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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Future generations of older persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, in accordance with Human Rights Council resolution [51/4](#).

* [A/79/150](#).



Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler

Summary

In the present report, the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, identifies the human rights challenges facing present and future generations of older persons ahead of the Summit for the Future, and makes recommendations to stakeholders for building a more age-friendly society for future generations.

I. Introduction

1. The world's future population is projected to be older and more heterogeneous than ever. As the Secretary-General has reported, absolute numbers of older persons are forecast to more than double by 2050; the overall proportion of persons aged 65 years or over will rise from 10 per cent in 2021 to 17 per cent by 2050; and longevity has been steadily increasing for decades in almost every country (A/78/134, para. 46). That success story is an unprecedented shift that requires changes in approaches to development, law and policy that leverage the diversity of older persons and their potential to contribute, and ensure their ability to enjoy the full spectrum of human rights. The urgent need for structural policy changes to support the world's ageing population has been recognized by the World Health Organization (WHO) in its *World Report on Ageing and Health* and in the goals of the United Nations Decade of Healthy Ageing (2021–2030). It is also reflected in the recent establishment of the Inter-Agency Group on Ageing, which is mandated to uphold the rights and dignity of older persons.

2. Despite the positive initial steps made on the issue, older persons are not sufficiently considered within the international community's frameworks for the future. The 2030 Agenda for Sustainable Development seeks to realize the human rights of all, leaving no one behind, but includes few references to older persons throughout and even explicitly excludes older persons in some instances. Target 3.4 on non-communicable disease focuses on premature mortality but excludes persons 70 years of age and older, despite the fact that they account for over 50 per cent of deaths from those diseases each year.¹ Furthermore, many Member States have not yet included older persons, their needs and their potential in work towards many of the Sustainable Development Goals, even those where there is explicit mention of older persons (see A/78/134). Many of the Member States and key stakeholders who developed the Sustainable Development Goal indicators and are responsible for their implementation have not, in fact, met the commitment of the Goals to leave no one behind with regard to older persons. Such a huge, missed opportunity ignores the potential and the positive contributions of the fastest-growing age group worldwide.

3. Our Common Agenda, the Secretary-General's vision for the future of global cooperation, outlines possible solutions for addressing the gaps and risks not adequately foreseen or addressed in the 2030 Agenda for Sustainable Development, including climate change, inequalities and global public health risks (A/75/982, p. 9) all of which are challenges that disproportionately affect older persons. The Summit of the Future in 2024 will explore how better to meet the needs of the present while preparing for the challenges of the future, forging a new global consensus on preparing for a future rife with risks but also opportunities through a Pact for the Future for guiding global efforts to address those challenges (see General Assembly resolution 76/307). The Pact will include a declaration, agreed by consensus at the intergovernmental level, on future generations, namely all generations that do not yet exist and who will inherit this planet, including people of all ages, from children and youth to older persons, and recognizing the need to consider people's needs and rights across the life course.

4. Regrettably, there are only four mentions of older persons in the whole text of Our Common Agenda. References to older persons are similarly limited in the Pact for the Future. The current draft of the declaration on future generations mentions

¹ WHO, "Noncommunicable diseases", key facts, 16 September 2023; and General Assembly resolution 70/1 (see target 3.4: "By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being").

older persons only once, in the definition. Such an approach does not align with a people-centred, life-course approach and ignores a great proportion of the current population. There are, however, more references in those documents to intergenerational solidarity, which can be an entry point for the visibility of older persons in development of the future. Older persons' human rights are deeply affected by the trends and risks identified through the future-looking processes of the United Nations, which the Human Rights Council has deemed crucial to the potential human rights environment for older persons.² It is long past time for the international community to ensure their guiding frameworks for the future are fit for purpose for the world's ageing population. The present report will consider anticipated future changes, and how Member States and the United Nations should respond in order to protect and strengthen the human rights of present and future older persons.

II. Challenges to the human rights of future generations of older persons

A. Limitations of the current normative framework

5. Addressing the specific human rights challenges faced by older persons in future-facing processes is all the more urgent given the lack of an internationally legally binding instrument articulating the human rights of older persons. Such a lacuna creates a fundamental gap in relation to equality and non-discrimination, protection from violence, autonomy, care, health, social protection, economic security and participation in public life. The absence of an international legally binding instrument also contributes to the invisibility of the rights violations that older persons experience and limits public awareness of the rights of older persons, including by duty bearers. Only two United Nations human rights treaties contain a reference to age discrimination, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. Existing treaty bodies and special procedures have not and cannot provide coherent mechanisms for the recognition and redress of the human rights of older persons.³ The absence of a human rights treaty for older persons leads to the persistence of social welfare approaches that foster dependency by treating older persons as passive recipients of assistance rather than empowered rights-holders.

6. The persistence of challenges stemming from the absence of an international instrument to protect the rights of older persons has been recognized by Member States. During the fourth review and appraisal of the Madrid International Plan of Action on Ageing, Member States from all regions expressed support for the development of an international legally binding instrument on the human rights of older persons, noting that such an instrument would complement and reinforce the Plan of Action on Ageing and would be key to promoting and protecting the rights and dignity of older persons. The Open-ended Working Group on Ageing has examined the application of various human rights to older persons and the associated gaps in international human rights law for over a decade, and in 2024 adopted an historic decision, which identified possible gaps in the protection of the human rights of older persons and made recommendations as to how best to address them, including a recommendation to consider adoption of an international legally binding instrument

² See Human Rights Council resolution [51/4](#).

³ See Office of the United Nations High Commissioner for Human Rights (OHCHR), "Update to the 2012 analytical outcome study on the normative standards in international human rights law in relation to older persons", working paper prepared by OHCHR, 22 March 2021.

for securing older persons' human rights (A/AC.278/2024/2, decision 14/1). The future of the Working Group and the next steps for implementing its recommendations now rest with the General Assembly.

