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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Promotion and protection of all human rights: civil, political, economic, social and cultural rights, including the right to development**

## **Expert meeting on the human rights obligations of States regarding violence against and abuse and neglect of older persons in all settings**

### **Report of the Office of the United Nations High Commissioner for Human Rights\***

#### *Summary*

Pursuant to Human Rights Council resolution 54/13, on 13 and 14 June 2024, the Office of the United Nations High Commissioner for Human Rights organized an expert meeting on the human rights obligations of States regarding violence against and abuse and neglect of older persons in all settings.

The experts highlighted ageism as the root cause of violence against and abuse and neglect of older persons and discussed structural violence and issues such as social inclusion, the data gap, intersectionality and abuse in different settings. Experts shared experiences, practices and challenges at the national and regional levels and made recommendations to Member States related to their human rights obligations.

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\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



## I. Introduction

1. In its resolution 54/13, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene a meeting of human rights experts, fully accessible to persons with disabilities, with the participation of the Independent Expert on the enjoyment of all human rights by older persons and expert representatives of Member States, the treaty bodies and the special procedures, regional mechanisms, the United Nations system, academia, national human rights institutions and civil society, including with the meaningful and effective participation of older persons and their representative organizations, to discuss and draw up recommendations on the human rights obligations of States regarding violence against and abuse and neglect of older persons in all settings, to prepare a summary report, to be made available in accessible formats, including plain language and Easy Read, containing the conclusions and recommendations of the meeting, and to submit the report to the Human Rights Council by its fifty-seventh session.

2. The expert meeting took place entirely online on 13 and 14 June 2024, owing to constraints resulting from the United Nations liquidity crisis.<sup>1</sup> Over 100 participants attended each day. To ensure accessibility, international sign language interpretation and real-time captioning were provided for individuals with disabilities. Current practices and experiences at the national and regional levels informed the meeting.

## II. Summary of the proceedings

3. The Deputy High Commissioner for Human Rights, Nada Al-Nashif, opened the meeting, welcoming it as a timely discussion in the light of the outcome of the fourteenth session of the Open-ended Working Group on Ageing.<sup>2</sup> She emphasized the demographic shift and global ageing trends, as well as the widespread issue of ageism and its severe impacts, including violence against and abuse and neglect of older individuals. She highlighted the intersectional challenges faced by older women, emphasizing their vulnerability resulting from lifelong income disparities, caregiving responsibilities and structural inequalities, factors which often result in poverty and create barriers to accessing fundamental human rights, including health, food and housing. The combination of economic dependency, longer life expectancy and entrenched gender roles exacerbates the susceptibility of older persons to violence, abuse and neglect. The Deputy High Commissioner highlighted critical data gaps that hinder a comprehensive understanding of the issues faced by older persons and impede effective policymaking; the data gaps contribute to the exclusion of older persons, making accurate data collection crucial for the development of protective interventions and policies. She called for a focused approach, underscoring the urgent need for immediate action, and for the adoption of a human rights economy, which integrates economic policies, investments, business decisions and consumer choices with human rights principles.

4. The Permanent Representative of Slovenia to the United Nations Office and other international organizations in Geneva, Anita Pipan, addressed the evolving global demographic landscape, noting that nearly 70 per cent of the developing world is approaching a “super society” status, with a significant proportion of the population over the age of 60. She highlighted the pervasive issue of ageism, which leads to the exclusion and significant human rights violations of millions of older people worldwide. She expressed concern over the lack of accountability for such violations, which are manifested in various forms, including physical, psychological, emotional, financial, linguistic and sexual abuse. Ambassador Pipan also drew attention to the compounded discrimination experienced by

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<sup>1</sup> See <https://www.ohchr.org/en/events/meetings/2024/expert-meeting-human-rights-obligations-states-regarding-violence-against>. A complete list of speakers at the expert meeting, including their biographies, is available at <https://www.ohchr.org/sites/default/files/documents/issues/olderpersons/Speakers-bio-meeting-older-persons-2024.pdf>.

<sup>2</sup> [A/AC.278/2024/2](#), sect. IV, decision 14/1.

older women throughout their lives, which results in intensified abuse. Ageism-driven violations often go undocumented, exacerbated by the absence of a robust and responsive legal framework, which allows them to occur with impunity. She noted an alarming increase in such violations, emphasizing their pervasiveness across all countries and settings. As populations age globally, these issues become a critical concern. Ambassador Pipan underscored the significant gaps in the current legal protections for older persons and called for the development of a legally binding instrument. She urged all Member States to commit to safeguarding the rights of older individuals, stressing the urgent need for a coordinated international response.

5. In her opening remarks, Professor Jayati Ghosh from the University of Massachusetts Amherst emphasized the timeliness and relevance of the discussion. She focused primarily on rethinking economic policy to ensure better investment in securing a meaningful right to health and the improvement of infrastructure to secure a life of dignity for all people as they age. Highlighting the intersectional nature of the challenges associated with ageing, she stressed the importance of a comprehensive consideration of contexts, including the presence of conflicts, and social and minority status in studying the vulnerability of ageing populations. Elaborating on “the nature of work and employment,” she stated that over 60 per cent of workers worldwide are employed informally, with this figure reaching 70 to 90 per cent in certain countries.<sup>3</sup> She highlighted the challenges faced by self-employed individuals and those performing unpaid work in communities and domestic settings, emphasizing their unmet needs, which intensified further as they age, contributing to a deterioration of their quality of life and making them vulnerable to abuse and harm. She advocated for a universal pension system, stressing the importance of ringfencing and expanding and protecting pensions to ensure economic security and dignity for all workers. Professor Ghosh called for a rethinking of economic policies to prioritize a Human Rights economy.

