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Rights of older persons in international law: A rights-based and comparative analysis

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Summary: 1. Introduction. 2. Evolution of international legal protection of older persons. 2.1 General human rights foundations. 2.2 Ageing-specific international standards. 2.3 Regional binding protection and the emerging global treaty framework. 3. Methodology and comparative analytical framework. 3.1 Research design and source selection. 3.2 Analytical framework. 3.3 Comparative assessment. 4. Results. 4.1 Normative continuity across international frameworks. 4.2 Areas of legal and conceptual development. 4.3 Remaining protection gaps. 5. Discussion. 6. Recommendations. 7. Conclusion. 8. References.

Abstract: Population ageing has intensified the need for a coherent international legal framework for protecting older persons across changing social, economic and technological conditions. This study examines the evolution of international protection through a doctrinal and comparative legal analysis of universal human rights instruments, ageing-specific standards, regional treaties and recent United Nations developments. The analysis considers six recurring themes—independence, participation, care, dignity, social and economic security, and enabling environments—alongside age specificity, legal status, state obligations, autonomy, non-discrimination, protection from abuse, monitoring and enforceability. The findings show substantial normative continuity, but also increasing age specificity, stronger attention to autonomy and equality, and the conversion of established

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principles into binding regional obligations. Important gaps remain in digital exclusion, algorithmic age discrimination, technology-enabled financial exploitation, long-term care, privacy and end-of-life decision-making. The study argues that the principal challenge is not the absence of recognised principles but their uneven legal implementation. The emerging global treaty process offers an opportunity to consolidate dispersed protections into a clearer, age-specific and more enforceable framework while preserving older persons' agency.

Keywords: Older Persons, International Human Rights Law, Ageing, Age Discrimination, Dignity, Legal Protection

1. Introduction

Population ageing is reshaping the social, economic and legal conditions in which rights are exercised. This is part of a longer-term demographic trend associated with increased longevity and declining fertility, as outlined in the United Nations' 2024 Population Projections, and has significant implications for age structures at the regional level.³ Longevity also brings benefits through improvements in health and development, but it also increases the number of people who may rely in later life on access to health care services, income security, appropriate housing, community support and effective legal protection. World Social Report 2023 therefore views age as a trans-sectoral challenge, one that should be addressed through employment, health, inequality and social inclusion policies, and not just welfare policy.⁴

The changes are not uniform. The ageing process is happening at different speeds in countries, and capacities to cope with it vary, too. In many developing and least developed countries, the proportion of older persons remains relatively low but is increasing, while long-term care systems are under stress or underdeveloped and age-sensitive services and social protection remain limited.⁵ This lack of uniformity of preparedness is particularly salient in the case of older persons. Rights that are stated generally might be of little practical value if older persons encounter difficulties obtaining services, in exercising their right to influence decisions that impact on them, in maintaining their independence, or in securing remedies when abuse or discrimination arises.

Ageism adds another layer to this problem. The *Global Report on Ageism* defines ageism as a pervasive phenomenon, characterized by stereotypes, prejudice and discrimination, and manifesting in institutions as well as in relationships between people.⁶ The issue is not abstract. Using nationally representative data, evidence from India revealed that 10.33 per cent of older persons indicated that age was the

³ UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, POPULATION DIVISION. World population prospects 2024: Summary of results. New York: United Nations, 2024. Available at: <https://desapublications.un.org/publications/world-population-prospects-2024-summary-results> (accessed on 05 August 2026).

⁴ UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS. World social report 2023: Leaving no one behind in an ageing world. New York: United Nations, 2023. Available at: <https://desapublications.un.org/publications/world-social-report-2023-leaving-no-one-behind-ageing-world> (accessed on 05 August 2026).

⁵ UNITED NATIONS, DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, POPULATION DIVISION. World population ageing 2023: Challenges and opportunities of population ageing in the least developed countries. New York: United Nations, 2024. Available at: <https://desapublications.un.org/publications/world-population-ageing-2023-challenges-and-opportunities-population-ageing-least> (accessed on 05 August 2026).