B. Structural ageism

7. The international human rights system has failed to provide explicit, binding prohibition of ageism or to provide an effective remedy for it.⁴ It was also stated in the WHO *Global Report on Ageism* that nearly one in two people worldwide harbour ageist beliefs.⁵ The Independent Expert has previously highlighted the corrosive impact of ageism on the development of laws and policies that affect older persons (see A/HRC/48/53). Ageism can lead to public policies that paternalistically portray older persons as uniformly affected by cognitive disabilities, mobility challenges and other challenges that limit their capacity and necessitate their protection. Without the necessary efforts to effectively address ageism in policymaking spheres, future generations of older persons risk being affected by policies that fail to recognize their agency, productivity and ability to make positive contributions to society. Far from being a homogeneous group, older persons are one of the most heterogeneous demographic groups.

8. The collection of data on older persons, disaggregated by age and other relevant characteristics, allows for initial comparison and appraisal of older persons with other population groups and forms part of the human rights obligations of States.⁶ Another manifestation of structural ageism, however, is a lack of systematic efforts to collect data on older persons, disaggregated by age, sex and other relevant characteristics, leading to the development of legislation, policies and practices that do not effectively address the situation of older persons (see A/HRC/45/14). A particular lacuna in that regard is the absence of data on older persons disaggregated by age cohort, to better understand the situation of older persons at different ages, which will be increasingly important as the world's older population continues to increase in size.

9. In practice, tackling ageism and age discrimination can and should take different forms in order to be effective. In Nigeria, the Government has deployed an interactive audiovisual campaign to combat ageism. Among other actions, awareness-raising public service announcements were prepared and aired on national television during prime time to highlight the positive contribution of older persons to society (A/HRC/54/26/Add.1, para. 26) and included a toll-free number to telephone to receive support.

C. Right to public participation, including planning for the future

10. The Universal Declaration of Human Rights includes the right of all to participate in the life of the community. The International Covenant on Civil and Political Rights includes the right to take part in the conduct of public affairs. The Committee on the Rights of Persons with Disabilities expressly included older persons as a group that should be closely consulted and actively involved in policymaking.⁷ Nonetheless, older persons are frequently excluded from public planning processes, including those related to planning for the future. Ageism and age discrimination, social isolation, low levels of digital literacy, poverty and intersecting forms of discrimination

⁴ Ibid., para. 47.

⁵ WHO, *Global Report on Ageism* (Geneva, 2021), p. xvi.

⁶ OHCHR, "A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development", 2018, p. 7.

⁷ Committee on the Rights of Persons with Disabilities, general comment No. 7 (2018), para. 50.

affecting older women, persons with disabilities and other groups hinder the effective participation of many older persons in public policy discussions. Former United Nations High Commissioner for Human Rights Navi Pillay observed the irony of older persons' exclusion from the very societies and institutions that they had built.⁸

11. Older persons must have the right to participate in planning for the future. No other age group has their lived experience, can fully understand the realities of their lives or provide advice as to what measures are most useful and necessary to promote dignified ageing for an ever-growing older population. In addition, older persons often possess skills and knowledge that can help address future challenges, including climate change. They may have lived through previous disasters or possess traditional skills and knowledge that can promote more sustainable ways of life in a changing climate (A/78/226, para. 62). Older persons also hold leadership roles and respect in many societies and communities and are therefore well-positioned to serve as agents of change for adapting to future challenges. Meaningful participation of older persons in their full diversity would allow governments to make their policies more effective and fit for purpose for an increasingly ageing society.

12. Senior citizens' councils are an example of platforms that can be created by municipalities to allow older adults to express their interests and influence local decision-making. Such councils can promote active senior citizenship, integrate ageing-related issues into regional plans, run information campaigns, create databases of support organizations and promote intergenerational relations through volunteering.⁹ In the Dominican Republic, a senior citizen council has been established, which includes older persons alongside representatives from State secretariats, non-governmental organizations and the Catholic Church, ensuring the participation of older persons in policymaking (A/HRC/54/26/Add.3, para. 12). Similarly, the Saami Council in Finland incorporates the perspectives of older persons through its work on cultural preservation, community engagement, and inclusive representation in the decision-making process (A/HRC/51/27/Add.1, para. 23).¹⁰ A promising initiative within the United Nations system is the Intergenerational Hub, which provides a space for discussions about intergenerational inclusion and collaboration with regard to a shared future.¹¹

D. Prevention and protection from violence, abuse and neglect

13. With the demographic shift towards an older population and therefore fewer people among younger generations, there is increasing pressure on traditional family systems, which can lead to violence against and, abuse and neglect of older persons. Without efforts from Governments at all levels to provide adequate alternatives to familial systems of care and support or to provide additional resources to families with responsibilities to care for their older relatives, the increased economic burden on communities and families can reinforce negative stereotypes of older generations that lead to violence against and abuse and neglect of the members of those generations.¹² In some instances, younger generations may hold older persons responsible for challenges such as climate change that arise or worsen as a result of past policies, fuelling hostility towards older generations. As part of the digital

⁸ OHCHR, "UN Human Rights Chief calls for better protection on the rights of older persons", 15 February 2011.

⁹ See example from Poland, in Economic Commission for Europe, "Meaningful participation of older persons and civil society in policymaking", August 2021, p. 12.

¹⁰ See also www.saamicouncil.net/en/the-saami-council.

¹¹ See www.un.org/en/2024uncsc/intergenerational-hub.

¹² The Independent Expert has written extensively on the right of older persons to freedom from violence, neglect and abuse. See, for example, A/HRC/54/26.

transition, older persons may also experience new forms of violence, such as online hate speech, fraud and harassment, which are increasingly issues of concern.

14. The issue of violence, abuse and neglect affecting older persons is not adequately addressed in many jurisdictions. Reasons for not addressing the issue may include poor understanding of the problem, pervasive ageism, lack of awareness, inconducive policy environments, varied understandings and definitions of the problems, and underreporting.¹³ It is crucial that duty bearers undertake proactive efforts to understand the scale and nature of the phenomenon, implement policies that tackle the issue and prevent such violence for future generations through fostering intergenerational dialogue and raising awareness of the issue.

