Court of Justice in July 2025. The court concluded that:

- States have obligations under human rights law, environmental treaties, the law of the sea, as well as customary international law to protect the climate system;
- These duties are to benefit all persons and require regulation of both public and private actors;
- Failure to prevent significant climate harm engages a State's responsibility, including its duty to prevent wrongful acts and further harm, and that of restoring ecosystems and allowing reparation;
- A precondition for all other human rights is the right to a clean, healthy and sustainable environment; and
- Fossil fuel exploration, production and subsidies provided to oil companies may constitute internationally wrongful acts when inconsistent with a States' obligations.[70]

67. According to the UN Climate Change Regional Collaboration Centre for Asia and the Pacific, Pacific Island countries are making significant progress in a collective effort to meet the goals of the Paris Agreement. The Pacific Islands region contributed only around 0.03 per cent of global greenhouse gas emissions,[71] yet it remains the most vulnerable to climate change impacts, including rising sea levels, ocean warming, coral reef degradation, ocean acidification, drought and extreme weather events. Tuvalu and Kiribati, while emitting extremely low levels of greenhouse gas both in total and on a per capita basis, are widely recognized as being among the countries most vulnerable to rising sea levels.[72]

68. Following the International Court of Justice's advisory opinion of 2025, affirming that a State is legally obligated to deal with the problem of climate change under international law rather than considering it merely as a political choice,[73] the United Nations General Assembly adopted landmark resolution A/80/L.65, with the UN Secretary General, António Guterres, stating that "this adoption is a powerful affirmation of international law, climate justice and science."[74] The resolution calls on States to prevent significant environmental harm, reduce greenhouse gas emissions, cooperate in good faith, uphold human rights and meet their commitments under the Paris Agreement.

69. The resolution emphasizes the importance of limiting global warming to 1.5 degrees Celsius by fostering the use of renewable energy, improving energy efficiency, and transitioning away from fossil fuels. It also calls on States to ensure full, meaningful and equal participation of indigenous peoples, local communities, people of African descent, women and girls, children and youth, persons with disabilities and people in vulnerable situations in decision-making processes regarding climate action, including through access to information and the judicial system.

70. In a statement released following the General Assembly vote, the Secretary General declared that those least responsible for climate change are paying the highest price for it, and that the path to climate justice "runs through a rapid, just, and equitable transition away from fossil fuels toward renewable energy."[75] The Resolution also underscores the fact that States can be held internationally responsible for breaches

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[70] Advisory Opinion on Obligations of States in respect of Climate Change (2025)

[71] UN Climate Change News, https://unfccc.int/news/new-report-reveals-pacific-leadership-on-climate-ahead-of-ndc-30-deadline

[72] Kumar Lalit, Sadeeka Jayasinghe, Tharani Gopalakrishnan and Patrick Nunn, '*Climate Change and the Pacific Islands*', in Climate Change and Impacts in the Pacific (Springer, 2020), pp 1-31, https://www.researchgate.net/publication/338962566_Climate_Change_and_the_Pacific_Islands

[73] United Nations General Assembly, 18th Session, Agenda Item 73, A/80/L.65 (13 May 2026)

[74] UN News, General Assembly backs historic World Court Climate crisis ruling, https://news.un.org/en/story/2026/05/1167561

[75] IBID, UN News

of their climate obligations to cease harmful actions and provide guarantees against recurrence. They can also be held responsible for compensating plaintiffs for any damages they might incur.[76]

71. In the landmark judgment, *KlimaSeniorinnen v Switzerland*, the European Court of Human Rights (ECHR) recognized the failure of Switzerland to protect plaintiffs from the adverse effects of climate-change-related heatwaves as per Article 8 of the European Convention on Human Rights. The Court recognized that climate inaction can breach human rights, and stipulated clear climate obligations for States, such as adopting carbon budgets, interim emissions targets and science-based mitigation pathways. Principles of intergenerational equity and the need to prevent irreversible harm were also underscored by the Court, which linked its decision with broader States' obligations under the UNFCCC and the Paris Agreement. This jurisprudence in the area of climate justice serves to strengthen the foundation for protecting older persons and other groups in vulnerable situations from the impacts of climate change.[77]