⁶ WORLD HEALTH ORGANIZATION; OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS; UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS; UNITED NATIONS POPULATION FUND. Global report on ageism. Geneva: World Health Organization, 2021. Available at: <https://www.who.int/publications/i/item/9789240016866> (accessed on 08 August 2026).

primary reason for experiencing discrimination, a figure which rose among the oldest-old.⁷ These findings indicate the need to go beyond formal equality in protecting older persons. This raises the question of how specific, enforceable and responsive international norms are to the contexts of exclusion experienced by older persons.

That concern is heightened by abuse and exploitation. Abuse of older persons remains an international policy priority, and more data, prevention, support and implementation measures have been called for in the work of the United Nations Decade of Healthy Ageing.⁸ But today's vulnerability is not just a matter of physical neglect or mistreatment. Questions of digital exclusion, technology as a means of financial exploitation, the ability to access digital public services, threats to autonomy in long-term care, and contested end-of-life decisions have not always been raised in the context of previous international frameworks.

There are, however, established principles in international law concerning dignity, independence, participation, care, social security and supportive environments. The central research question is whether successive international frameworks merely restate a stable normative core or also develop more specific rights language, clearer state obligations and stronger mechanisms of implementation and enforceability. Existing demographic, social and public-health scholarship establishes the urgency of protecting older persons, but it does not resolve this comparative legal question.

This study addresses that gap through a rights-based comparison of universal, ageing-specific and regional instruments. It distinguishes continuity in substantive principles from development in legal form, age specificity, state obligations and enforceability. Existing United Nations assessments have already identified fragmentation and important protection gaps.^{9,10} The distinctive contribution of this study is to place digital exclusion, algorithmic age discrimination and technology-enabled financial exploitation within the same comparative framework, showing how contemporary technological conditions expose gaps in the application of established rights.

2. Evolution of international legal protection of older persons

The international protection of older persons has evolved along three lines: general human rights law, international standards on ageing and regional treaty protection. Early instruments safeguarded older persons by means of basic guarantees and later instruments addressed ageing in its own right on the basis of independence, participation, care, dignity and social security. Several of these principles have subsequently been translated into legally binding regional commitments and a formal process towards a universal age-specific legal instrument is currently underway at the United Nations.

⁷ MAURYA, P., SHARMA, P., and MUHAMMAD, T. "Prevalence and correlates of perceived age-related discrimination among older adults in India". *BMC Public Health*, v. 22, 2022, pp. 561. DOI: <https://doi.org/10.1186/s12889-022-13002-5> (accessed on 01 August 2026).

⁸ WORLD HEALTH ORGANIZATION; UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS; UNITED NATIONS POPULATION FUND; OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS; UN WOMEN. *Tackling abuse of older people: Five priorities for the United Nations decade of healthy ageing (2021-2030)*. Geneva: World Health Organization, 2022. Available at: <https://www.who.int/publications/i/item/9789240052550> (accessed on 06 August 2026).

⁹ UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS. *Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons*, UN Doc. A/HRC/49/70. Geneva: United Nations, 2022. Available at: <https://digitallibrary.un.org/record/3958823> (accessed on 08 August 2026).

¹⁰ UNITED NATIONS OPEN-ENDED WORKING GROUP ON AGEING. *Recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them*, UN Doc. A/AC.278/2024/L.1. New York: United Nations, 2024. Available at: <https://digitallibrary.un.org/record/4048280> (accessed on 06 August 2026).

2.1 General human rights foundations

In general, the protection of older persons is provided for by the Universal Declaration of Human Rights of 1948. It does not create a new class of age-related rights, but Article 25 does take into account the right to an adequate standard of living and explicitly mentions security in old age.¹¹ Dignity and social protection should therefore be understood as elements of universal human rights rather than as benefits dependent on age or economic productivity.