E. Digital inclusion

15. In line with the Convention on the Rights of Persons with Disabilities, older persons have the right to equal access to the physical environment, transportation, information and communications, including information and communications technologies and systems, and other facilities and services open or provided to the public, both in urban and in rural areas. Under the Universal Declaration of Human Rights, the fundamental right to freedom of opinion and expression includes the right to seek, receive and impart information and ideas through any media. The affirmation of the right to freedom of expression and access to information through all media is also found in other conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (d) (viii)), the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child (art. 13(1)), the Convention on the Rights of Persons with Disabilities (art. 21) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (art. 13 (2)).

16. Nonetheless, older persons continue to face barriers to digital participation and their exclusion carries significant human rights and development implications (see [A/77/134](#)). Older persons are “analogue natives”, navigating a quickly evolving and increasingly digitalized landscape, which is likely to evolve only more rapidly for future generations. Digital technology has the potential to contribute to the right to information, and to independent living and management of health conditions, and can support assistive technology for disabilities, such as hearing devices, text-to-speech software and voice recognition software (see [A/77/239](#)). Where States roll out public services without explicit inclusion and recognition of such experience, older persons will be excluded. That situation was seen during the coronavirus disease (COVID-19) pandemic, where older persons could not access information only available digitally. The movement of judicial proceedings online can limit older persons’ access to justice. The digitalization of local government services can limit older persons’ rights to social security food and housing. Older persons living in poverty and those with lower literacy rates may therefore be especially at risk of exclusion from digitalization and its benefits.

17. The General Assembly, in its resolution [77/320](#), reaffirmed that effective participation, partnership and cooperation of all stakeholders continue to be vital in developing the information society but older persons are not systematically included in policymaking processes related to digitalization. That situation has extensive negative consequences on the future rights of older persons to participation and access to information. Older persons’ insights should also be part of the design process for

¹³ See Christopher Mikton and others, “Factors shaping the global political priority of addressing elder abuse: a qualitative policy analysis”, *The Lancet: Healthy Longevity*, vol. 3, No. 8 (August 2022).

applications and devices in order to ensure user-friendly, easily accessible and universal design. Older persons should be consulted regarding the type of support services that would best enable them to gain access to online services.

18. The Secretary-General has called for the development of continuing and well-financed digital literacy programmes for older persons that target their specific needs and interests, taking into account the impact of intersecting discriminations experienced by many older persons owing to socioeconomic status, education level, race and/or ethnicity, gender and disability (see [A/77/134](#)). The programmes should include particular efforts to support Indigenous persons, persons living in rural areas, members of linguistic and other minorities, migrants, persons experiencing poverty or homelessness, and other older persons facing intersecting forms of discrimination that impede their digital literacy. Older women also require specific support for addressing barriers to education resulting from insufficient digital infrastructure and skills, lack of affordability, or restrictions caused by the demands of caregiving responsibilities, among others.

19. When designing digital literacy programmes, Member States should incorporate lessons learned during the COVID-19 pandemic, during which many older persons were obliged to rapidly adjust to a nearly total digital existence. It was found that older adults modified their behaviours, using technology for everyday activities such as shopping, socializing and entertainment, with many of them stating that they continued using those technologies after the pandemic.¹⁴ In the context of the workplace, the concept of reverse mentoring can provide a valuable opportunity for older persons to benefit from lifelong learning. It provides a pathway for them to remain up to date with technological developments and contemporary practices, through guidance from younger colleagues.¹⁵ Support for digital literacy should include protection measures, as older persons can be exposed online to abuse against them, amounting to hate speech, that is based on a negative attitude to their age ([A/HRC/48/53](#), para. 70).

20. Some countries have implemented good practices to support older persons in the digital transition. The Republic of Moldova, for example, which is aiming to become a fully digital State and society by 2030, is prioritizing increasing the digital skills of the population, including those of older persons. Thanks to several projects, older persons in the country have received free mobile phones and SIM cards, and training sessions provided by younger volunteers to facilitate intergenerational relationships. Public libraries have also offered voluntary services to assist older persons to better make use of new digital and technologies tools,¹⁶ a practice that the Independent Expert also observed in Finland. Such programmes can benefit not only older persons but society as a whole, including people with disabilities who have similar problems with digitalization and younger people who value the intergenerational relationships they forge.

¹⁴ Andrew Sixsmith and others, “Older people’s use of digital technology during the COVID-19 pandemic”, *Bulletin of Science, Technology and Society*, vol. 42, Nos. 1–2 (2022), p. 22.

¹⁵ Neha Garg and Pankaj Singh, “Reverse mentoring: a review of extant literature and recent trends”, *Development and Learning in Organizations*, vol. 34, No. 5 (2020).

¹⁶ OHCHR, “Preliminary findings and recommendations of the United Nations Independent Expert on the enjoyment of all human rights by older persons, Dr. Claudia Mahler, at the end of her official visit to the Republic of Moldova”, 16 November 2023.

F. Global crises

Climate change

21. The Secretary-General noted the potential for increases in climate change-induced disasters in Our Common Agenda.¹⁷ Disasters fuelled by climate change have implications for a wide range of older persons' rights, including the rights to equality, social security, protection of the family, an adequate standard of living, and physical and mental health (see A/78/226). There are also implications in relation to the right to life, as duty bearers should be aware of the increased risks older persons face.¹⁸ Older persons face disproportionate health impacts from the combined effects of higher average temperatures and higher humidity caused by climate change. If global temperatures rise by just two degrees, heat-related death rates for people over 65 years of age are projected to increase by 370 per cent by 2050.¹⁹ Older persons facing climate-induced food insecurity are at high risk of malnutrition and other health complications. Despite that fact, many assessments of the human rights impacts of climate change ignore the specific impacts of climate change on older persons.

