

## DECLARATION ADOPTED DURING THE INTERNATIONAL CONFERENCE ON HUMAN RIGHTS OF OLDER PERSONS (ICHROP 2023) IN VIENNA, AUSTRIA, HELD FROM 29 NOVEMBER TO 1 DECEMBER 2023.

**The participants gathered at the International Conference on Human Rights of Older Persons in Vienna, Austria from 29 November to 1 December 2023, which was organized by the Federal Ministry of Social Affairs, Health, Care and Consumer Protection of the Republic of Austria to share views about how to improve the respect, protection and fulfilment of the human rights of older persons in the current human rights normative framework and to exchange experiences linked to challenges in the age of digitalization, in light of the lessons of COVID-19 and the implementation of the Sustainable Development Goals (SDGs), and adopted the following Declaration:**

1. Reaffirming the vital role of international human rights instruments in upholding the dignity, autonomy, and well-being of older persons and reaffirming the obligation of all States to respect, protect, and fulfill all human rights and fundamental freedoms, as set out in the *Universal Declaration of Human Rights* (UDHR), the *International Covenant on Civil and Political Rights* (ICCPR), the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), and other relevant human rights instruments.
2. Noting that the binding international provisions for the effective protection of the human rights and fundamental freedoms of older persons are fragmented and contained across multiple instruments, have been assessed as inadequate by UN bodies, civil society, NHRIs and relevant stakeholders and do not provide a single comprehensive, coherent, and integrated framework. Thus, the Open Ended Working Group on Ageing (OEWGA) decided at its 13<sup>th</sup> session in 2023 to identify potential gaps in the protection of the human rights of older persons and how best to address them.
3. Bearing in mind the *United Nations Principles for Older Persons 1991*, the *Vienna Declaration and Programme of Action 1993*, the *Political Declaration and the Madrid International Plan of Action on Ageing 2002*, and relevant resolutions on the rights of older persons adopted by the UN General Assembly<sup>1</sup> as well as by the Human Rights Council, as they relate to the full enjoyment of human rights and fundamental freedoms by older persons.
4. Taking note of the outcomes of the United Nations conferences and summits and of the international conferences held in Brdo pri Kranju, Slovenia on 11-12 April 2016, in Santiago, Chile

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<sup>1</sup> Including resolutions 65/182 of 21 December 2010, 66/127 of 19 December 2011, 70/164 of 17 December 2015, 75/131 of 14 December 2020, 76/138 of 16 December 2021, and 77/190 of 15 December 2022 (updated from A/HRC/RES/48/3).

on 3-4 October 2017 and in Vienna, Austria on 12-13 November 2018, as they pertain to the promotion and protection of the human rights of older persons.

5. Recalling the *2030 Agenda for Sustainable Development*, emphasizing the need to ensure that no one is left behind, and acknowledging the vital contributions of older persons to societies and the achievement of the 2030 Agenda.
6. Recalling the desire to safeguard interests of the human rights of present and future generations - including future older persons -, the international human rights framework must promote and protect the rights of older persons in participating and contributing toward the *UN Secretary General's Our Common Agenda*. The Participants recognize the importance of initiatives like the *Summit for the Future* in shaping a world that values the dignity and well-being of all, including older persons. Emphasizing the *UN Decade on Healthy Ageing*, this Declaration prioritizes linking human rights to health and well-being as fundamental for healthy aging. It reflects a commitment to a future where everyone, regardless of age, upholds dignity, enjoys good health, and actively engages in society.
7. Acknowledging the importance of the *Madrid International Plan of Action on Ageing 2002* as a tool for building a society with intergenerational solidarity and as a politically binding policy framework for the advancement of the human rights of older persons and noting that the *Fourth review and appraisal of the Madrid International Plan of Action on Ageing 2022* (E/CN.5/2023/6) found that “much remains to be done to fulfil the goal in the Madrid Plan of Action of building a society for all ages” (para 66) and that the development of a binding international legal instrument on the human rights of older persons “would complement and reinforce [MIPAA] and would be key to promoting and protecting the rights and dignity of older persons, including in any successor policy frameworks on ageing” (para 74).<sup>2</sup>
8. Taking into account the findings of the 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* of March 2021, the OHCHR report *Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons* of January 2022 (A/HRC/49/70), prepared pursuant to United Nations Human Rights Council *resolution 48/3* and the OHCHR *Summary of the multi-stakeholder meeting on the human rights of older persons*, convened on 29 and 30 August 2022 (A/HRC/52/49).