6. The Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, framed the context for the workshop’s discussions. She began by stating that while longevity is a success story of our times, 1 in 6 people experience violence in old age and that this lived reality remains an invisible and taboo subject. She highlighted the intersectionality of the issue, elaborating further on the experiences of women and LGBTQI+ persons, while recognizing various forms of abuse that permeate our society, including physical, psychological, emotional, financial and material abuse and forms of hate speech. Stressing that ageing is a diverse process, she emphasized that ensuring healthy ageing and a life of dignity requires strong cooperation and partnerships as gaps in the current human rights framework persist that allow ageism and age discrimination to continue. The Independent Expert highlighted several critical legal obligations of States concerning the ageing population: States must ensure that older persons have access to information, raise awareness about and combat ageism and age discrimination. They must ensure access to essential services, address loneliness, and promote social inclusion. It is also crucial to ensure adequate data collection, protect the right to privacy, and guarantee freedom from violence, abuse, and neglect. Additionally, States must prevent digital abuse, provide protection from hate speech, ensure access to justice, and ensure care and support services in prisons, institutional settings, and homes.

7. The expert meeting was organized into four segments featuring interactive panel discussions, during which 20 experts presented and engaged with the audience on four thematic topics, namely: “Challenges in addressing violence against and abuse and neglect of older persons”, “Countering ageism, violence against and abuse and neglect of older persons in private, public and institutional settings”, “Addressing structural violence against older persons in political, environmental and financial crises”, and “Towards a unified legal framework for the human rights of older persons”.

<sup>3</sup> See <https://www.ilo.org/resource/news/more-60-cent-worlds-employed-population-are-informal-economy>.

8. The report is divided into eight thematic sections, which integrate both the presentations and the interactive discussions, providing a summary and concrete recommendations arising from the discussions.

### **A. Ageism as the root cause of violence, abuse and neglect**

9. Experts unanimously identified ageism as the root cause leading to violence against and abuse and neglect of older persons. Ageism is often defined as stereotypes and prejudices against older persons that are based on their chronological age, resulting in a combination of stigmatization and discrimination. It is manifested in various forms, including reduced access to resources, social exclusion and physical and psychological harm.

10. Ageism is entrenched in cultural attitudes, which systematically devalue and marginalize older individuals. It may be unconscious and is often socially accepted, which is reflected in the everyday language used. For example, the word “elderly” has deeply negative connotations of frailty and dependence. The United Nations uses the term “older persons”.<sup>4</sup>

11. Experts noted that ageism, which is systematic, structural and individual, based on actual or perceived deficits, is a lens through which older persons are seen as being more vulnerable and lacking in legal capacity. This mindset overlooks the fact that older persons are capable of meaningful contributions to the economy and our society. Rosario Manalo, Committee on the Elimination of Discrimination against Women expert, underscored the above points by sharing the experience and contributions of members of the Committee to global policymaking. Frances West, an internationally recognized thought leader and adviser on inclusion, shared that ageism also exists within the private sector, quoting statistics from the Equal Employment Opportunity Commission in the United States of America that 15 per cent of discrimination lawsuits are related to ageism.<sup>5</sup> Experts highlighted the substantial harm caused by the assumption that older persons lack legal capacity, noting that this frequently leads to the unjust removal of their autonomy and rights in a paternalistic and overly protective manner. They emphasized that the ageing process is highly diverse, with a wide range of vulnerabilities, capacities and abilities among older individuals. Consequently, they argued that States must provide appropriate support, tailored to the various needs of older persons in order to uphold their autonomy and individual rights.

12. Experts discussed the lack of consensus on the definitions of “elder abuse” and “vulnerability”. Silvia Perel-Levin, representative of International Network for the Prevention of Elder Abuse, pointed out that definitions and classifications developed by health and social care researchers focus heavily on welfare and caregiving relationships and systematically view older persons as a vulnerable group. Denise Eldemire-Shearer, the Executive Director of the Mona Ageing and Wellness Centre, highlighted the importance of having country-specific definitions sensitive to local, cultural and social characteristics. Laura Mills, a researcher at Amnesty International, emphasized the importance of the definition of “discrimination”. Bridget Sleaf, senior researcher on the rights of older persons at Human Rights Watch, elaborated on the need to ensure a rights respecting understanding of “dignity”. She stressed that respect for older persons autonomy, will and preferences should be the basis of freedom from violence and abuse.

13. Since ageism is deeply internalized and ingrained, older persons themselves may often remain unaware of their experience of abuse. The Independent Expert on the enjoyment of all human rights by older persons, Ms. Eldemire-Shearer and Ms. Sleaf all highlighted the importance of education and awareness-raising in addressing ageism and pushing for a paradigm shift. Nation States, decision-makers, caregivers and older persons themselves must be made aware of potential dangers and threats to the human rights and dignity of older persons; increased awareness and recognition of the challenges faced by older people contributes to the prioritization of their needs in law and in policymaking. Experts highlighted the need for both education and awareness-raising at various levels. Older people may require awareness of their own rights, including what constitute violations of those rights, ways to

<sup>4</sup> General Assembly resolution 50/141.

<sup>5</sup> See <https://www.seniorliving.org/research/age-discrimination-statistics-facts/>.

report such violations and how to access public, social and legal information. Diego Bernardini, Professor at Universidad Nacional de Mar del Plata, Argentina, and director of the international diploma programme in new longevity, proposed the use of longevity pedagogy as a method of educating society, using an intergenerational approach to the issue of ageing through both a social and an individual lens.

14. Despite the recognition of ageism as a significant barrier to the enjoyment of human rights for older persons, the current human rights system lacks a specific framework to address it. Unanimously, the experts called for the adoption of an international legally binding instrument that systematically recognizes and protects older persons' human rights, promotes their inclusion and dismantles ageist biases. Such a comprehensive approach would target underlying ageist attitudes and foster a more inclusive and respectful perception of ageing within societies worldwide.