Articles 9, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR) provide protection for liberty and security of person; privacy and equality before the law.¹² Although age is not expressly listed as a prohibited ground of discrimination in Article 26, the Human Rights Committee has considered age-based distinctions under the provision's reference to "other status." In *Love et al. v Australia*, the Committee examined compulsory retirement rules based on age and recognised that an age distinction lacking reasonable and objective justification could fall within Article 26, although no violation was found on the facts of the case. In *Schmitz-de-Jong v The Netherlands*, the Committee similarly examined an age-based distinction under Article 26 and found that the particular distinction was based on objective and reasonable criteria. These decisions indicate that age-based differential treatment falls within the scope of Article 26 scrutiny, although a distinction based on age does not in itself constitute prohibited discrimination.^{13,14} The rights to social security, an adequate standard of living and the highest attainable standard of physical and mental health are of special relevance in the context of the International Covenant on Economic, Social and Cultural Rights.¹⁵ The Committee on Economic, Social and Cultural Rights has given these guarantees more specific meaning in relation to older persons. General Comment No. 6 on the economic, social and cultural rights of older persons interprets the Covenant across matters including work, social security, family protection, an adequate standard of living, health, education and cultural participation.¹⁶ In relation to Article 9, the Committee called on States parties to establish appropriate old-age social insurance arrangements and, within available resources, to provide non-contributory old-age benefits and other assistance for older persons who lack adequate contributory entitlements or other sources of income. General Comment No. 19 subsequently developed the normative content of the right

¹¹ UNITED NATIONS GENERAL ASSEMBLY. Universal declaration of human rights, resolution 217 A (III). Paris: United Nations, 1948. Art. 25. Available at: <https://digitallibrary.un.org/record/666853> (accessed on 05 August 2026).

¹² UNITED NATIONS GENERAL ASSEMBLY. International covenant on civil and political rights, resolution 2200A (XXI), 16 December 1966. New York: United Nations, 1966. Arts. 9, 17 and 26. Available at: <https://2covenants.ohchr.org/About-ICCPR.html> (accessed on 05 August 2026).

¹³ UNITED NATIONS HUMAN RIGHTS COMMITTEE. *Love et al. v. Australia*, Communication No. 983/2001, UN Doc. CCPR/C/77/D/983/2001. Available at: <https://juris.ohchr.org/casedetails/1044/en-US> (accessed on 06 August 2026).

¹⁴ UNITED NATIONS HUMAN RIGHTS COMMITTEE. *Schmitz-de-Jong v. The Netherlands*, communication No. 855/1999, UN Doc. CCPR/C/72/D/855/1999. Available at: <https://juris.ohchr.org/casedetails/926/en-US> (accessed on 06 August 2026).

¹⁵ UNITED NATIONS GENERAL ASSEMBLY. International covenant on economic, social and cultural rights, Resolution 2200A (XXI), 16 December 1966. New York: United Nations, 1966. Arts. 9, 11 and 12. Available at: <https://2covenants.ohchr.org/About-ICESCR.html> (accessed on 05 August 2026).

¹⁶ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. General Comment No. 6 (1995): The economic, social and cultural rights of older persons, contained in UN Doc. E/1996/22, annex IV. United Nations, Geneva, 1996. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=NDHbUvPo0H0e6ReM%2BeoASfvbY3aH6JttLpsRvkmL87wD80W4xnAiRpmKA6ZLwTp9xzCLNUYwTBP35uH1Fw6yqQ%3D%3D> (accessed on 05 August 2026).

to social security, expressly identifying old age as a social risk or contingency and requiring social security systems to provide protection for older persons.¹⁷ It also emphasises non-discrimination, adequate coverage, accessibility and the need to give particular attention to groups that encounter difficulties in exercising the right to social security. These treaty-body interpretations demonstrate that social and economic security in older age is not merely an ageing-policy objective, but forms part of the interpretation and implementation of binding Covenant rights. Taken together, the Covenants offer significant protection, but they do not offer the whole picture in relation to issues that affect particular age groups - such as long-term care, autonomy, or age discrimination.

The treaty-body framework also reveals that older persons cannot be treated as a homogeneous category. In General Recommendation No. 27 on older women and the protection of their human rights, the Committee on the Elimination of Discrimination against Women identified the multiple and intersecting forms of discrimination that may affect women as they age.¹⁸ These may involve the interaction of age with gender, disability, poverty, ethnic origin, migration status, marital or family status and other circumstances. The Recommendation also links older women's equality to access to health care, social benefits, economic security, participation and information, and identifies lack of telecommunications skills and access to the Internet among concerns affecting some older women. The gender dimension therefore qualifies any general account of equality in older age: formally universal rights may have unequal effects where age intersects with sex and other forms of disadvantage.