22. In April 2024, the European Court of Human Rights ruled in favour of older women human rights defenders in Switzerland who were found to be inadequately protected from the effects of climate change. Setting a global legal precedent for climate change policies, the Grand Chamber judgment noted that ageing and climate change also had differential impacts when it came to gender, and older women faced a particular risk of vulnerability to climate impacts.²⁰ The Independent Expert has stated that the judgment may be a significant development in the context of future complaints on a national level, as it may provide individuals and future generations with a greater opportunity to seek redress in relation to the judgment.²¹

Armed conflict and generalized violence

23. The frequency, duration and intensity of global conflicts has been steadily increasing for more than a decade, as has conflict-related displacement.²² Without meaningful efforts to address the grievances and inequalities that underly those conflicts and foster sustainable peace, the trend is likely to affect future generations to an even greater extent. Older persons caught in or driven from their homes during armed conflict and generalized violence face disproportionate impacts on their human rights as a result of violence related to conflicts, which they may be less able to avoid, and the disruption of essential services, including those of health and care. International humanitarian law and the customary laws of war offer some general protection for older persons who are civilians, interned or prisoners of war.²³ Current

¹⁷ A/75/982, p. 9, the Secretary-General notes that heatwaves, floods, droughts, tropical cyclones and other extremes were unprecedented in magnitude, frequency and timing and were occurring in regions that had never been affected before.

¹⁸ See Nick Watts and others, "The 2020 report of The Lancet countdown on health and climate change: responding to converging crises", *The Lancet*, vol. 397, No. 10269 (January 2021).

¹⁹ See Marina Romanello and others, "The 2023 report of the Lancet Countdown on health and climate change: the imperative for a health-centred response in a world facing irreversible harms", *The Lancet*, vol. 402, No. 10419 (December 2023).

²⁰ European Court of Human Rights Grand Chamber, *Verein Klimaseniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment, 9 April 2024.

²¹ SWR Aktuell, "Klimaklage von Seniorinnen gegen Schweiz erfolgreich", podcast, 9 April 2024 (in German).

²² See www.unhcr.org/global-trends.

²³ Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 17, 27 and 85; and Geneva Convention relative to the Treatment of Prisoners of War, (1949), arts. 16, 44, 45 and 49.

human rights law does not offer protections for the specific situations of older persons in armed conflict.

24. The Ukraine emergency has been described as the “oldest” humanitarian crisis in the world, as nearly one in four people affected by the conflict are over 60 years old.²⁴ Some good practices have been developed for supporting older persons affected by humanitarian crises. The Office of the United Nations High Commissioner for Refugees has developed one of the first dedicated disability and age task forces for coordinating the work of humanitarian actors providing specific services for people with disabilities and older persons.²⁵ The specific vulnerabilities of older refugees dealing with resettlement were also recognized in a project providing sponsorships for Ukrainian older persons fleeing the war. Individuals were supported in building independent, equal and self-determined lives in Germany. Despite the discontinuation of funding, numerous networks established under the project continue to function and older persons continue to organize themselves, including by serving as primary contacts for newly arrived refugees.²⁶

Emergency responses

25. The United Nations predicts that 80 percent of the world’s older persons will live in low- and middle-income countries by 2050.²⁷ It is in those countries that humanitarian crises are more likely to occur and where their effects are felt more severely.²⁸ There is therefore a clear imperative to ensure older persons are not left behind during times of crisis but emergency planning, response and recovery efforts frequently fail to account for the needs of older persons or facilitate their participation in planning.

26. Discrimination against older persons in emergency responses may occur at both the individual and the structural level. At the individual level, older persons face particular risks arising from rapid-onset disasters or conflicts that require physical mobility to avoid harm, and in situations where responders and helpers make prejudiced assumptions about them on the basis of their age, leading to them receiving inadequate, unequal or otherwise inappropriate services and treatment (A/HRC/42/43, para. 44). Older persons with disabilities may have difficulty evacuating and reaching safety (A/78/226, para. 51) and older persons without disabilities may also be left behind or unable to evacuate owing to a lack of accessible information, social isolation or emotional attachment to their land and homes.

27. Older persons account for approximately 4 per cent of persons displaced globally by conflict and crisis.²⁹ Older displaced persons experience greater levels of psychological stress and poorer physical and mental health outcomes. Emergency response policies may jeopardize their right to family life by only recognizing children who are minors and their parents as part of a family, and temporary shelters are often not designed to accommodate multigenerational households. They may also face discrimination when seeking aid, including bureaucratic obstacles and even ridicule.

²⁴ Disability and Age Task Force, “Moldova: older refugees briefing note”, September 2023.

²⁵ Disability and Age Task Force, “Term of reference for refugee response in Moldova”, 2024.

²⁶ ECE, Population Unit and Standing Working Group on Ageing, “Older persons in vulnerable situations”, UNECE Policy Brief on Ageing, No. 28 (2023), p. 12.

²⁷ *World Population Ageing 2019* (United Nations publication, 2020).

²⁸ Office of the United Nations High Commissioner for Refugees (UNHCR) and HelpAge International, “Working with older persons in forced displacement” (revised), Need-to-Know Guidance Series, No. 5 (UNHCR, 2021).

²⁹ See www.unhcr.org/what-we-do/protect-human-rights/safeguarding-individuals/older-persons.

28. Structural discrimination is evident in data collection and emergency response planning that ignores the specific situation of older persons and limits their participation. Under the Sendai Framework for Disaster Risk Reduction 2015–2030 the right of older persons to participation in areas that affect them is recognized, noting that older persons have years of knowledge, skills and wisdom, which are invaluable assets for reducing disaster risk and should be included in the design of policies, plans and mechanisms, including for early warning.³⁰ That view has been echoed in work by the United Nations Environment Programme and others in relation to the United Nations Framework Convention on Climate Change.³¹

Pandemic preparedness

29. As new waves of the COVID-19 pandemic continue to appear, it is clear that the threat of ongoing and new pandemics must be addressed at the national and international level for future generations of older persons. The COVID-19 pandemic highlighted the insufficiency of existing emergency response frameworks to safeguard older persons' rights to information, family life, services, care and support, and health care, despite the fact that older persons were among the groups most vulnerable to the pandemic's effects. The pandemic also highlighted egregious instances of structural ageism, notably triaging procedures for limited health-care services that privileged the lives of younger persons over those of older persons. Older persons also suffered from social isolation, while those in care institutions faced restrictions on their freedom of movement and heightened exposure in such communal settings.