## **B. National legal framework**

15. Many experts, notably the Independent Expert on the enjoyment of all human rights by older persons, Professor Ghosh, Ms. Perel-Levin, Cherian Mathews, Chief Executive of HelpAge International, and Ms. Mills, noted that only a few countries have legislation that specifically addresses all forms of violence against and abuse and neglect of older persons; legislation related to older persons in many countries is not designed with a human rights lens. Professor Ghosh highlighted that even in countries where the leadership is composed of older individuals, there is a notable lack of public policies addressing the specific needs of older persons. Currently, most safeguards come from legal obligations that are not specific to older persons, but rather from those that offer protection to other marginalized groups; older persons must thus rely on the intersectionality of mutual interests in order to qualify for legal protection. For instance, rights and protections for adults with disabilities may provide some protection against discrimination for older persons who are chronically ill or physically or mentally disabled and instruments providing specific protection for women's rights may provide some relief against discrimination for older women. Although such protections and instruments may include older people, they do not address the specific discrimination and impact of ageism and they do not protect all older persons. Yookyong Park, Assistant-Director, National Human Rights Commission of Korea, speaking as the chair of the Working Group on Ageing and the Human Rights of Older Persons of the Global Alliance of National Human Rights Institutions, noted that, according to a 2024 survey conducted by the Global Alliance of National Human Rights Institutions, 71 per cent of the 60 national human rights institutions that responded to the survey reported inadequate legal protection of the rights of older persons in their countries and that almost 50 per cent reported a lack of a specific legal protection for older persons.

16. Alice Casagrande, former adviser to the Ministry of Social Affairs of France, illustrated the benefits of specific legal protection for older persons using the example of a French law<sup>6</sup> to protect older persons from violence, abuse and neglect. The law recognizes the need to fight against violence, abuse and neglect of older persons as a national goal and establishes local public responsibilities for receiving and responding to alerts of abuse in this regard. The law has a comprehensive scope, addressing violence, abuse and neglect in both private and public settings, covering both State and non-State actors. Ms. Casagrande stated that international law is a valuable tool that can catalyse the development of national policy on the issue. It serves two primary purposes: firstly, the comparative application of the law offers insight into inspiring initiatives that guide countries towards the adoption of progressive policies; and secondly, it fosters a sense of community among nations. In their interactions, Aoife Nolan, President of the European Committee of Social Rights of the Council of Europe, Ms. Eldemire-Shearer, Maria Claudia Pulido, Executive Secretary for Monitoring, Promotion and Technical Cooperation at the Inter-American Commission on Human Rights, Bruno Menzan, Legal Officer at the African Commission on Human and Peoples' Rights, and Ms. Park supported the view that national and regional laws would benefit from the establishment of a dedicated international instrument.

<sup>6</sup> See <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000049385823>.

17. Laura Nyirinkindi, a member of the Working Group on discrimination against women and girls, and other experts highlighted the complexity of accessing legal protection, which often makes justice inaccessible for older persons. Even when legal protections exist, accessing justice requires considerable effort and resources. Many older persons face barriers owing to poverty, disability or living in isolated settings, such as care homes, where communication and legal assistance are limited. National legal aid schemes often target only a narrow subset of vulnerable groups and need to be revised to adequately address the realities of older persons. Furthermore, the definitions of vulnerability used to qualify for legal aid may not encompass the specific needs and situations of older persons, further excluding them from support.

18. Many experts emphasized the need for a multistakeholder and layered approach since addressing the rights of older persons requires a comprehensive government response that integrates planning across various sectors, including health, housing and social security. Experts raised the issue of ageism and ageist attitudes impacting political will and decision-making. The Independent Expert on the enjoyment of all human rights by older persons elaborated on the lack of political will that keeps older persons low on the list of priorities, often justified by governments as a lack of resources or a reluctance to invest critical or limited resources to the needs of older persons. Savitri Bisnath, Senior Director of Global Policy at the New School in New York, noted that navigating power dynamics within government is crucial as more influential ministries, such as ministries of finance, can overshadow the work of ministries focused on older persons' issues. Most experts highlighted that working with local and grassroots organizations that understand cultural, societal and legal norms is essential to understanding the unique dynamics of each region. Mrs. West encouraged States to engage the private sector in creating a human rights-based framework to foster policy-driven growth and collaboration between business and human rights initiatives.

### C. Age and social inclusion

19. Experts highlighted the importance of social inclusion, meaningful participation and equal citizenship for older persons. The Independent Expert on the enjoyment of all human rights by older persons pointed out that loneliness puts older persons at increased risk of various forms of violations and abuse. Margaretha Wewerinke-Singh, Associate Professor of Sustainability Law at the University of Amsterdam and adjunct Professor of Law at the University of Fiji, emphasized the value of including older persons in decision-making, especially in the context of the climate crisis, as they have a key role to play in all decision-making processes. Ms. Nyirinkindi stated that it is important to ensure that older people's voices are included as it is crucial to uphold their right to participate in public life, be elected to office, form associations and express themselves freely. She gave the example of Uganda where Parliament, in recognition of the importance of the role of older persons, has created five parliamentary positions specifically for older persons, with one position reserved exclusively for a woman.

20. Experts noted that access to digital information and lifestyles for older persons is often vastly inequitable, be it a result of physical location, finances, digital proficiency or genuine disinterest. Ageism also acts as a barrier to digital inclusion. Digital exclusion results in older persons being denied or hindered in accessing human rights, including online voting, access to justice, participation in governance and accessible health care. Social programmes often rely heavily on online access and applications, placing older persons at a disadvantage as they may need help finding, accessing and applying for resources online.