The Convention on the Rights of Persons with Disabilities reinforced the focus on dignity, autonomy, participation and inclusion in the community. It is not an ageing-specific treaty and ageing is not a disability, but the Treaty has clear, immediate implications for older persons with disabilities, especially in relation to autonomy, independent living and health and social protection.¹⁹

In 2022, the Office of the United Nations High Commissioner for Human Rights stated that the level of age specificity in the protection afforded to older persons across international law was insufficient and that the protection is fragmented.²⁰ The principles of general human rights law thus function as a basis of protection and also call for the establishment of more specific standards.

¹⁷ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. General comment No. 19: The right to social security (Art. 9), UN Doc. E/C.12/GC/19. United Nations, Geneva, 2008. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=euzzYF%2BTZ7wAXpUMUYrCT92nAqdXCJZ%2F3IAyJ9oNxtOj36VhCrR3BHfkI3RLEuaQ7q8GM0N4hy7qvle67o4cg%3D%3D> (accessed on 05 August 2026).

¹⁸ UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. General recommendation No. 27 on older women and protection of their human rights, UN Doc. CEDAW/C/GC/27. United Nations, Geneva, 2010. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?Lang=en&symbolno=CEDAW%2FC%2FGC%2F27 (accessed on 05 August 2026).

¹⁹ UNITED NATIONS GENERAL ASSEMBLY. Convention on the rights of persons with disabilities, resolution A/RES/61/106. New York: United Nations, 2006. Arts. 3, 19, 25 and 28. Available at: <https://digitallibrary.un.org/record/588742> (accessed on 05 August 2026).

²⁰ UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS. Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, UN Doc. A/HRC/49/70. Geneva: United Nations, 2022. Ibid.

2.2 Ageing-specific international standards

In 1982, the first international framework focused specifically on ageing was adopted through the Vienna International Plan of Action on Ageing.²¹

In 1991 the United Nations Principles for Older Persons stated these concerns in five areas: independence, participation, care, self-fulfilment and dignity.²² They were important for establishing the dignity of older persons as active family and community members, and for associating dignity with protection from exploitation and abuse.

This framework was further developed through three priority directions of the Madrid International Plan of Action on Ageing 2002: older persons and development; advancing health and well-being into old age; and ensuring enabling and supportive environments.²³ Madrid retained earlier concerns but connected them more clearly with poverty, employment, gender, lifelong learning, disability, caregiving and social inclusion. A further institutional development occurred in 2013 when the Human Rights Council established the mandate of the Independent Expert on the enjoyment of all human rights by older persons. The mandate includes assessing the implementation of existing international instruments, identifying good practices and protection gaps, and examining the particular challenges faced by older persons.²⁴

The Independent Expert's subsequent work has addressed issues directly relevant to the present analysis. A 2015 thematic report examined autonomy and care and emphasised the participation of older persons in decisions concerning their care, while the Independent Expert's 2022 report following a visit to Finland identified barriers arising from digitalisation and stressed the importance of support and alternatives for older persons unable to access online services.^{25,26}

A number of these concerns were included in the broader development agenda of the 2030 Agenda for Sustainable Development. It is dedicated to leaving no one behind, and has targets for health, inequality, inclusive institutions and access to justice, all of which relate directly to older persons.²⁷ Sustainable Development Goals are not legally binding on any age group but they do reiterate the need to integrate ageing into various development policies.

The United Nations Decade of Healthy Ageing (2021-2030) added an operational dimension. The General Assembly endorsed the Decade in 2020,²⁸ while the World

²¹ UNITED NATIONS. Report of the world assembly on aging, Vienna, 26 July-6 August 1982, UN Doc. A/CONF.113/31. New York: United Nations, 1982. Available at: <https://digitallibrary.un.org/record/36044> (accessed on 05 August 2026).

²² UNITED NATIONS GENERAL ASSEMBLY. United Nations principles for older persons, resolution A/RES/46/91. New York: United Nations, 1991. Available at: <https://digitallibrary.un.org/record/495395> (accessed on 08 August 2026).

²³ UNITED NATIONS. Report of the second world assembly on ageing, Madrid, 8-12 April 2002, UN Doc. A/CONF.197/9. New York: United Nations, 2002. Available at: <https://digitallibrary.un.org/record/469597> (accessed on 05 August 2026).

²⁴ UNITED NATIONS HUMAN RIGHTS COUNCIL. The human rights of older persons, resolution A/HRC/RES/24/20. Geneva: United Nations, 2013. Available at: <https://digitallibrary.un.org/record/762466> (accessed on 08 August 2026).