72. While climate change affects the enjoyment of all human rights by older persons, intersectional forms of discrimination and structural inequality subject certain groups of older people to particular risks insofar as exposure and resilience to climate impacts are shaped by gender, disability, race, ethnicity, indigeneity, migration status, socioeconomic status, sexual orientation, urban/rural location and other factors. However, such persons should not only be considered vulnerable, but also as rights holders and agents of climate action.[78]

73. Climate change has deepened long-standing patterns of discrimination, invisibility and structural inequality, which undermine the full spectrum of the human rights of older persons. According to WHO, OHCHR and the Independent Expert on the Rights of Older People, older people continue to be disproportionately at risk from air pollution, extreme heat, emerging disease patterns, food and water instability, displacement and the collapse of health and care systems.[79]

74. In addition, the lack of data on older people in climate, humanitarian and disaster risk reduction systems is indicative of deeper structural issues, since policies are being developed without considering the real needs of older people, even when there is clear evidence that they are among the most severely impacted by climate change.[80] Unless States individually and collectively prioritize age-responsive, rights-based climate action across all sectors, the right to health, life, shelter, food, water, social protection, participation and equality may all be at risk due to a rise in global temperatures. It is clear that climate change impacts older people's rights and requires a sustained, accountable and transformative response.

75. This response must be rights-based, age-responsive and equitable, and requires that the category of older persons be specifically taken into account in all data, legal and financial systems. The needs of older people must be included, across all levels of planning by countries' leaders. This requires that Nationally Determined Contributions (NDCs), social protection reform, disaster risk reduction strategies, and national adaptation plans contain explicit and firm commitments, as well as sustained budgeted measures for older persons based on age-disaggregated data.[81]

76. In order to meet countries' commitments under the ICCPR, ICESR, and the Paris Agreement, universal social protection must be provided for, ensuring that accessible health and long-term care systems, as well

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[76] IBID, UN General Assembly

[77] Verein KlimaSeniorinnen Schweiz & Others v Switzerland, No. 53600/20, (Judgment), European Court of Human Rights, 9 April 2024

[78] Analytical Study on the promotion and protection of the rights of older persons in the context of climate change, A/HRC/47/46 (30 April 2021), see also, Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, A/78/226 (25 July 2023)

[79] IBID

[80] IBID

[81] OHCHR, Integrating Human Rights in Climate Action (2023) and UNFCCC guidance on vulnerable groups (2022-2024)

as mental health and dementia services are incorporated into climate preparedness measures.[82] States should prohibit age discrimination in climate laws and ensure that early warning and emergency systems, and relocation procedures take age, disability, gender, indigeneity, mobility limitations as well as linguistic factors into account.

77. In order to guarantee that older people and their organizations are adequately represented in climate-related decision-making, adaptation planning, humanitarian coordination, and resilience initiatives, the establishment of inclusive climate governance is crucial.[83] To overcome the underrepresentation of older persons in climate and disaster assessment, agencies such as OHCHR, WHO, UNHCR, UNDP and UNEP must advocate for community-based monitoring in addition to the systematic collection of age-, gender-, and disability-disaggregated data.[84]Age-responsive climate finance through adaptation, targeted funding, accessible compensation mechanisms, and universal pension guarantees must be prioritized to ensure that older people do not find themselves excluded from climate-disaster recovery and resilience efforts.[85]

78. Finally, as discussions related to an international legal instrument advance, ensuring that older persons are not left behind and are acknowledged as rights and knowledge holders, States now have the opportunity to enshrine climate change protection and intergenerational equality as fundamental human rights.[86]

D. Abuse of older persons

79. By 2050, the number of people aged 60 and over will more than double, and that of people aged 80 or more tripling, according to the WHO.[87] This demographic shift has profound implications for older persons with regard to care systems, social protection and the protection of human rights.