30. It is critical that future generations learn from the lessons of the COVID-19 pandemic and ensure that older persons are engaged in pandemic preparedness efforts. Pandemic responses must account for the particular risks of older persons in vulnerable situations to certain types of illness and strike a balance between measures to curtail the spread of the disease and the imposition of undue restrictions on older persons. Information should be provided in a manner that is accessible to all older persons, and preparedness measures should include efforts to address social isolation and to ensure the continuity of essential health and care services for older persons.

III. Building an age-friendly future

31. As populations of older persons grow in number and proportion in the future, the need to protect their human rights will increase. Many rights of older persons will be at increased risk if Governments continue their current trajectories, unresponsive to the changing composition of their populations. For the international community, now is the time to consider older persons individually, to use their potential and the potential of an age-friendly environment for society as a whole.

A. Retaining independence

32. The right of older persons to live independently in the community on an equal basis with others, while recognized under the Convention on the Rights of Persons with Disabilities, is often viewed as a private matter and is therefore not well-protected by governments. Older persons face specific barriers to realizing their rights, including forced institutionalization, seclusion, loss of a home and property, and loss of privacy and autonomy. Such barriers are compounded by government

³⁰ General Assembly resolution, [69/283](#), annex II.

³¹ See, Help Age International and others, "Older people and climate action", February 2021.

policies that prioritize or enforce familial care or institutionalization over policies and programmes that enable older adults to live independently with adequate support.

33. One example of a specific barrier is filial support legislation, which creates forced reliance on adult children. Such legislation can be described as the manifestation in civil law of enforceable maintenance obligations for adult children that are otherwise religious or cultural.³² In Bangladesh, for example, the Maintenance of Parents Act of 2013 places a legal obligation on adult children to provide financial support and care for their parents where they are unable to support themselves. Parents can file a case against their adult children under the Family Courts Ordinance 1985 if the children fail to provide them with maintenance and support (A/HRC/54/26/Add.2, para. 11). Similar legislation exists in other jurisdictions.³³

34. While filial support legislation can help address poverty in older age, it also forces older persons into situations of dependence when they may prefer alternatives, and it may create or contribute to intrafamilial tensions that increase the risk of violence or abuse. A study in Sweden found too much reliance on family may limit the opportunities to live independently for both the assistants and the users.³⁴ Such arrangements are also likely to be unsustainable for future generations of older persons given current demographic trends, as an increasing proportion of older persons would depend on a decreasing proportion of younger persons for their existence. In rural areas, increasing urbanization of younger generation also challenges the long-term viability of familial care models.

35. Institutionalization in care settings, in particular forced or compulsory institutionalization, can also curtail the enjoyment of all human rights by older persons and force them into dependency, contributing to the segregation of older persons and curtail their right to live independently, and may in some cases amount to full deprivation of their liberty. Such approaches are often rooted in social welfare models which purport to be in the best interests of older persons, rather than more empowering, human-rights-based approaches (A/HRC/51/27, para. 31). As older persons continue to constitute an increasing share of the population, institutionalization is likely to be an increasingly untenable approach; the Independent Expert has observed that there are not enough alternative options or residential care homes that support older persons' autonomy and take culturally-sensitive approaches to meet demand in many parts of the world (A/HRC/51/27/Add.1, para. 21; and A/HRC/54/26/Add.1, para. 63).

36. In contrast, policies that ensure affordable, wraparound, at-home care and support services, and access to age-friendly housing would safeguard both the autonomy and well-being of older persons and better address the demographic shifts that will make family-based systems of care less sustainable in the future. Older persons' family members, especially those with a caregiver role, would also benefit from such comprehensive support systems, which could alleviate the challenges of caregiving and help restore family relationships, as older relatives would not solely be perceived as objects of care but once again as parents, grandparents or partners.

³² See Hacker, Daphna. "Aging population and the law: a comparative approach filial piety in Israel: between the law in the books and the law in action", *Frontiers of Law in China*, vol. 14, No. 2 (June 2019).

³³ See Lǔxue Yu, "Filial support obligations under Singapore, United States, and Chinese law: a comparative study", *Frontiers of Law in China*, vol. 14, No. 2 (June 2019).

³⁴ Elisabeth Olin and Anna Duner, "Careful assistance? Personal assistance within the family as hybridization of modern welfare policy and traditional family care", *Alter*, vol. 13, No. 2 (May 2019).

By shifting the paradigm under which older persons receive care services, a life with dignity, autonomy and independence could be ensured for future generations.

B. Economic security

37. While some older persons are willing and able to enjoy retirement, others may wish to continue working or are obliged to do so because of inadequate social security and pension programmes. Older workers often face mandatory retirement ages, ageism, and other forms of discrimination which prevent them from enjoying decent work, affecting in particular many older workers employed in the informal sectors. Older women face greater economic insecurity owing to the cumulative effects of gender discrimination in education and employment, their caregiving roles, and poor wages in older age, along with threats to their property rights upon the death of a spouse. Gender pay gaps not only persist, but can even increase, especially for women close to or after retirement age (A/76/157, para. 22). As life expectancies continue to rise in the future, so too will the age of retirement, a trend that is already evident in many contexts. It is therefore critical to ensure that future generations of older workers are able to engage in employment and entrepreneurship without discrimination. How States choose to address barriers to contributory and non-contributory pensions, workplace discrimination, employment informality and enforcement of employees' rights will affect future generations of older persons.