²⁵ UNITED NATIONS HUMAN RIGHTS COUNCIL. Report of the independent expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, UN Doc. A/HRC/30/43. Geneva: United Nations, 2015. Available at: <https://digitallibrary.un.org/record/803194> (accessed on 06 August 2026).

²⁶ UNITED NATIONS HUMAN RIGHTS COUNCIL. Visit to Finland: Report of the Independent Expert on the Enjoyment of All Human Rights by Older Persons, Claudia Mahler, UN Doc. A/HRC/51/27/Add.1, United Nations, Geneva, 24 August 2022.

²⁷ UNITED NATIONS GENERAL ASSEMBLY. Transforming our world: The 2030 agenda for sustainable development, resolution A/RES/70/1. New York: United Nations, 2015. Available at: <https://digitallibrary.un.org/record/3923923> (accessed on 06 August 2026).

²⁸ UNITED NATIONS GENERAL ASSEMBLY. United nations decade of healthy ageing (2021-2030), resolution A/RES/75/131. New York: United Nations, 2020. Available at:

Health Organization identified four areas of action: combating ageism, creating supportive communities, providing integrated person-centred care and ensuring access to long-term care.²⁹ These priorities build on previous themes with a stronger focus on implementation.

More recent work has increasingly focused on measurement and accountability. The Secretary-General's 2024 follow-up report reviewed continuing challenges in implementing international commitments,³⁰ while the World Health Organization's 2025 framework introduced indicators for assessing progress during the Decade of Healthy Ageing.³¹ These initiatives do not alter the largely non-binding character of global ageing policy, but they indicate a movement from broad principles toward implementation and assessment.

Ageing-specific standards therefore show considerable continuity, but also greater detail in the way established principles are applied and monitored.

2.3 Regional binding protection and the emerging global treaty framework

The most obvious transformation in legal structure has been at the regional level. In 2015, the Inter-American Convention on Protecting the Human Rights of Older Persons was adopted, which is a specific treaty on equality and non-discrimination based on age, dignity, independence, autonomy, participation, health, accessibility and access to justice.³² Its significance lies in placing familiar principles within a binding treaty framework.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, adopted in 2016, also covers the issues of discrimination, justice, employment, social protection, access to health care, residential care and participation in development.³³ The Protocol came into force on 6 November 2024 and the African Commission adopted Resolution 617 on implementation of the Protocol.³⁴

The instruments of this region illustrate the fact that the same substantive principles have different legal implications when set out as treaty obligations as opposed to policy commitments. They also demonstrate that age-specific treaty protection is legally possible, although no completed universal age-specific treaty currently exists at the global level.

<https://digitallibrary.un.org/record/3895802> (accessed on 08 August 2026).

²⁹ WORLD HEALTH ORGANIZATION. Decade of healthy ageing: Baseline report. Geneva: World Health Organization, 2021. Available at: <https://www.who.int/publications/i/item/9789240017900> (accessed on 06 August 2026).

³⁰ UNITED NATIONS SECRETARY-GENERAL. Follow-up to the international year of older persons: Second world assembly on ageing, UN Doc. A/79/157. New York: United Nations, 2024. Available at: <https://digitallibrary.un.org/record/4058916> (accessed on 05 August 2026).

³¹ WORLD HEALTH ORGANIZATION. Measuring the progress and impact of the UN decade of healthy ageing (2021-2030): Framework and Indicators Recommended by WHO Technical Advisory Group. Geneva: World Health Organization, 2025. Available at: <https://www.who.int/publications/i/item/9789240104181> (accessed on 08 August 2026).

³² ORGANIZATION OF AMERICAN STATES. Inter-American convention on protecting the human rights of older persons, treaty A-70. Washington, D.C.: Organization of American States, 2015. Available at: https://www.oas.org/en/sla/dil/inter_american_treaties_a-70_human_rights_older_persons.asp (accessed on 15 April 2026).

³³ AFRICAN UNION. Protocol to the African charter on human and peoples' rights on the rights of older persons in Africa. Available at: <https://au.int/en/treaties> (accessed on 23 July 2026).