80. Elder abuse is now recognized as both a serious public health issue and a human rights violation. As estimated by WHO, globally 1 in 6 people aged 60 or more experience some form of abuse in community settings every year, and around two-thirds of staff in institutions such as nursing homes report abuse having been committed in the previous year.[88] There was an increase in abuse during the COVID-19 pandemic, and abuse is expected to be more prevalent as the global population of older persons rapidly increases.[89]

81. As stressed by OHCHR, violence against older persons is influenced by such intersectional and multiple forms of discrimination as gender, disability, minority status, health, sexual orientation or identity, citizenship or migrant status as well as a variety of other factors.[90] Similarly, the Independent Expert stressed the increased risks for older women, older persons with disabilities, older LGBTI persons, displaced older persons or older persons in conflict situations.[91]Abuse of such persons can occur in a range of settings, including homes, long-term care institutions, and community-based service environments; it can take many forms, including sexual, financial/material abuse, physical abuse, psychological abuse,

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[82] Climate Change & Health (2024), WHO, see also IBID Independent Expert A/78/226

[83] Special Rapporteur on human rights and the environment (2019-2023)

[84] IBID

[85] Age-inclusive climate finance, UNDP/UNEP (2024-2025)

[86] HRC's deliberations on a new instrument (2024-2025)

[87] WHO, Ageing and Health, Fact Sheet, 1 October 2025

[88] WHO, *Abuse of older people* fact sheet, 15 June 2024., WHO news release, "New resource highlights five priorities for ending abuse of older people", 15 June 2022

[89] IBID

[90] OHCHR, *Guidance Note on Intersectionality*, 2022

[91] OHCHR, "Violence and abuse against older persons", Independent Expert on the enjoyment of all human rights by older persons

neglect and abandonment, as well as systemic abuse in the form of inappropriate restraint, denial of autonomy and generally degrading conditions.[92]

82. Claudia Mahler, the second UN Independent Expert on the Enjoyment of all Human Rights by Older Persons, considers violence and abuse to be a central priority of the mandate, and has drawn attention to the fact that violence is a global phenomenon occurring in families, institutions, workplaces, public spaces, cyberspace and emergency settings.[93]

83. While protection under international human rights law does exist, abuse is often underreported, poorly monitored or inadequately remedied. Unequal access to community participation, social exclusion and intersecting forms of discrimination are the main causes of the compounded and disproportionate harm of older women, older persons with disabilities, and members of minority groups.[94] Global commitments to healthy ageing, justice and equality are hindered by these patterns. A State's ability to prevent, detect and address abuse is hindered by the absence of a specific legally binding international instrument, weak regulatory systems, ageism and the invisibility of older persons in data and policy frameworks.[95] Despite progress noted by regional mechanisms, global standards generally remain fragmented and unable to protect the needs of older persons.[96]

84. In the absence of urgent legal reform gaps will only widen owing to global demographic shifts, and it is fundamental to recognize older persons as rights holders so that they can meaningfully participate and shape future policies impacting their lives.

85. Adoption of an international legally binding instrument on the Rights of Older Persons is a bold step the international community should take. The instrument can provide normative clarity and the binding obligations necessary to address violence, abuse, neglect, and discrimination in whatever setting.[97] Among other things, this international legally binding instrument should provide global standards for long-term care, safeguarding of autonomy and legal capacity, strengthen monitoring systems, and ensure accountability in the case of violations. It would ensure the equal dignity of older persons, demonstrate international political commitment and provide a framework for States to establish age-inclusive, rights-based systems within their borders.

86. States must, at the national and regional level, commit to undertaking comprehensive, intersectional policy reform. This includes integrating older persons explicitly into human rights strategies, enforcing robust LTC regulation, prohibiting practices amounting to mistreatment or torture, and creating accessible pathways for legal aid and remedies.[98] States must invest in community-based alternatives, including home and respite care to reduce unnecessary institutionalization and mitigate conditions that may foster abuse. Targeted measures against economic exploitation, strengthened inheritance and property rights for older women, and CRPD-compliant decision-making systems for older disabled persons are essential components of this shift in approach.[99]

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[92] IBID, WHO, *Abuse of older people-health topic* (definition and types).

[93] OHCHR, "Violence and abuse against older persons", Independent Expert on the enjoyment of all human rights by older persons

[94] IBID

[95] IBID

[96] Background on regional instruments for older persons' rights (Africa, Americas, Europe).

[97] IBID

[98] IBID .