38. Ageism in the workplace is not only discriminatory but is also unwarranted, given the evidence of older persons' valuable contributions in the workplace. Today's workforce encompasses a wide variety of generations. While some may perceive the situation as a challenge, or even a liability, the collective strengths of each generation can also be perceived as an opportunity. Knowledge can flow both ways. Although an older employee may be able to impart decades of experience to younger workers, it is the younger generations that may be crucial in demonstrating the optimal use of social media and other digital tools to maximize success.³⁵ In addition, older workers are significantly less likely to leave their current position and move to another company than their younger counterparts, providing stability and continuity in intergenerational teams.³⁶ Although older entrepreneurs have a demonstrated track record of success,³⁷ with female entrepreneurs specifically performing better in older age, they often struggle to receive support for their ideas because of their age.³⁸

39. Economic policies that limit older persons' economic opportunities are often underpinned by erroneous assumptions. Dependency ratios that assume all persons between the ages of 15 and 65 are economically active, and all persons under and over those ages are dependent, are fundamentally flawed, in particular with regard to older persons.³⁹ The International Labour Organization has issued a number of alternatives to dependency ratios that better incorporate the economic activity and labour of older persons.⁴⁰ In addition, efforts to increase youth employment at the

³⁵ Ellen Bailey and Cevin Owens, "Unlocking the benefits of the multigenerational workplace", Harvard Business Publishing – Corporate Learning, August 2020, pp. 1–2.

³⁶ Organisation for Economic Co-operation and Development (OECD, *Promoting an Age-Inclusive Workforce: Living, Learning and Earning Longer* (Paris, 2020), p. 17.

³⁷ Pierre Azoulay and others, "Age and high-growth entrepreneurship", NBER Working Paper Series, No. 24489 (Cambridge, Massachusetts, National Bureau of Economic Research, 2018).

³⁸ Hao Zhao and others, "Age and entrepreneurial career success: a review and a meta-analysis", *Journal of Business Venturing*, vol. 36, No. 1 (January 2021), p. 18.

³⁹ See the "Dependency ratio", in *Indicators of Sustainable Development: Guidelines and Methodologies – Methodology Sheets*, 3rd ed. (United Nations publication, 2007), pp. 104–106.

⁴⁰ Claire Harasty and Martin Ostermeier, "Population ageing: alternative measures of dependency and implications for the future of work", ILO working paper, 2020.

expense of older workers may fall prey to the lump of labour fallacy, which incorrectly assumes that there is a fixed amount of labour needs.⁴¹ Such economic policies can reinforce discriminatory policies such as mandatory retirement ages, divestment from workplace training and reskilling, and discrimination in hiring practices.

40. The Economic Commission for Europe has identified policy options for addressing the general issue of unemployment among older persons, including employer wage and tax subsidies, reduced social insurance contributions, training allowances, counselling and retraining. In Austria, specific counselling and support services for helping unemployed older persons reintegrate into the workforce have been developed, covering topics such as healthy ageing and the use of new media.⁴²

41. Preparing for a future in which a greater share of the population will be older requires a paradigm shift with regard to the way in which pension schemes and social protection systems for older persons are structured. It is crucial to make investments and adopt policies that ensure the long-term sustainability of such mechanisms and, to the extent possible, ensure that pension and social security payments are sufficient to enable older persons to enjoy an adequate standard of living. Equitable access to pensions must be a goal for the future. Older migrants returning from years living abroad may have contributed to social security systems from which they cannot benefit without specific bilateral or multilateral agreements between their country of origin and country of work,⁴³ despite security guarantees under International Labour Organization Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143).

42. Older women also face reduced access to pensions, due to the fact that many work informally or as unpaid caregivers, and because the gender pay gap may lead to their contributions to pension systems and corresponding benefits being lower. In 2023, Czechia increased the old-age pension for child-raising, helping to address the gender pension gap by providing additional payment for each child raised. The acknowledgement of child-raising responsibilities helps improve the financial security of retired individuals, especially women, who often bear more of such responsibilities.⁴⁴ Non-contributory social protection systems are another tool that can support older women who have only worked informally or as unpaid caregivers in meeting their basic needs (A/HRC/54/26/Add.2, paras. 30 and 34).

C. Right to adequate housing

43. Older persons' requirements for adequate housing must be a priority for Governments, as they are the fastest growing proportion of the world's population and have specific needs for protection from the effects of a rapidly changing climate. The Independent Expert has previously highlighted States' obligations to identify and eliminate obstacles to the right to housing for older persons. She identified specific challenges, including the concentration of older persons facing challenges in inadequate housing in cities, which may be different from the specific challenges facing countries where most older persons are living in rural areas (A/77/239,

⁴¹ The Economist, "L", The A to Z of Economics. Available at www.economist.com/economics-a-to-z#L.

⁴² ECE, Population Unit and Standing Working Group on Ageing, "Older persons in vulnerable positions", p. 5.

⁴³ See International Social Security Association, International Social Security Agreements database, available at www.issa.int/databases/international-agreements.

⁴⁴ Czech Social Security Administration, "Increase in the old-age pension for child-raising from 1 January 2023", 7 February 2023.

para. 50). Shifting family demographics caused by younger generations moving to smaller homes or urban areas have created challenges for older persons who rely on their families for housing, especially older women, leaving many homeless. Future housing policies must reflect future forecasts on climate and population movement.

44. The Independent Expert has previously observed that members of ethnic, religious and linguistic minorities and other marginalized groups are more likely to live in poorer quality, unsafe and overcrowded accommodation, in areas severely deprived of access to facilities and services (*ibid.*, para. 73). That situation affects the enjoyment of other rights for those groups: housing without running water, for example, made it particularly difficult to follow recommended prevention measures during the COVID-19 pandemic, affecting the right to health, in particular for affected older persons. Other groups that face discrimination in obtaining housing on intersectional grounds include older migrants and displaced persons, older LGBTQ+ persons and older persons with disabilities (*ibid.*, paras. 67–79). In Nigeria, the Independent Expert observed that many older women, in particular those living in poverty in rural areas, struggle to obtain adequate housing owing to unequal inheritance rights and their properties being appropriated by others. The Supreme Court of Nigeria has, however, ruled that all women have the right to inherit their parents' property, on an equal footing with men. The judgment will have a significant impact for future generations of single or widowed older women, who tend to be disproportionately affected by discriminatory inheritance laws ([A/HRC/54/26/Add.1](#), para. 53). Similar efforts to combat intersecting forms of discrimination will be necessary to ensure the right to adequate housing for older persons in their full diversity.