³⁴ AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS. Resolution on the entry into force and implementation of the protocols on the rights of older persons and persons with disabilities in Africa, ACHPR/Res.617 (LXXXI) 2024. Available at: <https://achpr.au.int/index.php/en/adopted-resolutions/617-implementation-protocols-rights-rights-older-persons> (accessed on 02 May 2026).

At the global level, the treaty-development process has a longer institutional history. In 2010, General Assembly Resolution 65/182 established the Open-ended Working Group on Ageing to strengthen the protection of the human rights of older persons, including by examining the existing international framework, identifying possible gaps and considering further instruments and measures.³⁵ In 2012, General Assembly Resolution 67/139 further requested the Working Group to consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons.³⁶ The Working Group subsequently developed this process across fourteen sessions between 2011 and 2024. At its fourteenth session in May 2024, it adopted Decision 14/1 containing recommendations concerning gaps in the protection of the human rights of older persons and possible means of addressing them.³⁷ The General Assembly subsequently addressed those recommendations in Resolution A/RES/78/324.³⁸

A more decisive development followed in 2025 when the Human Rights Council set up an open-ended intergovernmental working group to develop and present a draft legally binding document on the human rights of older persons.³⁹ Its first session was held in Geneva from 13 to 17 July 2026.⁴⁰ A universal convention has not yet been completed, but the issue has moved from discussion of protection gaps to a formal treaty-elaboration process. International protection has thus developed from general human rights guarantees to more specific ageing standards, regional binding obligations and the beginning of a global treaty process. The underlying principles remain broadly consistent, while the legal framework through which they are expressed has become progressively more specific.

3. Methodology and comparative analytical framework

This study adopts a doctrinal and comparative legal approach to examine the development of international protection for older persons. The analysis is based on the substantive content, the legal nature and level of protection of key international and regional instruments. Particular attention is given to whether recurring principles remain substantially unchanged across successive frameworks or acquire greater specificity, stronger legal obligations or more effective mechanisms of implementation.

³⁵ UNITED NATIONS GENERAL ASSEMBLY. Follow-up to the second world assembly on ageing, resolution A/RES/65/182. New York: United Nations, 2010. Available at: <https://digitallibrary.un.org/record/697916> (accessed on 05 August 2026).

³⁶ UNITED NATIONS GENERAL ASSEMBLY. Towards a comprehensive and integral international legal instrument to promote and protect the rights and dignity of older persons, resolution A/RES/67/139. New York: United Nations, 2012. Available at: <https://digitallibrary.un.org/record/743962> (accessed on 05 August 2026).

³⁷ UNITED NATIONS OPEN-ENDED WORKING GROUP ON AGEING. Report of the open-ended working group on ageing on its fourteenth session, UN Doc. A/AC.278/2024/2. New York: United Nations, 2024. Available at: <https://digitallibrary.un.org/record/4053461> (accessed on 05 August 2026).

³⁸ UNITED NATIONS GENERAL ASSEMBLY. Consideration of decision 14/1 of the open-ended working group on ageing, entitled "recommendations regarding the identification of possible gaps in the protection of the human rights of older persons and how best to address them". Resolution A/RES/78/324. New York: United Nations, 2024. Available at: <https://digitallibrary.un.org/record/4060791> (accessed on 05 August 2026).

³⁹ UNITED NATIONS HUMAN RIGHTS COUNCIL. Open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons, resolution A/HRC/RES/58/13. Geneva: United Nations, 2025. Available at: <https://digitallibrary.un.org/record/4081193> (accessed on 08 August 2026).

⁴⁰ UNITED NATIONS. 1st session of the open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons, Palais des Nations, Geneva. Available at: <https://indico.un.org/event/1019020/overview> (accessed on 04 August 2026).

3.1 Research design and source selection

The sources of analysis are primary international legal and policy materials. They encompass universal human rights documents, treaty-body general comments and recommendations, international plans and principles specific to ageing, regional treaties, United Nations resolutions, special-procedure reports and recent documents concerning the evolution of international protection for older persons.

The instruments were selected because they are directly relevant to older persons, historically or legally important, and representative of different phases of international protection. The analysis includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna International Plan of Action on Ageing, the United Nations Principles for Older Persons, the Madrid International Plan of Action on Ageing, the Convention on the Rights of Persons with Disabilities (where applicable), and the 2030 Agenda for Sustainable Development, the Inter-American Convention on Protecting the Human Rights of Older Persons, the African regional framework, and recent United Nations initiatives on healthy ageing and a legally binding international instrument.