21. Many older persons do not have proper access to or enough knowledge about the digitalized financial system. Furthermore, the loneliness and social isolation they experience make them more likely to rely on people around them, thereby exposing them to a higher risk of financial abuse and fraud. Loly Gaitan Guerrero, Digital Inclusion Programme Officer at the International Telecommunication Union, referred to a recent report by the Federal Bureau of Investigation in the United States that stated that people over 60 lost more money in scams

in 2023 than in the previous year. There was also an increase of 11 per cent in this form of cyberabuse, amounting to \$3.4 billion.<sup>7</sup>

22. Many experts, such as Ms. Guerrero and Ms. Eldemire-Shearer noted that it is crucial to advocate for inclusive digital policies, ensuring that technology is accessible to everyone and that individuals have the necessary skills to use it. Ms. Guerrero emphasized that information and communications technologies should be built with digital accessibility requirements and a universal design to create accessible, inclusive and age-friendly digital environments and communities. She provided an example of monitoring systems used during the coronavirus disease (COVID-19) pandemic in Latin America, where individuals facing aggression or other issues could simply press a button to immediately connect with local authorities for assistance. The system provided a direct line to community support, ensuring quick and effective help. Some experts suggested an intergenerational approach to mitigate digital exclusion and also proposed that younger people could help older generations improve their digital literacy. Mrs. West shared that the private sector was also showing openness to the potential of older persons, citing programmes within major corporations, including BMW, IBM and NASA.

#### **D. Violence, abuse and neglect**

23. The World Health Organization estimates that globally approximately 141 million people over 60 years of age experience violence, abuse and neglect.<sup>8</sup> Experts agreed that due to the unavailability of data, the actual figure may be much higher. Ms. Park shared that, at a meeting of national human rights institutions with “A” status, held in Manila in 2023, under the aegis of the Global Alliance of National Human Rights Institutions, it was concluded that violence, abuse and neglect was a critical issue globally that necessitated comprehensive and clear guidance on ways to address the problem. Ms. Eldemire-Shearer, Ms. Perel-Levin and Mr. Mathews highlighted critical issues concerning abuse of older persons in domestic settings, emphasizing that various forms of abuse, including gender-based violence and economic abuse, are underreported and hidden, largely because they are often perpetrated by family members, caregivers or other people on whom older people may be dependent.

24. Oftentimes, older persons do not report abuse owing to fear of retaliation or further social isolation. Professor Ghosh and Ms. Eldemire-Shearer pointed out that caregiving is highly skilled work and other experts stressed the importance of support systems for family caretakers to prevent them from becoming overwhelmed and to ensure that they receive adequate training and education. Concurrently, they emphasized the necessity of specialized training in geriatric care for professionals, including medical practitioners and law enforcement, who often lack the expertise needed to effectively identify and address abuse. The Independent Expert on the enjoyment of all human rights by older persons underscored the need for the training of law enforcement personnel to recognize and respond to abuse both in the community and within the prison population. Community-based approaches were seen as pivotal, providing safe spaces for older persons to share experiences and enabling local monitoring bodies to detect abuse early.

25. The importance of accessible justice and reporting mechanisms for older persons was widely recognized. The Independent Expert on the enjoyment of all human rights by older persons, Ms. Eldemire-Shearer and others highlighted the prevalence of abuse in institutional care and support facilities globally. The COVID-19 pandemic had further exposed the increased risk of abuse and neglect faced by older persons in long-term care facilities and other institutions.

26. The following points, which may factor into decisions regarding when, where and how older persons enter a care and support environment, were highlighted.

27. Ms. Perel-Levin emphasized that older individuals become vulnerable when their autonomy is taken away. When children or familial representatives assume guardianship, it often limits the legal capacity and autonomy of older persons, reinforcing stereotypes and

<sup>7</sup> See [https://www.ic3.gov/Media/PDF/AnnualReport/2023\\_IC3ElderFraudReport.pdf](https://www.ic3.gov/Media/PDF/AnnualReport/2023_IC3ElderFraudReport.pdf).

<sup>8</sup> See <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

resulting in abuse. This complex and delicate issue requires an in-depth discussion to balance the independence of older persons with respect for their dignity and human rights. Legislation must be aligned with human rights laws to address these concerns appropriately.

28. Several experts highlighted that effective interventions in public health and social services for older persons are hindered by the lack of integration of human rights principles into policy frameworks and implementation. The current legal framework provides inadequate protection for the specific rights of older persons, allowing abuse and violations to occur. Ms. Sleaf cited the national legal framework of Australia as an example. Australia is in the process of developing a new Aged Care Act to protect the rights of older people in aged care services. However, the current draft fails to ban chemical restraints and explicitly permits their use. This underscores the urgent need for human rights obligations that address all forms of violence against older persons, ensuring that States do not introduce legislation that allows such abuse.

29. Experts, such as Ms. Bisnath and Professor Ghosh noted the inadequacy of policy investments in care and support systems for older persons. Ms. Bisnath noted that public spending in most countries is insufficient to cover the growing demand for long-term care. For example, the average expenditure of member countries of the Organization for Economic Co-operation and Development was 1.5 per cent of gross domestic product in 2019, down from 1.7 per cent in 2017.<sup>9</sup> In low- and middle-income countries, insufficient funding has resulted in care and support workers being undervalued, underpaid and inadequately trained, and oftentimes means that they work under challenging conditions. In high-income countries, care workers are predominantly women of colour or migrants who face multiple and persistent forms of discrimination, including low pay and lack of benefits.

30. To address these issues, significant investment in health care and a reorientation of government spending are necessary. Such investment is crucial for improving conditions for both care providers and recipients. Experts highlighted the inadequacy of current funding and stressed the need for substantial new investments to ensure that older persons can live dignified lives.

31. Ms. Eldemire-Shearer raised the issue of the right to privacy of caregivers. She shared that cameras meant to monitor potential abuse are increasingly being installed in rooms to film caregivers without their informed consent, who often view it as an invasion of their privacy. The Independent Expert on the enjoyment of all human rights by older persons and other experts also raised concerns about the right to privacy for both providers and recipients of care.