45. Housing policies for future generations should also reflect the aspirations of older persons who are interested in housing arrangements that are conducive to increased social interactions, while preserving their autonomy and independence and facilitating access to required services. That might take the form of shared housing that combines independent living units and common spaces with formal support provided by authorities or informal support provided by neighbours and the community. Such housing has the advantage of fostering social relations and reducing loneliness and isolation for older persons, and care is embedded either within the community, on site or in the neighbourhood ([A/77/239](#), para. 84).

D. Right to health

46. In the future, greater numbers and proportions of older persons living longer than ever before will continue to have the right to health through integrated preventive, curative, rehabilitative and non-discriminatory palliative health care that reflects their health needs ([E/C.12/2000/4](#), paras. 25 and 34). Without efforts to address ageism in the health sector, older people will continue to face discrimination on the basis of their age in health care access around the world, which WHO found to be associated with worse outcomes in 96 per cent of studies examined.⁴⁵ As with many rights, the right to health will be particularly affected by barriers of poverty, geography and intersecting forms of discrimination, such as discrimination against LGBTQ+ older persons, minorities, migrants, women and persons with disabilities.

47. The right to health refers not only to the physical health of older persons but also to their mental health. In situations where older persons are treated as objects of care and their will and preferences are ignored, or where they are institutionalized under conditions that do not fully respect their human rights owing to a lack of alternatives, their mental health might also be negatively affected. Independent and

⁴⁵ WHO, *Global Report on Ageism*, p. 48.

autonomous living has a positive effect on mental health. Many older persons also experience social isolation, which can lead to negative mental health outcomes.

48. Future generations should ensure the implementation of health-care policies that ensure older persons' right to healthcare. In the Netherlands, a project has been developed that is aimed at providing support to older persons who wish to remain at home, despite encountering difficulties owing to dementia or physical limitations. The project's approach is to enhance the capabilities of older persons and to collaborate with them when assistance is required. The approach involves implementing strategies for rehabilitation, prevention of further degeneration and staying active in order to reduce the likelihood of care dependency.⁴⁶ Investing in such a form of preventative support can have a further benefit in the form of fewer persons needing care.

49. Future health policies should also work to expand access to care, including by investing in universal health care and expanding the scope of conditions covered. Increasing telehealth options for older persons, in particular for those with mobility issues or in rural areas, should be a core part of the digital transition, and older persons should have access to the technology and skills necessary to avail themselves of those options. The fastest and most radical transformation will come through the development of robots, robotics and artificial intelligence with an impact on health care, as well as on the concept of care and support of older persons. Governments should ensure appropriate human rights safeguards in the deployment of such tools to ensure that the rights of older persons are effectively protected both today and in the future (A/HRC/36/48, paras. 12–15).

E. Conclusions and recommendations

50. **As the international community looks towards the future through the Pact for the Future, the Declaration on Future Generations, the 2030 Agenda for Sustainable Development and other frameworks, it is crucial to ensure that older persons are not left behind. Older persons represent the fastest-growing proportion of the world's population and will come to comprise the majority among future generations. The current human rights framework and commitment of Member States is not adequate for safeguarding the rights of older persons. Without a paradigm shift, older persons will face disproportionate negative impacts on their human rights as a result of anticipated future challenges, including climate change, digitalization, and new conflicts and pandemics.**

51. **Older persons are also among the most heterogenous population groups and many face not only ageism but other intersecting forms of discrimination on the basis of identity. Existing international and regional frameworks lack specific and comprehensive obligations in relation to the right to equality and non-discrimination in old age, including age as a prohibited ground of discrimination, which must be changed in order to secure equal opportunities for future generations. Addressing the rights of older persons, especially through the adoption of a legally binding instrument, would help and guide States in effectively protecting the human rights of current and future generations of older persons. Enforcing existing treaties that promote equality and non-discrimination on the basis of other identity characteristics is also crucial for ensuring the protection of older persons in all their diversity.**

⁴⁶ ECE, Population Unit and Standing Working Group on Ageing, "Older persons in vulnerable positions", p. 9.

52. In order to more effectively safeguard the rights of future generations of older persons, the Independent Expert makes the below recommendations to Governments, the United Nations and other stakeholders in line with their respective mandates, including civil society, health and care providers, equality bodies and national human rights institutions.

53. Concerning international frameworks and cooperation, the Independent Expert makes the following recommendations:

(a) Develop and agree upon a dedicated internationally legal binding instrument to safeguard the rights of present and future generations of older persons;

(b) Appoint a senior United Nations official at the Assistant Secretary-General level or above with a mandate to focus exclusively on the situation of older persons;

(c) Promote the meaningful participation of older persons in development efforts and integrate a specific focus on inclusion of older persons in the implementation of projects and policies aimed towards the realization of the Sustainable Development Goals;

(d) Ensure that all United Nations agencies mainstream support for older persons in their humanitarian and development assistance programmes at the global Headquarters, regional and national level;

(e) Address the needs of older persons as a priority group under the Pact for the Future and the declaration on future generations.

54. Concerning ageism and age discrimination, the Independent Expert makes the following recommendations:

(a) Effectively address ageism and age discrimination as a root cause of inequality in later life;

(b) Promote measures to combat ageism and age discrimination at the individual and structural level, including through awareness-raising efforts on the issue and the positive contributions of older persons to society, and through initiatives to redress harmful practices;

(c) Foster intergenerational exchange and dialogue in order to build mutual understanding, exchange knowledge between different generations, raise awareness of the issues affecting older persons and combat negative stereotypes;

(d) Ensure the collection, disaggregation and analysis of data by age range and ensure their use for more effective policymaking.

55. Concerning participation in public life, the Independent Expert makes the following recommendations:

(a) Promote policies that safeguard the autonomy and independence of older persons and eliminate policies that diminish or deny older persons' legal capacity, such as guardianship or substituted decision-making;

(b) Ensure access to justice, including sufficient legal aid and support, and accessible, age-sensitive legal proceedings, in order to safeguard the rights of older persons to equality and non-discrimination;

(c) Expand the participation of older persons in decision-making processes that affect them at present and in the future, including through supporting self-organized groups of older persons and ensuring the right to participate in elections as voters and candidates.

