



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

5 February 2020

Excellency,

Further to the General Assembly resolution 74/125 of 18 December 2019 on the Follow up to the Second World Assembly on Ageing, I have the honour to forward a letter from H.E. Mr. Martin Garcia Moritan, Permanent Representative of Argentina to the United Nations, Chair of the Open-Ended Working Group on Ageing (OEWGA)

The letter from the Chair transmits the zero draft recommendations to be presented to the Bureau of the XI Session of the Open-Ended Group, slated for 6 to 9 April 2020, and invites delegations to forward inputs regarding the recommendations before 14 February 2020.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, consisting of a stylized 'T' followed by a flourish.

Tijjani Muhammad-Bande

All Permanent Representatives and
Permanent Observers to the United Nations
New York



*Permanent Mission
of the
Argentine Republic
to the
United Nations*

ENAUN 48/2020

New York, 24 January 2020

Excellency,

I am writing to you in my capacity as Chair of the Open-ended Working Group on Ageing (OEWGA), subsidiary organ of the General Assembly, for the purpose of strengthening the protection of the human rights of older persons, which was established by the General Assembly through its resolution 65/182, of 21 December 2010.

In the Resolution A/RES/74/125 "Follow-up to the Second World Assembly on Ageing", adopted by consensus in the Plenary of the General Assembly on 18 December 2019, the operative paragraph 52 encouraged Member States to consider *"adopting at each session intergovernmentally negotiated recommendations to be presented for consideration by the General Assembly"*.

Pursuant to the aforementioned OP 52, I am sending you attached the draft of recommendations that was presented to the Bureau, to be adopted in the XI Session that will take place from 6 to 9 April 2020, which is focused on the first two focus areas analyzed from a normative perspective at the ninth session: *"Equality and non-discrimination"* and *"Violence, neglect and abuse"*.

I am committed to an open, inclusive, transparent process and expect Member States to be actively engaged in the process. In this regard, I would be grateful if this draft could be brought to the attention of Member States of the Open-ended Working Group in order to ask for their inputs and comments before 14 February 2020, to the following e-mail address: enaun@mrecic.gov.ar and ageing@un.org.

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To:

H.E. Mr. Tijjani Muhammad-Bande

President of the General Assembly

NEW YORK



*Permanent Mission
of the
Argentine Republic
to the
United Nations*

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I look forward to your continued support in the preparations for the twelfth session of the Open-ended Working Group on Ageing, and please accept, Excellency, the assurances of my highest consideration.


Martín García Moritán

CHAIR

Open-Ended Working Group on Ageing

Introductory notes

The General Assembly resolution 74/125 on the follow-up to the Second World Assembly on Ageing encouraged Member States to consider adopting at each session of the Open-ended Working Group on Ageing, intergovernmental negotiated recommendations to be presented for consideration by the General Assembly.

This document is based on the inputs received for the focus areas examined from a normative perspective at the ninth session of the Working Group, namely "Equality and non-discrimination" and "Violence, neglect and abuse", the relevant United Nations resolutions, the relevant international human rights treaties and the Madrid International Plan of Action on Ageing.

Zero draft recommendations

Pursuant to operative paragraph 52 of General Assembly resolution 74/125, the Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons agreed on the following set of recommendations:

1. The Open-ended Working Group reaffirms that States Parties shall prohibit all discrimination on the basis of ageing and guarantee to older persons equal and effective legal protection against discrimination on all grounds (based on art. 5.2 CRPD);
2. The Open-ended Working Group notes that discrimination against older persons means any distinction, exclusion or restriction based on age which has the purpose or the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of the human rights and fundamental freedoms (based on CERD, art. 1.1; CEDAW, art 1; CRPD, art. 2);
3. The Open-ended Working Group recognizes that ageism is a widely prevalent and prejudicial attitude that rests on the assumption that neglect of and discrimination against older persons is acceptable and that ageism is the common source of the justification for and the driving force behind age discrimination (based on OP 6 E/RES/2014/7);
4. The Open-ended Working Group notes that combating discrimination based on age and promoting the dignity of older persons is fundamental to ensuring the respect that older persons deserve (based on MIPAA, para. 13);
5. The Open-ended Working Group also notes that multiple and intersecting forms of discrimination may create additional vulnerabilities for older persons and affect their enjoyment of human rights and fundamental freedoms and notes that older women often face multiple forms of discrimination resulting from gender inequality (verbatim A/RES/73/143, PP12; A/RES/73/143, PP14);

6. The Open-ended Working Group recognizes that neglect, abuse and violence against older persons takes many forms, inter alia, physical, psychological, emotional, financial and occurs in every social, economic, ethnic and geographic sphere (based on MIPA para 107);

7. The Open-ended Working Group expresses particular concern to the violence against older women that includes physical, sexual or psychological violence occurring in the family, within the general community or perpetrated by the State; (based on article 2 GA resolution 48/104);

The Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons recommends Member States to:

(a) Adopt and implement non-discriminatory policies, legislation and regulations, to systematically review and amend these, where appropriate, if they discriminate against older persons, especially on the basis of age (verbatim A/RES/73/143, OP 10);

(b) Take appropriate measures to prevent discrimination against older persons in, inter alia, employment, social protection and the provision of social, health-care and long-term care services (verbatim A/RES/73/143, OP10; A/RES/74/125, OP12);

(c) Strengthen and incorporate a gender and disability perspective into all policy actions on ageing, as well as to address and eliminate all forms of discrimination, in particular on the basis of age, sex or disability (based on A/RES/73/143, OP28; A/RES/74/125, OP30);

(d) Engage with all sectors of society, in particular with relevant organizations with an interest in the matter, including organizations of older persons, women and persons with disabilities, in order to change negative stereotypes about older persons, in particular older women and older persons with disabilities, and promote positive narratives of all older persons (based on A/RES/73/143, OP28; A/RES/74/125, OP30);

(e) Promote and ensure the full realization of all human rights and fundamental freedoms for older persons, including by progressively taking measures to combat age discrimination, and to provide access to justice (based on A/RES/73/143, OP 5);

(f) Take all appropriate legislative, administrative, social, educational and other measures to protect older persons from all forms of exploitation, violence and abuse, both within and outside the home (based on CRPD Article 16.1);

(g) Address any cases of neglect, abuse and violence against older persons by designing and implementing more effective prevention strategies and stronger laws and by developing coherent and comprehensive policy frameworks to address these problems and their underlying factors; (based on A/RES/73/143, OP 35);

(h) Enhance their capacity to more effectively collect age-disaggregated data, statistics and qualitative information, disaggregated also, when necessary, by other relevant factors, on all forms of violence, abuse and neglect faced by older persons and encourage further research into the causes, nature,

extent, seriousness and consequences of all forms of violence (based on A/RES/73/143, OP 22 ; A/RES/74/125, OP 24 and MIPA para 110 (g));

(i) Ensure appropriate forms of gender and age sensitive assistance and support for older persons 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 (based on Article 16.2 CRPD);

(j) Take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of older persons who become victims of any form of exploitation, violence, or abuse, including through the provision of protective services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs (based on CRPD art. 16. 4).

(k) Consider adopting at the twelfth session of the Open-ended Working Group on Ageing negotiated recommendations on the areas of "Autonomy and independence" and "Long term and palliative care" that were analyzed from a normative perspective during its tenth session.