



German Institute
for Human Rights

Ageism and age discrimination: perspectives of NHRIs

ICHROP 2023, Vienna, 29/11/23

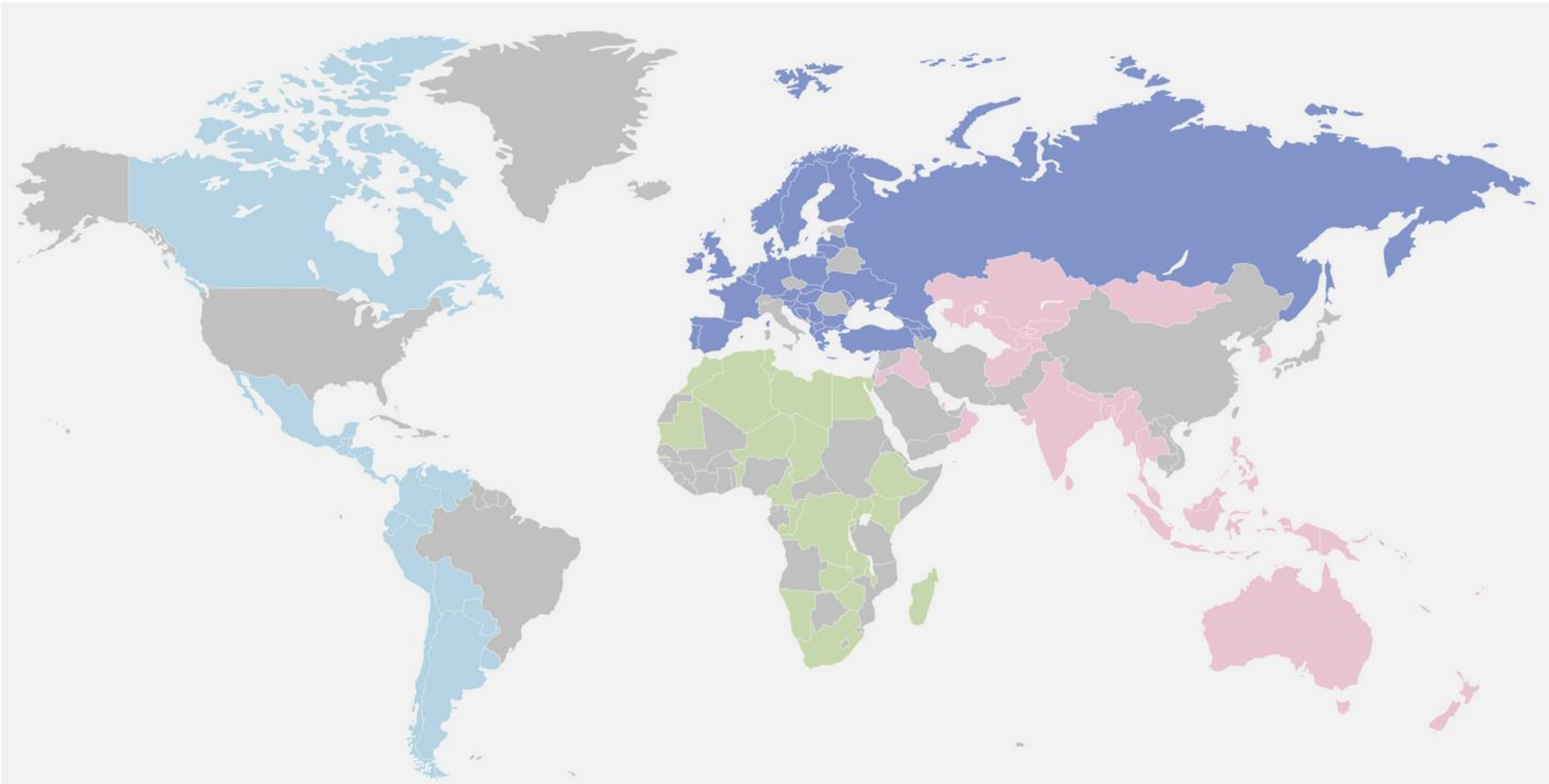


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National Human Rights Institutions

- NHRI = National Human Rights Institution
- 1993: Adoption of the Paris Principles by the UN General Assembly
- NHRIs are mandated to promote and protect the fundamental rights of all persons in their countries
- GANHRI: Global Alliance of National Human Rights Institutions (office in Geneva)
- 84 NHRIs accredited with A status (i.e. in compliance with Paris Principles), and 32 accredited with B status
- Four regional networks of NHRIs: Africa, Americas, Asia/Pacific, and Europe (ENNHRI)



Ageism

- Ageism is defined „as stereotypes, prejudice and/or discriminatory actions or practices against older persons that are based on their chronological age or on a perception that the person is ‘old’”
- Ageism leads to age discrimination and hinders older persons from the full enjoyment of their human rights
- In contrast to sexism, racism or ableism, there is no explicit obligation on States in international human rights law to take active measures to eliminate ageism and its discriminatory consequences
- Old age rarely is an issue among the UN treaty bodies
 - <1% of recommendations and observations refer to the rights of older persons

Age discrimination

- Age discrimination, ageism and actions based on ageist attitudes are frequently a principal cause of human rights violations based on older age
- Age is not included in the standard list of prohibited grounds of discrimination in United Nations human rights treaties
 - Age must be derived using „other status“
 - The lack of a clear prohibition of age discrimination may in part explain why, in international law or national law, differential treatment based on age can be considered as permissible discrimination
- Recent example for age discrimination in the EU: fitness to drive tests for persons aged 70 or older

Recent relevant UN documents

- WHO Global report on Ageism (2021)
- OHCHR analytical update paper (2021)
- Ageism report of the Independent Expert on HROP (A/HRC/48/53, 2021)
- Substantive resolution of the HRC (A/HRC/RES/48/3, 2021)
 - First time „ageism“ is recognized in an UN-Document (except Special Procedures)
- OHCHR report on normative standards and obligation (A/HRC/49/70, 2022)
- Summary of the multi-stakeholder meeting (A/HRC/52/49, 2022)



ENNHRI statement at OEWGA 13, April 2023

- “we look forward to every step towards a new Convention on the HROP”
- “we welcome...the first substantive resolution on ageing and human rights in September 2021”
- “We welcome the OHCHR report resulting from this meeting and the role it envisages for NHRIs ... Specifically for NHRIs to be among the designated bodies to promote, protect and monitor implementation of the new convention, and for states to equip NHRIs to enhance the protection of the rights of older person at the local, regional and national levels”
- “we urge that where NHRIs are mandated with additional responsibilities, state authorities must ensure that they are equipped with the appropriate financial resources and institutional infrastructure to fulfil the entirety of their mandate, in line with the requirements of the UN Paris Principles”

GANHRI decision

- On 5 November 2023, a GANHRI bureau meeting was held and the “Proposal for the development of a GANHRI position and strategy on the promotion of a UN binding instrument on the rights of older persons” was discussed and adopted.



Convention on the Rights of Older Persons

- Closes the gaps in relation to, among others, ageism and age discrimination
- Would provide a precise indication to States of the steps that they need to take to eliminate ageism and combat age discrimination
- When age as a specific ground of discrimination is included in a new treaty which obliges a State party to implement protections against discrimination based on age in national law, it is more likely to be explicitly included in national laws and the possibility of its being implemented in practice enhanced
- States are called upon at OEWGA 14 to agree on a road map towards a legal binding international instrument
- NHRIs will continue to promote a new convention and finally one day will monitor the implementation of the Convention on the Rights of Older Persons



Thank you





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