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Open-ended Working Group on Ageing
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Compilation of existing international legal instruments, documents and programmes that directly or indirectly address the situation of older persons, including those of conferences, summits, meetings or international or regional seminars convened by the United Nations and intergovernmental and non-governmental organizations

This compilation has been prepared by the UN Office of the High Commissioner for Human Rights, pursuant paragraph 4 of General Assembly Resolution 67/139, which requested “the Secretary-General, with the support of the Office of the United Nations High Commissioner for Human Rights, the Division for Social Policy and Development of the Department of Economic and Social Affairs of the Secretariat and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), to submit to the Working Group by its fourth session and from within existing resources a compilation of existing international legal instruments, documents and programmes that directly or indirectly address the situation of older persons, including those of conferences, summits, meetings or international or regional seminars convened by the United Nations and intergovernmental and non-governmental organizations”.

International Human Rights Treaties

Instruments dedicated to the human rights of older persons:

None

Explicit provisions on the human rights of older persons contained in the International Bill of Human Rights (Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and their respective Optional Protocols):

None

International human rights treaties containing a general prohibition of discrimination on the basis of age

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 7:

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth or other status.

Other explicit provisions in human rights treaties explicitly addressing age and older persons:

Convention on the Elimination of All Forms of Discrimination against Women, Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and **old age** and other incapacity to work, as well as the right to paid leave;

Convention on the Rights of Persons with Disabilities

Article 13 - Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of **procedural and age-appropriate accommodations**, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Article 16 - Freedom from exploitation, violence and abuse

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that **protection services are age-, gender- and disability-sensitive.**

Article 25 – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States

Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and **older persons**;

Article 28 - Adequate standard of living and social protection

2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and **older persons with disabilities**, to social protection programmes and poverty reduction programmes.

General comments and recommendations by UN treaty bodies

Treaty Body General Recommendations and General Comments

CESCR General Comment No. 6, The economic, social and cultural rights of older persons, 12/08/1995

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/482a0aced8049067c12563ed005acf9e?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/482a0aced8049067c12563ed005acf9e?OpenDocument)

CEDAW, General Recommendation No. 27, CEDAW/C/2010/47/GC.1

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>

CESCR, General Comment No. 14, The right to the highest attainable standard of health, E/C.12/2000/4

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G00/439/34/PDF/G0043934.pdf?OpenElement>

CESCR, General Comment No. 20, Non- Discrimination in economic, social and cultural rights, E/C.12/GC/20

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/434/05/PDF/G0943405.pdf?OpenElement>

CESCR, General Comment No. 21, Right of everyone to participate in cultural life, E/C.12/GC/21, 21

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/469/22/PDF/G0946922.pdf?OpenElement>

CESCR, Report on the Twelfth and Thirteenth Sessions, 12 December 1996, E/1996/22

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Human Rights Committee, General Comment no.18, Non Discrimination, HRI/GEN/Rev.6
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Treaty Body Concluding Observations

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CEDAW, Concluding Observations, The Netherlands, CEDAW/C/NLD/CO 5, 5 February 2010, para 45

CEDAW, Concluding Observations, Argentina, CEDAW/C/ARG/CO/6, 16 August 2010, para 42

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/485/33/PDF/N1048533.pdf?OpenElement>

CEDAW, Concluding Observations, Papua New Guinea, CEDAW/C/PNG/CO/3, 30 July 2010, para 28

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/485/39/PDF/N1048539.pdf?OpenElement>

CESCR, Concluding Observations for Democratic People's Republic of Korea, E/C.12/1/ADD.95

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/457/48/PDF/G0345748.pdf?OpenElement>

CESCR, Concluding Observations for Canada, E/C.12/1993/5

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G93/169/03/PDF/G9316903.pdf?OpenElement>

Human Rights Committee, Concluding Observations, Germany, CCPR/CO/80/DEU, 4 May 2004

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CEDAW, Concluding Observation, Iceland, A/57/38, 2002, para 250

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CESCR, Consideration of Reports, Submitted by State Parties under Articles 16 and 17, Slovenia, E/C, 12/SVN/CO/1, para 22, 35

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Concluding Observations of the CESCR, Serbia and Montenegro, E/C.12/1/Add.108, Thirty-fourth session 25 April-13 May 2005, para 8

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Reports of UN Special Procedures

Thematic study on the realization of the right to health of older persons by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, 4 July 2011, A/HRC/18/37 (the right to health of older persons)

http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-37_en.pdf

Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, 31 March 2010, A/HRC/14/31 (old age and non-contributory pensions)

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Madrid International Plan of Action on Ageing, adopted at the Second World Assembly on Ageing (2002) and endorsed by the General Assembly in resolution 57/167

<http://social.un.org/index/Portals/0/ageing/documents/Fulltext-E.pdf>

Non-binding Regional Policy Instruments

ECLAC, Regional Strategy for the implementation in Latin America and the Caribbean of the Madrid International Plan on Ageing

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UNECE, Regional Implementation Strategy for the Madrid International Plan of Action on Ageing (ECE/AC.23/2002/2/Rev.6)

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Arab Plan of Action on Ageing to the Year 2012 (E/ESCWA/SD/2002/WG.1/8)

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man%26task%3Ddoc_download%26gid%3D17008%26Itemid%3D&ei=L2R2UYW3D4Ty7Aas_4HIDg&usg=AFQjCNFmIOC-cvzMRw5pIWMJQANyW8L0_A&sig2=urK1befW5cCL_7Fr46e6Mw&bvm=bv.45512109.d.ZWU

UN Resolutions, Reports and documents

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UN Principles for Older Persons, GA Resolution 49/91, A/RES/46/91

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Statement of the United Nations High Commissioner for Human Rights on 1 October 2010

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Abuse of older persons: recognizing and responding to abuse of older persons in a global context Report of the Secretary-General, 9 January 2002, E/CN.5/2002/PC/2

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