## E. Intersectionality

32. All experts emphasized the importance of considering intersectionality and diversity in the ageing process. They highlighted that understanding how different factors intersect with age-related vulnerabilities is crucial when discussing the rights, well-being and protection of older persons. Ms. Nyirinkindi and many other experts noted that violence against older women requires special attention, as gender-based violence against older persons presents unique intersections and requires specialized treatment. Older women are particularly vulnerable because of the cumulative effect of discriminatory practices that women face throughout their lives. They often live in poverty and face difficulties in accessing fundamental human rights related to the rights to health, food and housing owing to persistent lifelong income disparities and caregiving responsibilities. It is estimated that 4.1 billion people worldwide do not receive benefits, the majority of whom are unprotected older women in the African region.<sup>10</sup> The lack of economic independence, coupled with longer life expectancy and entrenched traditional gender roles, make older women more vulnerable and therefore more susceptible to multiple forms of abuse, violence and neglect.

<sup>9</sup> See <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2023/01/2023wsr-chapter5.pdf>.

<sup>10</sup> A/HRC/53/39, para. 44.



33. Social norms, stereotypes and traditions embedded in society, and therefore in the law, have amplified the systematic discrimination against women. Many older women experience daily mistreatment and abuse. The Independent Expert on the enjoyment of all human rights by older persons, Ms. Perel-Levin, Professor Ghosh and Mr. Mathews highlighted the imperative to increase attention to the situation of older women. Ms. Nyirinkindi, Ms. Perel-Levin and other experts concurred that in some societies, older women, especially widows, often endure severe violence and abandonment. In addition, harmful traditional practices, such as witch hunting, which can lead to violence and even death, can deprive them of land, property and inheritance. Such violence is often driven by financial and economic exploitation.

34. The problems outlined by the experts included: (a) the nature of the intersectional challenges older women face, which increases their poverty and diminishes their voice while increasing their vulnerability to sexual violence; and (b) the exclusion of older persons. Older women may fear sexual violence perpetrated by family members and caregivers, or as a tactic of war, without a way to protect themselves, stop a perpetrator or access justice and remedy. The lack of decision-making power and subsequent silencing is intensified when older women are subjected to displacement, forced migration or exposure to diseases, including COVID-19, which amplify prominent and multiple forms of discrimination.

35. Ms. Nyirinkindi highlighted the issue of widow inheritance, where women are forced to marry the brothers of their deceased husbands, a practice still prevalent in certain regions. She emphasized that many existing laws and practices negatively impact women's rights to housing and property and called for their abolition. She also stressed the importance of legislative frameworks that adequately address older women's right to housing. Protecting older women from forced evictions and homelessness, whether from family members, the private sector or the government, should be prioritized.

36. Some experts, notably Professor Bernardini and the Independent Expert on the enjoyment of all human rights by older persons, highlighted the challenges faced by older LGBTQI+ persons. Many cannot return to their families after disclosing their sexual orientation, leading to their isolation or need to hide their identities altogether. Without State-driven support, they can be completely isolated, even more so than non-LGBTQI+ older persons. Research indicates significant health disparities between elderly LGBTQI+ individuals and their non-LGBTQI+ peers, including reduced access to health care and adverse effects from stigmatization and marginalization. Data from Canada and the United States show that LGBTQI+ older persons worry about seclusion, finances and health-care access and are more likely to live alone, be socially isolated and avoid long-term care facilities. Stigma and discrimination negatively affect the health and life expectancy of LGBTQI+ persons; research from Harvard University shows that sexual minorities in areas with high anti-gay prejudice have a reduced life expectancy of 12 years, on average, compared to those in low-prejudice areas, highlighting the severe impact of prejudice and violence against their dignity.<sup>11</sup>

## F. The data gap

37. All experts concurred that the lack of general awareness about violence, abuse, neglect and exploitation of older people is perpetuated by an absence of reliable and comprehensively disaggregated data. Data is fundamental for understanding the scope and nature of issues affecting older people and making meaningful assessments of standards and practices concerning their rights. Detailed, accurate data are essential for developing targeted interventions and measuring progress on civil, economic, political and social rights. Promoting evidence-based policies requires quantitative and qualitative data and analysis based on context-specific categories such as age, gender, race, income, wealth and location.

38. The Independent Expert on the enjoyment of all human rights by older persons, Ms. Park, Ms. Bisnath, Ms. Eldemire-Shearer and others expressed concern about the

<sup>11</sup> See <https://pubmed.ncbi.nlm.nih.gov/28160894/>; <https://pubmed.ncbi.nlm.nih.gov/23830012/>; and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3682466/>.

significant gap in data available to capture the living realities of older persons. It was asserted that this gap is alarming, indicative of and contributing to the exclusion of older persons. Nena Georgantzi, Human Rights Manager of AGE Platform Europe, highlighted that non-governmental organizations report the absence of national statistics on elder abuse, making it challenging to advocate for adequate policies and strategies. While non-governmental organizations attempt to fill data gaps, their efforts are often anecdotal and incomplete, highlighting the need for comprehensive national data. Research methodology also affects data collection. For example, in many countries, data on violence against women and population-wide health surveys often stop at age 49, limiting the understanding of older women's lived experiences. Demographic, health and violence surveys lack specific data on older persons, resulting in missed opportunities to recognize, study and respond to important correlations on this age group.

39. In the context of humanitarian emergencies, Mr. Mathews highlighted that the lack of focused and adequate data on older persons further increases the challenge for humanitarian responders in their planning of response and rescue decisions.

40. Experts stressed that States must ensure adequate data collection while protecting older persons' right to privacy; they called for quantitative and qualitative participatory research to include older persons' challenges with cognitive or other impairments. Ms. Bisnath highlighted the role of OHCHR in supporting national statistical offices in collecting age-disaggregated data to identify and monitor older persons' enjoyment of human rights. Experts also highlighted that a lack of awareness, stigma or fear of retaliation and a lack of access to justice and reporting systems results in underreporting. Ms. Georgantzi and Ms. Park stressed that it is necessary to create a broader legal framework that covers all aspects of human rights for older persons, focusing on ageism, emerging and all other forms of violence and harm against older persons to support comprehensive data collection.