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<sup>2</sup> China National Committee on Ageing: More attention should be paid to social and economic development, to provide better protection to older persons. The international community still holds difference of opinions, therefore, the formulation of a new framework should be based on consensus of the international community.

9. Acknowledging the fact that the United Nations Human Rights Council in its *resolution 54/13* noted with appreciation the 2022 report of the OHCHR and “its findings on the gaps, limitations and deficiencies in the existing international human rights framework and that, in the report, the High Commissioner stresses the need to move expeditiously towards developing and adopting a coherent, comprehensive and integrated human rights framework” on the human rights of older persons (A/HRC/RES/54/13, preamble para 20).
10. Acknowledging the findings and analysis contained in the reports of the Independent Expert on the enjoyment of all human rights by older persons (Independent Expert) on assessing the state of protection of human rights of older persons across the world, which have shown the potential gaps, deficiencies and limitations in the protection of the human rights of older persons in many areas, including challenges related to ageism, age discrimination, the rights of older women, the impact of COVID-19, the right to adequate housing, autonomy, independence, care, liberty, emergency situations, climate change-induced disasters, and the notable data gaps that persist in relation to older persons and their enjoyment of human rights, which led the Independent Expert herself to call for a legally binding instrument in this regard.<sup>3</sup>
11. Noting with particular concern the Independent Expert’s findings in her *Report on violence against and abuse and neglect of older persons* (A/HRC/54/26) and urging States to implement the United Nations Human Rights Council’s *resolution 54/13*, which calls on all Member States to prohibit discrimination against older persons. This includes taking measures to safeguard their human rights and freedoms across all aspects of life, addressing ageism as a root cause of mistreatment, establishing effective redress mechanisms, and ensuring access to justice for victims and survivors, regardless of age, gender, sexual orientation and gender identity, ethnic origin, race, disability, religion or other grounds (OPs 4, 5, and 6).
12. Noting with concern the findings of the *OHCHR Study Update 2021* on potential normative gaps in the human rights protection of older persons, which documents the existence of gaps in the protection of the human rights of older persons at the national, regional and global levels, and the need for a concerted effort to address these gaps, including through existing human rights frameworks.

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<sup>3</sup> Including in relation to ageism and age discrimination (A/HRC/48/53), the human rights of older women and the intersection between ageing and gender (A/76/157), the impact of COVID-19 on the enjoyment of human rights by older persons (A/75/205), the enjoyment of the right to adequate housing by older persons (A/77/239), the right to autonomy and independence of older persons and the right of older persons to care (A/HRC/30/43), the human rights of older persons deprived of their liberty (A/HRC/51/27), the human rights of older persons in emergency situations (A/HRC/42/43) and in the context of climate change-induced disasters (A/78/226) and the data gaps that exist in relation to older persons and their enjoyment of human rights (A/HRC/45/14).