[99] IBID

87. A sustainable way forward requires transforming how societies value older persons. This means dismantling ageism, strengthening public awareness, and ensuring that older persons are systemically included in national statistics, violence surveys and intersectional data systems.[100] Research, policy and program design must be driven by the meaningful participation of older persons, especially those in marginalized communities and institutions. UN bodies and States can contribute to the establishment of responsive, accountable and rights-based care systems that protect older persons from violence and uphold their dignity and autonomy.

VI. THE WAY FORWARD: KEY RECOMMENDATIONS

88. In order to fully secure the enjoyment of human rights by older persons in a rapidly changing global landscape, all States must shift from a fragmented, issue-specific response to an intersectional and age-inclusive human rights approach in all areas, considering older persons not merely as a group requiring assistance, but as full-fledged rights holders. As part of this approach, the following are essential:

A. Adopt a human rights-based approach to ageing

States must base all legislation and policies pertaining to the rights of older persons on fundamental human rights treaties and international human rights standards, including the Universal Declaration of Human Rights. Age-based discrimination, be it in law or practice, must be strictly and explicitly prohibited. This would require integrating a proper perspective on ageing into national human rights action plans and taking into account such intersecting factors as disability inclusion, racial justice, gender equality, migration challenges, climate and social protection strategies. All legislation and policies must also be in line with the UN Decade of Healthy Ageing as well as applicable regional human rights instruments.

B. Elaborate a legally binding international instrument

Adoption of an legally binding instrument on the Rights of Older Persons would represent a significant step toward resolving normative and implementation gaps across all regions. Such an instrument would provide global legal clarity and an opportunity to define such substantive rights as autonomy, long-term care, equality, participation, access to justice, social protection and digital rights. It would provide intersectional safeguards for older LGBTI persons, older women, older persons with disabilities, older persons coming from racialized, migrant, and ethnic minorities as well as indigenous elders. In an ageing world, such an instrument would represent a historic opportunity to build and maintain a modern, rights-based architecture.

In parallel, States should draw from the two extant normative frameworks: the United Nations Decade of Healthy Ageing (2021-2030) and the Madrid International Plan of Action on Ageing, in order to ensure that the principles contained therein are implemented at the international, regional, and national level.

C. Ensure meaningful participation and leadership of older persons

Older persons across gender, sexual orientation, disability, race, ethnicity, indigeneity, migration status, socioeconomic status, rural or urban areas must be systemically included in decision-making at the national, local, regional, and global level. States must ensure that older persons and their representative organizations are represented at all stages of policymaking and programme design by developing participatory monitoring systems and a community-based architecture that consider older persons as leaders and contributors. Such efforts should support the meaningful and inclusive

[100] WHO, UN Decade of Healthy Ageing, see also 5 priorities for tacking abuse for older people (2002)

participation of all older persons, including those in rural, informal, and conflict zones, so that they can influence decisions affecting their lives.

D. Ensure data reliability, accessibility and non-discrimination

States must enact anti-discrimination legislation to address how ageing interacts with other intersecting grounds such as gender, disability, race, sexual orientation, and immigration status. To identify and resolve disparities, public and private entities must be legally required to collect and use age-, disability-, and gender-disaggregated data in accordance with human rights standards and best-practice principles of privacy and data utilization, ensuring data is not used without consent.

Accessible, independent and effective complaint and remedy mechanisms must be established in healthcare, social protection schemes, financial services, digital and AI-mediated systems, labour, housing, and justice systems so that all older persons are empowered to legally challenge any decision that might violate their rights.

E. Guarantee universal, equitable and age-responsive long-term care and social protection

States should:

- Extend universal social protection, including adequate and sustainable pensions, income security, disability benefits and assistance guaranteed by law;
- Ensure financial protection against catastrophic, out-of-pocket health expenses and strengthen continuity of care before, during and after emergencies, armed conflict and natural disasters;
- Invest in long-term care, including home, family-based, community, and universally-accessible mental health and dementia services, as well as geriatric and palliative care. These must be regulated as rights-based systems with clear standards with respect to training, staffing, patient consent, restraint, autonomy, privacy, and monitoring in order to prevent violence, abuse and exploitation, and to monitor a facility's quality of service; and
- Enhance labour-market conditions for older persons and invest in their training.