## G. Regional conventions and provisions

41. At regional levels, efforts have been made to protect and promote the human rights of older persons. Experts shared their experience in establishing and monitoring the regional conventions and provisions and explored their impacts and shortcomings.

42. Referring to article 23 of the European Social Charter,<sup>12</sup> the existing human rights standard specifically focused on older persons' rights, which the European Committee of Social Rights monitors through its State reporting and collective complaints procedures, Professor Nolan highlighted the detailed provisions of the Charter, which focus on State obligations to ensure that older persons remain full members of society, live a decent life and participate actively in public, social and cultural life. Article 23 of the Charter, which requires States to adopt measures allowing older persons to choose their lifestyle freely and lead independent lives in familiar surroundings for as long as they wish, has significantly informed the legal protection and promotion of older persons' rights within Europe. Professor Nolan stressed the importance of a human rights-based definition of "ageism" and a framing of "independent living" grounded in diverse realities and advocated the integration of the two elements as an integral part of a comprehensive international instrument.

43. Regarding the European legal framework, Ms. Sleaf drew upon the 2014 recommendation on the promotion of human rights of older persons of the Council of Europe,<sup>13</sup> highlighting that the recommendation is advisory and not legally binding. Even when specific provisions for older persons' rights exist, they are not always comprehensive and frequently fail to address the pressing issues discussed at the expert meeting. There is a significant gap in the explicit articulation of standards dedicated to addressing violence, abuse, neglect and age-related concerns. Ms. Sleaf also mentioned that human rights obligations, which include support to victims, survivors and those at risk of violence, are clearly established in the Convention on the Rights of Persons with Disabilities and, at the

<sup>12</sup> See <https://rm.coe.int/168007cf93>.

<sup>13</sup> See <https://search.coe.int/cm?i=09000016805c649f>.

regional level, in the Inter-American Convention and in the recommendation of the Council of Europe.

44. In the same context, Ms. Georgantzi stressed that abuse of older persons must be framed as part of a broader, structural issue, to which no country is immune. In her opinion, contrary to popular belief, European States are even more affected by the situation. In this regard, she suggested that existing prohibitions on torture and abuse are insufficient to adequately address the systemic nature and unique causes of abuse of older persons. In European law, she observed that stereotypes regarding fitness to work are sometimes used by courts to justify mandatory retirement ages. While provisions exist for reasonable accommodation, based on disability, they are applied restrictively. Professor Nolan argued that establishing an international treaty, as proposed by nearly every speaker at the meeting, is essential for addressing the rights of older persons under international law in an intersectional and rights-based manner and emphasized that the existence of international legal standards would reinforce the protection offered by regional systems. Currently, such a comprehensive approach is unavailable at the regional and international levels, making the protection of older persons worldwide an unattainable goal.

45. Mr. Menzan highlighted the efforts of the African Union to create a regional framework for the protection of older persons, starting with the establishment of the African Commission on Human and Peoples' Rights in 1987. The African Commission was established under article 30 of the African Charter on Human and Peoples' Rights. Its functions, which were set out in article 45, included the creation of subsidiary mechanisms, such as special committees and working groups. The African Commission, in its resolution on the rights of older persons and people with disabilities in Africa, underscored the need for States to facilitate comparative research on older people and those with disabilities, using the findings to more accurately legislate on issues concerning older persons.<sup>14</sup> During the twenty-sixth ordinary session of the Assembly of the African Union in 2016, the Assembly adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa.<sup>15</sup> Although 25 States have signed the protocol, it has not yet entered into force. Fourteen countries have ratified it – one short of the 15 needed for it to enter into force. Mr. Menzan emphasized the significant lessons learned between the drafting of the 2016 Protocol and the Protocol on the Rights of Persons with Disabilities in Africa in 2018. A key difference was the increased awareness, knowledge, understanding and recognition of the challenges faced by individuals with disabilities. The African Commission has been diligently raising awareness through conferences, panel discussions and engagement with its 55 member States. A baseline report on the legal framework concerning the rights of older persons in member States is underway; once published and available it will support the development of enhanced responses to address the challenges older persons face. The potential contribution of the African Protocol on the Rights of Older Persons is significant, as it establishes baseline minimum standards that could be further strengthened by the adoption of an international legal framework. Mr. Menzan concluded with a call for full cooperation and support from all States Members of the United Nations, stressing that such collaboration is essential to the creation of a comprehensive international human rights instrument for older persons.

46. Ms. Pulido introduced the Inter-American Convention on Protecting the Human Rights of Older Persons<sup>16</sup> adopted by the Organization of American States in 2015, which came into force in 2017. The Convention aims to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by older persons, contributing to their full inclusion, integration and participation in society. By establishing a clear legal framework, the Convention obligates Member States to take concrete actions to safeguard rights and serves as an inspiration for the adoption of new laws and policies by countries in

<sup>14</sup> African Commission on Human and Peoples' Rights, resolution ACHRP/Res.143(XXXXV)09 (<https://achpr.au.int/en/node/754>).

<sup>15</sup> See [https://au.int/sites/default/files/treaties/36438-treaty-0051\\_-\\_protocol\\_on\\_the\\_rights\\_of\\_older\\_persons\\_e.pdf](https://au.int/sites/default/files/treaties/36438-treaty-0051_-_protocol_on_the_rights_of_older_persons_e.pdf).

<sup>16</sup> See [https://www.oas.org/en/sla/dil/docs/inter\\_american\\_treaties\\_A-70\\_human\\_rights\\_older\\_persons.pdf](https://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-70_human_rights_older_persons.pdf).

the region. Ms. Pulido stressed that the expert meeting could inform processes for the creation of an internationally legally binding instrument.

47. Experts unanimously recognized the unique challenges faced by older persons globally. They highlighted that emerging challenges often remain unaddressed by existing international frameworks and discussed certain aspects of older persons' rights that are addressed in international instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. The experts agreed that no single international human rights instrument sufficiently or comprehensively addresses all issues related to older persons.