13. Emphasizing the essential contributions of older persons to the functioning of societies, and their invaluable role in fostering inclusive, age-friendly environments.
14. Cognizant of the fact that older women often experience multiple and intersecting forms of discrimination, placing them at heightened risk of violence, abuse, and neglect, and underscoring the necessity to address this issue comprehensively.
15. Stressing that ageism, especially age-based discrimination, is a significant barrier to the full and effective enjoyment of all human rights by older persons, and must be systematically addressed.
16. Observing that older persons often face barriers in accessing justice and legal support, leading to a lack of redress for human rights violations and abuses.
17. Recognizing the digital divide, and emphasizing the urgency to promote equity and minimize bias by increasing access and avoiding social exclusion and digital divides. This means upscaling efforts to provide digital skills, connectivity, and accessible and affordable technologies and tools to older persons - including older women and older persons belonging to marginalized communities. At the same time, users must be protected from intrusion, scams, fraud, and other violations of their rights when using digital devices and applications. Promoting user-friendly digitalization, enhancing digital skills and literacy to empower older persons to participate in an increasingly digital world, while also ensuring the right to access to information, participation, and services through access to digital devices and the Internet, and to suitable offline or other secure alternatives in user-friendly and accessible formats. These measures align with the *United Nations Principles for Older Persons 1991*, the *Madrid International Plan of Action on Ageing 2002*, and the *Sustainable Development Goals*.
18. Recognizing that older persons face a number of particular barriers to their enjoyment of human rights, including lack of access to quality health care, support and services, mental health care and support, psychosocial support, rights-respecting long-term care and support, end of life and palliative care. A range of support services must be integrated at all levels, to ensure the promotion of inclusive, age-responsive communities and environments and to ensure the dignity, autonomy, and independence of older persons to enable them to remain in their homes as they age, respecting their individual choices and preferences; also acknowledging that the rights of older persons must be integrated into the full range of social protection systems and measures and ensure their equal access.<sup>4</sup>

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<sup>4</sup> Anchoring the agreed language of the United Nations Human Rights Council's *Resolution of the Centrality of Care and Support from a Human Rights Perspective (A/HRC/54/L.6/Rev.1)*.

19. Taking note of the findings provided in the Independent Expert's *Report on the impact of the coronavirus disease (COVID-19) on the enjoyment of all human rights by older persons (A/75/205)* and acknowledging the profound impact of the COVID-19 pandemic on the human rights of older persons. This global crisis has starkly revealed the vulnerabilities faced by older persons, who are at significantly higher risk of severe illness and mortality: Prolonged lockdowns, especially to protect older and vulnerable persons, have inadvertently compromised the social and economic well-being of older populations, particularly those living alone. Accessible healthcare, including mental health and psychosocial support, equitable vaccine distribution, combating ageism and social isolation have emerged as critical areas requiring immediate attention. Furthermore, the pandemic has underscored the urgency of bridging the digital divide to ensure older persons can fully participate in an increasingly digital world. Adequate, disaggregated data remains an essential component for a human rights-based response to COVID-19 for older persons, providing the necessary foundation for tailored support and protection.
20. Recognizing that thematic human rights treaties, including the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, the *International Covenant on Civil and Political Rights (ICCPR)*, the *Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)*, the *Convention on the Rights of the Child (CRC)* and the *Convention on the Rights of Persons with Disabilities (CRPD)*, and regional treaties on the human rights of older persons have sparked change at various levels.

#### Operative part:

The Participants urge member States to engage constructively with the intersessional process of the Open Ended Working Group on Ageing, which is focused on identifying potential normative and implementation gaps and options on how best to address them:

- by considering the significant body of information already collected on the implementation and on specific potential normative and implementation gaps in the current international human rights framework for the protection of the human rights of older persons; and
- by taking into account in their deliberations on how best to address these potential gaps and considering the advantages and disadvantages of options, such as:
  - a. immediate action to improve the use of existing instruments and mechanisms to protect the human rights of older persons, including by enhancing the effectiveness of existing mechanisms to address these matters systematically and comprehensively;

- b. considering additional protocols to the existing Covenants, which could explicitly address discrimination based on age; and
- c. the creation of a new comprehensive legally binding instrument.<sup>5</sup>

### Supporting the Work of the Co-Facilitators:

**The participants commend the outstanding work of the appointed Co-Facilitators from Brazil and Portugal in advancing the protection of the human rights of older persons. Their dedication and collaborative efforts have been instrumental in the pursuit of inclusive and effective solutions.**