F. Proscribe violence, abuse and neglect

States must strengthen legal frameworks criminalizing violence and economic exploitation. To address and prevent violence, multidisciplinary prevention and response services must be established along with accessible reporting and referral mechanisms. Increased penalties must be implemented as a deterrent for non-compliance and greater investment must be made in quality care.

An independent oversight body must be established and empowered to inspect, investigate and enforce action when required against any form of abuse in any setting.

States must prohibit any activity that amounts to mistreatment or torture, including unjustified restraint, arbitrary isolation or degrading conditions. Elder abuse should be explicitly integrated into national strategies along with provisions to end violence against women, children, and persons with disabilities. Because of their particular vulnerability, violence against older women, older persons with disabilities and older LGBTI persons must receive particular attention. In addition, effective complaint support mechanisms must be implemented.

G. Build evidence-based systems and bridge the digital divide

States must implement comprehensive strategies to eliminate the digital divide affecting older persons, including by providing universal, affordable connectivity, investing in accessible ICT devices and

promoting age-responsive and culturally appropriate digital literacy, particularly for older women, persons with disabilities, rural communities, low-income groups, and migrant communities.

Public and essential services should never be solely digital by default, as this can result in de facto exclusion. Instead, high-quality, human-supported and offline alternatives must always be available to older persons. In line with OHCHR and WHO guidelines, AI and digital systems in the areas of health, migration, social protection, finance, policing, and justice should possess strong legal safeguards requiring due diligence, transparency, non-discrimination, accessibility, human oversight and allowing effective remedies.

One of the greatest structural barriers to the realization of human rights is data invisibility. Disaggregated data related to gender, age, and disability must be mandated in such key areas as armed conflict, poverty, digitalization, violence, and health and humanitarian aid, to ensure that no one is left behind. Only in this way can evidence-based policymaking become a reality.

H. Integrate age-responsive approaches into climate action

In accordance with the Paris Agreement and a growing body of jurisprudence linking climate obligations and human rights, States must incorporate the rights and needs of older persons into their disaster-risk reduction strategies, national adaptation plans, climate finance mechanisms, loss and damage arrangements, and their Nationally Determined Contributions. Accessible and inclusive early warning systems, evacuation procedures, shelters, relocation processes, heat health and air pollution protection must be ensured with an eye to upholding the principles of disability inclusion, gender equality, and linguistic accessibility.

Moreover, the inclusive representation of older persons and their organizations in climate-related efforts must be increased to ensure their meaningful participation in decision-making processes at all levels; this holds true especially for older women, indigenous elders and older adults with disabilities. Additionally, significant improvements are needed in the areas of climate-resilient health systems and continuity of care, including protection and mental health assistance for institutionalized older individuals.

I. Prevent and respond to online and offline scams and financial exploitation of older persons

Scams and financial exploitation should not be viewed as consumer issues but rather as serious human rights violations. To achieve this, the legal definition of financial exploitation of older persons must be bolstered, and applicable penalties must be increased to act as a deterrent. Internet and telecom providers as well as owners of digital platforms should be mandated to implement age-sensitive fraud detection, secure authentication, and establish rapid-response systems and accessible reporting mechanisms. Legal aid and victim support services should be expanded, including psychosocial services. International cooperation on cybercrime and cross-border asset recovery should be enhanced in line with emerging global cybercrime legal frameworks.

J. Provide protection during armed conflict and humanitarian emergencies

Older persons must specifically be included in protection plans, evacuation plans, humanitarian access, food and financial assistance, shelter design, and post-conflict recovery, in accordance with international humanitarian and human rights law. Across global, regional, and national crises, OHCHR and UN agencies have frequently stressed older persons' increased risks of denial of care, displacement, digital isolation or institutional abandonment, or death. Humanitarian response plans should be worked out on the basis of robust age-, gender-, and disability-disaggregated data, with inclusive targeting and outreach, and these should prioritize continuity of required medical care and assistive technology and the meaningful participation of older persons in needs assessments and peacebuilding procedures.