48. Regional human rights law can only partially bridge gaps in legal norms and may not cover all aspects of older persons' rights. An international legally binding instrument could mitigate existing gaps by addressing issues overlooked or underdeveloped in contemporary frameworks. An international instrument could also significantly promote the implementation of regional frameworks. While individual States may have varying priorities on the protection and promotion of the rights of older persons, an international legally binding instrument would provide guidance on adequate legislation, support, remedy and accountability. Establishing uniform standards and norms across countries would raise the visibility and recognition of older persons as rights holders on the global stage and ensure that attention is focused on those most in need.

49. Many experts stressed that drafting an international legally binding instrument should draw on the experience of existing regional conventions and protocols and address their shortcomings to ensure protection of the human rights of older persons. They highlighted that the instrument should ensure that older persons live free from all forms of violence, abuse and neglect in all settings. Experts, such as Attiya Waris, Independent Expert on foreign debt, other international financial obligations and human rights, Mr. Mathews and Ms. Bisnath, specifically mentioned the need to include resource allocation, proper and respectful language and the inclusion of all social, economic, cultural and political rights. Given the current context and the lessons learned from the COVID-19 pandemic and other crises, some experts, such as Mr. Mathews and Professor Wewerinke-Singh, agreed that strong and detailed provisions for international cooperation and assistance were needed. Many experts, notably Professor Wewerinke-Singh and Professor Nolan emphasized that a comprehensive, legally binding instrument should have its own monitoring body to ensure effective implementation and cooperation among States.

## H. Structural violence

50. Structural violence against older persons can be observed in specific contexts, including political, environmental and financial spheres.

51. Ms. Sleaf emphasized that State obligations to prevent violence, abuse and neglect extend to all settings, including conflict zones, care institutions and prisons. She highlighted the significant risks faced by older persons in those environments. Mr. Mathews stressed that, during crises, older individuals are often perceived as burdens or passive recipients of aid, despite their vital roles as caregivers, community leaders and peacebuilders and called for a shift in this perception, towards recognition and support for their contributions. Drawing on her experiences with individuals in armed conflict, Ms. Mills advocated for a re-evaluation of discrimination definitions in the above contexts. She urged States to ensure the fundamental rights of older persons and to provide services to them on an equal basis. In addition, she highlighted the adverse impact of low pensions and lack of income for older persons, particularly during emergencies and armed conflicts.

52. Ms. Mills further stressed that the neglect and violation of older people's rights are chronic and systematic. Mr. Mathews, stressing that the challenges older women face require significant attention in humanitarian and conflict situations, called on Member States to uphold international humanitarian law, include older persons in their planning and renew their commitment to international cooperation. All experts agreed that substantial evidence from conflicts demonstrates the systematic neglect of older persons. They advocated for

clear, strong and comprehensive legal provisions through a dedicated international treaty to address the unique challenges and multiple forms of discrimination and exclusion faced by older persons in conflict and humanitarian crises.

53. Professor Wewerinke-Singh, Mr. Mathews and other experts highlighted the disproportionate impact of the escalating climate crisis on older persons, which affects the enjoyment of their rights. Professor Wewerinke-Singh emphasized that all States have obligations under international human rights law to protect the rights of older persons in the context of climate change. As the climate crisis escalates, older persons face disproportionate impacts that affect the enjoyment of their rights to life, health, food, housing and an adequate standard of living. Many older persons who live in rural areas are more susceptible to climate change. When facing natural disasters that force people to flee, older persons are often left behind, with a lack of essential resources and in danger of further climate-related effects and possible violence. Professor Wewerinke-Singh and Mr. Mathews concurred that ageism exacerbates the negative effects of climate change while simultaneously marginalizing older persons, excluding them from decision-making. Because older persons are disproportionately affected by climate change, building their needs and rights directly into charters, treaties and agreements that outline State and global responsibilities in climate change is essential. Professor Wewerinke-Singh elaborated on the significance of a recent case before the European Court of Human Rights,<sup>17</sup> in which it was recognized that older women suffer disproportionately as a result of climate change and that States had a legal obligation to take appropriate action. Explicit recognition and comprehensive protection of the rights of older persons through a new legally binding instrument would provide a crucial tool for addressing the severe, disparate impacts of the escalating climate crisis on older women. In developing such an instrument, it would be vital to ensure the active involvement of older persons and their representative organizations. The Independent Expert on foreign debt, other international financial obligations and human rights noted that shocks to the global financial system can forcefully affect older persons and that, in the specific context of climate change, measures to mitigate the overall impact of climate change are often taken at the cost of the rights of older persons.

54. Experts stressed that States must take concrete measures to protect the health, housing, livelihoods and safety of older persons facing climate threats, including through social protection, care and support services targeted to meet their needs. States must mobilize, individually and jointly, financial and technical resources to build resilience among all populations, especially in developing countries, to prevent and remedy climate-related effects that disproportionately harm older persons. Examples were cited illustrating how the Committee on the Rights of Persons with Disabilities had clarified the need to safeguard the rights of persons with disabilities during climate disasters and how the Committee on the Elimination of Racial Discrimination had provided guidance on countering the disproportionate effects of climate change on Indigenous Peoples and racialized communities. Professor Wewerinke-Singh advocated the adoption of a dedicated international legally binding instrument, with its own treaty monitoring body, to provide comprehensive and systematic guidance to uphold the rights of older persons in the face of the climate crisis.

55. Ms. Bisnath highlighted the links between human rights, the role of the State and macroeconomic policies. The role of the economy is to allow human beings to flourish while respecting the indivisibility of human rights. Structural barriers to poverty and discrimination should be addressed through the centring of human rights in policies. Member States should expand their economic policies to maximize resources for fulfilling all human rights and ensure the economic, social, political and cultural rights of older persons, including by implementing progressive tax policies, ensuring the private sector pays its fair share, curbing illicit financial flows, combating tax evasion and strengthening tax administration. In addition, inclusive industrial policies should be developed to enhance human rights, particularly for older persons, and low- and middle-income countries should be assured access to essential medicines and medical equipment through localized production.