56. Concerning preventing and addressing violence, abuse and neglect, the Independent Expert makes the following recommendations:

(a) Invest in understanding the scale and nature of violence, abuse and neglect affecting older persons within families, care institutions and other settings and implement measures to prevent and address such issues and their root causes;

(b) Update and implement national policies and strategies on gender equality and domestic violence in line with general recommendation No. 27 (2010) on older women and the protection of their human rights of the Committee on the Elimination of Discrimination against Women;

(c) Recognize forced institutionalization as a form of violence against older persons and implement measures for preventing, addressing and ensuring remedy for older persons subjected to the practice;

(d) Implement robust online safety education programmes to protect older persons from digital abuse, online hate speech, fraud and misinformation and enforce regulations to protect older persons from such practices.

57. Concerning digital inclusion, the Independent Expert makes the following recommendations:

(a) Explicitly include older persons in the global digital compact as stakeholders;

(b) Support digital literacy programmes for older persons and provide affordable access to digital devices and internet connectivity for older persons, with a particular focus on opportunities for rural populations and marginalized groups;

(c) Involve older persons in the planning, design and implementation of digital public services to ensure that the services are user-friendly and that analogue services remain available for older persons who prefer that format;

(d) Promote the use of assistive technologies such as hearing aids, text-to-speech software and voice recognition tools in order to enhance the digital accessibility of older persons with disabilities and ensure such tools are accessible and affordable for all older persons who require them;

(e) Ensure that older persons are included in the training data for artificial intelligence systems in order to improve the relevance and accuracy of such services;

(f) Address gender-specific barriers faced by older women in accessing education and the digital world, as well as technology, promoting gender equality in digital participation.

58. Concerning crisis response, the Independent Expert makes the following recommendations:

(a) Take all necessary measures to ensure the protection of older persons in humanitarian emergencies, including provision of adequate services for older persons, in particular those with physical disabilities, in order to facilitate their mobility, and providing information through various digital and analogue channels to ensure that it is accessible to older persons;

(b) Ensure that shelter arrangements in displacement contexts are adapted to suit the needs of older persons and multigenerational households and that health services during crises provide specialized care that addresses age-

specific needs and chronic conditions, as well as psychosocial support and mental health care;

(c) Engage older persons in disaster preparedness efforts in order to leverage their skills and ensure their needs are addressed;

(d) Establish mechanisms to collect data in order to monitor and evaluate the effectiveness of programmes and policies aimed at supporting older persons during crises;

(e) Ensure repatriation mechanisms allow for the identification and special protection of migrants in vulnerable situations, including older persons;

(f) Provide older refugees with priority access to durable solutions, recognizing that older persons facing a well-founded fear of persecution who are displaced across borders may face additional barriers to equal access to refugee status as a result of social exclusion, limited information and lack of social support;

(g) Promote community networks that can sustain and ensure the well-being and integration of older refugees, reducing isolation and enhancing mutual support;

(h) Ensure the meaningful participation of older persons in peacebuilding and conflict resolution efforts in order to leverage their traditional leadership roles and cultural insights.

59. Concerning climate change, the Independent Expert makes the following recommendations:

(a) Invest in prevention through building climate-resilient infrastructure, in particular in low- and middle-income countries, for protecting older persons, in particular from the adverse effects of climate change;

(b) Engage older persons in planning and mitigation processes related to climate change, and leverage their knowledge and skills to promote sustainability;

(c) Promote equitable access to climate justice measures for older persons negatively affected by the adverse impacts of climate change.

60. Concerning autonomy and independence, the Independent Expert makes the following recommendations:

(a) Adopt clear and targeted strategies for deinstitutionalization, with specific time frames and adequate budgets, in order to eliminate all forms of isolation, segregation and involuntary institutionalization of older persons;

(b) Ensure the participation of older persons in transforming support services and communities and in the design and implementation of deinstitutionalization strategies;

(c) Promote alternative living arrangements, such as assisted living and co-housing models, and invest in community-based services that enable older persons to live independently.

61. Concerning economic security, the Independent Expert makes the following recommendations:

(a) Implement policies that encourage the employment of older persons, such as wage subsidies, retraining programmes and anti-discrimination legislation for the workplace;

- (b) **Promote intergenerational teams that leverage the strengths of all age groups;**
- (c) **Raise awareness of older persons' economic contributions by investing in empirical studies that provide data on the issue;**
- (d) **Ensure sufficient investment in contributory and non-contributory pensions and social protection systems, as well as the appropriate management of those systems, to ensure their long-term financial sustainability and that payments are sufficient to enable older persons to meet their basic needs;**
- (e) **Effectively address discrimination based on age in the workplace and eliminate policies that impose a mandatory retirement age in favour of individual fitness assessments.**

62. Concerning the right to adequate housing, the Independent Expert makes the following recommendations:

- (a) **Promote housing solutions, including affordable housing options, age-friendly design standards and community-based living arrangements that reduce isolation, and ensure that those solutions are adapted to meet future challenges, including demographic changes, urbanization and climate change;**
- (b) **Support the development of age-friendly cities, including fully accessible public transportation and public spaces, adequate green spaces and public spaces that protect older persons from extreme weather and climatic conditions.**

63. Concerning the right to health, the Independent Expert makes the following recommendations:

- (a) **Enhance health-care systems at all levels in order to ensure the right to health for older persons can be realized, with the participation of representative groups of older persons and special attention paid to intersectional barriers to adequate health care including poverty, and geographic and identity-based discrimination;**
- (b) **Expand access to physical and mental health care through investments in order to enable universal health care for older persons, and by leveraging emerging technologies, including telehealth services and robotics, with appropriate training and safeguards to enable older persons to benefit from such technologies;**
- (c) **Invest in expanding training in geriatric specialties and the availability of specialized geriatric care;**
- (d) **Engage older persons in pandemic preparedness efforts and implement lessons learned from the COVID-19 pandemic in order to avoid ageism in health-care responses, ensure the continuity of health and care services, provide information to older persons in an accessible format, address social isolation and prevent undue restrictions on the liberty of older persons.**