**To foster the enjoyment of all human rights by older persons on an equal basis with others, the participants:**

- Acknowledge the initiative taken by the Open Ended Working Group on Ageing in its *decision 13/1* during the 13<sup>th</sup> session. This decision entrusted the Co-Facilitators with the task of formulating intergovernmental negotiated recommendations. These recommendations, in accordance with *resolution 77/190*, are intended for consideration at the fourteenth session of the Working Group and, subsequently, for presentation to the General Assembly. The focus is on evaluating the existing international framework concerning the human rights of older persons, as well as pinpointing potential gaps in its protection and therefore supporting the efforts to formulate recommendations.
- Take note of the following potential gaps in the normative framework and/or practical implementation of rights aligned with topics considered by the Open Ended Working Group:
  - a. **Equality and non-discrimination (cf UDHR, ICESCR, ICCPR, CEDAW and CRPD):** Ensuring that older persons have equal access to resources, opportunities, and services, without discrimination and on an equal basis with others,
  - b. **Violence, neglect, and abuse (cf ICESCR, ICCPR, CEDAW, CRPD and various ILO Conventions):** Prevention, detection, and response mechanisms to protect older persons from various forms of violence, neglect, abuse and exploitation in different settings and by different perpetrators,
  - c. **Long-term care and palliative care (cf UDHR, ICESCR and CRPD):** Availability, affordability, and quality of long-term and palliative care services for older persons,
  - d. **Autonomy and independence (cf ICCPR and CRPD):** Policies and support systems to enable older persons to maintain their independence and make decisions regarding their own lives,

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<sup>5</sup> China National Committee on Ageing: More attention should be paid to social and economic development, to provide better protection to older persons. The international community still holds difference of opinions, therefore, the formulation of a new framework should be based on consensus of the international community.

- e. **Social protection and security (cf ICESCR, CRPD and various ILO Conventions):** Ensuring that older persons have access to adequate social protection measures, including minimum social protection,
- f. **Education, training, lifelong learning, and capacity-building (cf. ICESCR and CRPD):** Providing formal and informal opportunities for lifelong learning and skill development, beyond professional education, for older persons,
- g. **Right to Work and Access to the Labor Market (cf ICESCR):** Addressing barriers to employment and meaningful participation in the labor market for older persons,
- h. **Access to justice (cf ICCPR and CRPD):** Access to justice for older persons encompasses more than just legal support, extending to addressing cultural, geographical, technological, and systemic barriers, ensuring fairness, providing education on rights, and implementing alternative dispute resolution mechanisms, requiring a comprehensive, multi-stakeholder approach to create a truly accessible and inclusive justice system,
- i. **Contribution of Older Persons to Sustainable Development (cf SDGs):** Recognizing and leveraging the valuable contributions of older persons in different areas of sustainable development,
- j. **Economic security (cf ICESCR):** Ensuring that older persons have sufficient economic resources for an adequate standard of living and to lead dignified lives,
- k. **Right to Health and Access to Health Services (cf UDHR, ICESCR and CRPD):** Guaranteeing available, accessible, acceptable and good quality healthcare services, including preventive and specialized care for older persons, in public and private settings,
- l. **Social Inclusion (cf ICESCR, ICCPR and CRPD):** Promoting social inclusion for older persons, fostering a culture of respect and understanding, challenging ageism, and advocating for universal design and accessibility. Raising awareness about the importance of inclusivity, encouraging intergenerational connections, and empowering older persons to participate in decision-making processes are vital steps. Creating age-friendly communities, offering diverse cultural and recreational activities, and ensuring accessible communication are crucial. Additionally, providing employment opportunities, tailored healthcare services, and combating social isolation are key facets. Advocacy for policies and legislation that protect the rights and well-being of older persons completes this comprehensive strategy for social inclusion,
- m. **Accessibility, infrastructure, and habitat (transport, housing, and access) (cf ICESCR and CRPD):** Ensuring that physical environments are safe, affordable, accessible, integrated and sustainable to meet the diverse needs and interests of older persons,

- n. **Participation in public life and decision-making processes:** Facilitating meaningful participation of older persons in public life and decision-making processes at all levels, including about their care.

The list of areas in which potential gaps have been identified are intended to inform, guide and support the Co-Facilitators in their preparations for the fourteenth session of the Open Ended Working Group in 2024. However, it should be noted that the areas listed are not an enumeration of all the areas in which the implementation of the existing human rights framework falls short of ensuring the equal enjoyment of human rights by older persons.