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<sup>17</sup> European Court of Human Rights, *Verein Klima Seniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment, 9 April 2022.

Recognizing and remunerating care work by formalizing it would create jobs, improve the quality of care and generate tax revenue. Finally, evidence-based policies should be promoted, informed by data on age, gender, race, income and location.

56. Ms. Bisnath and the Independent Expert on foreign debt, other international financial obligations and human rights concurred with Professor Ghosh, highlighting the profound negative impacts of austerity measures on the protection of human rights, especially for older persons. They noted that such measures, rooted in neoliberal economic policies and aimed at reducing State expenditures, undermine the capacity of States to provide their populations with the means to enjoy their economic, social and cultural rights. Austerity in ageing societies has been a primary concern because public spending related to older persons is often the first to be cut. Reducing public spending on health and education weakens social safety nets essential for the well-being of older persons. Austerity policies have weakened many national health systems, as demonstrated during the COVID-19 pandemic when many countries could not provide a robust response to the crisis. Austerity measures destabilize pension systems, compromising the financial security of older persons, who, left without pensions, are forced to subsist through participation in informal economies. Currency fluctuations and banking instabilities further erode the financial resources of older persons. Economic instability can exacerbate violence and abuse within families, as older persons become reliant on family support that may be strained or unavailable. The Independent Expert on foreign debt, other international financial obligations and human rights echoed concerns about inadequate financial support and pension availability, noting that, in Africa, life expectancy ranges from 61 to 65 years, with varying retirement ages and differing health needs. She stressed the importance of raising awareness about that demographic group and of reassessing the rationale for pensions and other forms of support tailored to its needs.

57. Ms. Bisnath and other experts advocated for a human rights economy that prioritizes the needs of people and society and invests in economic, social and cultural rights and ensures that economic policies are guided by human rights standards so that everyone can live a dignified life.

### **Closing segment**

58. Alejandro Bonilla Garcia, Chair of the NGO Committee on Ageing in Geneva, pointed out that the world is an increasingly violent place, that people at all stages of life are at risk and that older individuals are particularly affected both by new and old forms of violence. He called for a reaffirmed commitment to legal frameworks that provide better protection for older persons.

59. The meeting concluded with remarks from Ambassador Carlos Foradori, Permanent Representative of Argentina to the United Nations Office and other international organizations in Geneva, who highlighted the regional and international efforts of Argentina to protect the rights of older persons, focusing on care and support, financial assistance and social service policies. He emphasized that the expert meeting had clearly demonstrated the urgent need to address significant gaps in the protection of older persons, including the lack of disaggregated data necessary for understanding their experiences and the inadequate access to justice and sensitivity towards older persons in care facilities and government institutions. He called for the adoption of an intersectional approach, considering the views, needs and autonomy of older persons, and urged intensified efforts to protect and support their rights.

60. In summarizing the discussions, Peggy Hicks, Director of Thematic Engagement, Special Procedures and Right to Development Division of OHCHR, stated that despite ongoing efforts, older persons continue to suffer from stigma, marginalization, discrimination and stereotyping, intersecting with issues of vulnerability, risk and responsibility. She highlighted the urgent need for a comprehensive, legally binding framework rooted in human rights and concluded the meeting by advocating strong collaboration towards that goal.

### III. Conclusions and recommendations

61. States should adopt a comprehensive, legally binding international instrument on the human rights of older persons. The instrument must specifically address violence against and abuse and neglect of older persons, filling the existing gaps in definitions and protections related to ageism and age discrimination. It should ensure adequate protection in all contexts, including political, environmental and financial crises. The drafting of the instrument should:

- (a) Draw on the experiences of existing regional conventions and protocols, addressing their flaws and shortcomings, and should cover emerging issues such as the impact of global crises, armed conflict, sanctions and foreign debt on older persons;
- (b) Use maximum available resources and enhanced financial commitments, integrated to support the implementation of the rights of older persons;
- (c) Include international cooperation, technical assistance, capacity-building and financial support to ensure the human rights of older persons; the instrument should strongly encourage such cooperation;
- (d) Include a robust monitoring and reporting mechanism to ensure compliance and accountability.

62. In addition, in addressing violence against and abuse and neglect of older persons, States should:

- (a) Establish mechanisms for the comprehensive collection, analysis and dissemination of data on violence against and abuse and neglect of older persons, paying special attention to the specific needs and rights of older women, LGBTQI+ persons, indigenous older persons and other minority groups; data should be disaggregated by age and other relevant categories and OHCHR should proactively collaborate with national statistical offices to enhance data collection and analysis efforts;
- (b) Recognize all forms of violence against and abuse and neglect of older persons, whether in public or private settings, perpetrated by State or non-State actors, whether intentional or unintentional, and address structural violence; all national policies should be aligned explicitly, covering all forms of violence against and abuse and neglect of older persons and tailored to meet the complex and varying needs of older persons;
- (c) Strengthen legal frameworks to address violence in both domestic and institutional settings against older persons, including by establishing accessible justice and reporting mechanisms to ensure that older persons can utilize the systems effectively;
- (d) Implement policies and intergenerational programmes that promote digital inclusion, including by providing accessible digital literacy programmes to ensure that older persons have equal access to information, services and opportunities in the digital age, while also protecting them from digital abuse and scams;
- (e) Adjust infrastructure and facilities to meet the needs of ageing populations, including by improving training for health-care professionals and formalizing and compensating care and support work;
- (f) Implement education and awareness programmes to combat ageism and age discrimination[ working closely with national human rights institutions, civil society organizations, the business sector and other relevant stakeholders, such programmes should foster a paradigm shift, recognizing and valuing the contributions of older persons to society and the economy;
- (g) Ratify and implement regional conventions and protocols focused on the protection of older persons' human rights, ensuring specific prohibitions on violence, abuse and neglect.