K. Strengthen domestic laws

States must align their domestic laws and policies in accordance with international human rights law and systematically integrate older persons into their national human rights strategies. Among the various measures that should be taken:

- Enact age-discrimination prohibitions in all sectors, including digital services, financial systems, healthcare and humanitarian response;
- Establish rights-based long-term care systems that regulate staff standards, physical restraint, admission criteria, patient consent, and mandatory inspection requirements by an independent body;
- Provide accessible and age-friendly compliance, monitoring, and oversight mechanisms; and
- Institutionalize data-driven accountability domestically, with mandatory disaggregated gender, disability, and age indicators.

L. Invest in public awareness

Ageism remains a structural driver of discrimination, abuse and neglect. Efforts are needed to:

- Promote a positive, rights-affirming narrative that acknowledges older persons as agents of change;
- Reframe ageing as an integral part of human diversity and a source of social, economic and cultural richness; and
- Implement national anti-ageism strategies compliant with WHO's evidence-based framework.

If implemented with genuine political will within the framework of a strong, binding international instrument, these measures can assist States and the international community in promoting and protecting older persons' rights to equality, dignity, independence, safety, health, social protection, and participation. They can transform today's rapid demographic, technological and environmental challenges into opportunities for empowerment rather than sources of exclusion.

VII. CONCLUSIONS

89. The world stands at a critical juncture, as global evidence unequivocally demonstrates that older persons continue to face systemic, preventable and often invisible human rights violations across all regions. These harms are not an inevitable part of growing older; rather, they are a direct result of structural ageism, deep inequalities, fragmented legal protections and the ongoing marginalization of older persons in terms of data systems, policymaking and resource allocation.[101] Overlapping crises have disproportionately affected older persons due to rapid population ageing, structural inequalities, conflict, climate change, digital transformation and economic uncertainty. If these gaps are not urgently and decisively addressed, they will continue to widen as the number of older persons in the global population continues to grow.

90. The outcomes of the OEWG's 11th to 14th sessions, the HLPF Political Declaration, the Doha Political Declaration of WSSD2, and the UN Decade of Healthy Ageing, as well as the findings of OHCHR, WHO, Independent Experts and others, clearly demonstrate that older persons continue to experience grave and intersecting forms of human rights violations.[102] These include, but are not limited to, poverty, inequality, inadequate social protection, under-resourced and poorly regulated healthcare and long-term care systems, digital exclusion, the increasing impact of climate change, and financial fraud, not to mention the various intersecting forms of discrimination against older persons.

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[101] WHO- Global Report on Ageism (2021), WHO Decade of Healthy Ageing 2021-2030, Baseline report (2020).

[102] IBID

91. A consistent theme throughout this report has been that older persons remain largely invisible in terms of global policymaking, data systems, institutional design, and within accountability frameworks. This invisibility is neither accidental nor inevitable, but is the outcome of systemic ageism, fragmented legal protections, and a lack of political will.

92. Yet older persons are not merely a population group in need of protection. Instead, they are rights holders and knowledge-bearers whose meaningful participation contributes greatly to society. The normative gaps discussed in this report are not the failings of ageing, but, rather, the failings of governance, equality and inclusion.

93. It is clear that incremental reform is no longer sufficient. Without bold, transformative, decisive, urgent, coordinated and sustained action, protection gaps faced by older persons will widen as climate risks intensify, digital systems reshape access to essential services, and financial exploitation grows. A modern human rights framework must match the scale of the demographic shift in progress and the complexity of contemporary risks.

94. The adoption of an international legally binding instrument would demonstrate a genuine global commitment to dignity, autonomy, justice, and equality in older age, and would enhance the ability of States to effectively address the needs of its older citizens. It would also address the limitations of existing instruments by placing on States the burden of binding and enforceable obligations, thus helping to guide domestic reform and ensuring older persons are included in all matters that influence their daily lives.

95. States must place older persons at the centre the broader international human rights agenda and recognize them as full-fledged rights holders.

96. By upholding the rights of older persons as enshrined in human rights law, justice can be promoted, not only for current generations but for generations to come. Ensuring dignity, equality and autonomy for older persons is a moral and legal imperative and a sign of the world's commitment to human rights for all.