Universal and regional instruments allow for comparison of ageing-specific soft-law standards and binding treaty-based protection with general human rights guarantees.

3.2 Analytical framework

The themes used throughout the comparative analysis are: independence, participation, care, dignity, social and economic security, and enabling environments. The themes are core issues that can be found in various phases of international ageing policy and human rights protection.

A second analytical layer looks at the extent to which these recurring principles are developed in later instruments, such as through the introduction of greater age specificity, greater state commitments, provisions for equality and non-discrimination, autonomy and legal capacity, protection from abuse and exploitation, monitoring mechanisms, and provisions for accountability and enforceability. This distinction helps to separate thematic continuity from substantive and legal development, as the same concept can gain different degrees of scope, specificity and legal impact over multiple instruments.

The analysis is also based on contemporary concerns which may not have been adequately addressed in the previous frameworks. These include digital exclusion, technology-enabled financial exploitation, algorithmic age discrimination, autonomy in long-term care and end-of-life decision-making. Their consideration helps to determine whether current international protection continues to respond to social and technological developments affecting older persons.

3.3 Comparative assessment

The comparative assessment takes place in three phases. First, the selected instruments are examined for the presence and treatment of the six core substantive themes in order to identify patterns of normative continuity. Second, instruments are compared regarding their legal status, age-specificity, state obligations, implementation arrangements, monitoring mechanisms and enforceability. Third, remaining substantive and legal gaps are distinguished from areas of continuing development.

The assessment is not a statistical one but rather qualitative. No numerical scores or claims of statistical significance are made. The structured comparative assessment serves as a doctrinal instrument, providing guidance on what is continuous, expanded or strengthened in law across the selected instruments.

In this way, it is possible to assess whether the international framework not only continues existing principles but also reflects development in the scope, form and enforceability of the protection of older persons.

4. Results

The comparative evaluation reveals the following three main patterns. First, a stable set of substantive concerns recurs across the international framework. Second, these concerns are progressively being assigned greater age-specificity, more rights-based language, and even binding legal force, in some regional instruments. Third, the current framework is not always adequate to resolve a number of contemporary issues, especially when addressing issues of autonomy in care, financial exploitation and the intersection of ageing and digital technologies.

Table 1 presents the comparative assessment by summarising the principal themes, age specificity, legal effect, enforceability and implementation arrangements of the selected international frameworks. The comparison is qualitative and is intended to show both normative continuity and differences in legal development across the instruments.

Table 1. Comparative development of international protection for older persons.

Instrument/ framework	Principal themes	Age specificity	Legal effect and enforceability	Monitoring and implementation
UDHR (1948)	Dignity; adequate standard of living; security in old age	General framework; old age expressly mentioned in Article 25	Declaration; not itself a binding treaty	No treaty-specific monitoring mechanism
ICCPR (1966)	Liberty; privacy; equality; non-discrimination	General human rights treaty	Binding treaty obligations; remedies where applicable	Human Rights Committee supervision
ICESCR (1966), read with CESCR General Comments Nos. 6 and 19	Social security; health; adequate standard of living; protection in old age	General treaty with older-person-specific treaty-body interpretation	Binding treaty obligations; progressive realisation; remedies where applicable	CESCR reporting and supervision
Vienna International Plan of Action on Ageing (1982)	Health; housing; family support; participation; protection; income security	Older-person-specific	Non-binding international plan; no direct legal enforceability	Policy implementation and follow-up
UN Principles for Older Persons (1991)	Independence; participation; care; self-fulfilment; dignity	Older-person-specific	Non-binding principles; no direct legal enforceability	No dedicated treaty-monitoring mechanism
Madrid International Plan of Action on Ageing (2002)	Development; health; participation; social inclusion; enabling environments	Older-person-specific	Non-binding action plan; no direct legal enforceability	Periodic implementation review and follow-up

Instrument/ framework	Principal themes	Age specificity	Legal effect and enforceability	Monitoring and implementation
CRPD (2006), where applicable	Autonomy; legal capacity; independent living; equality; participation; social protection	Disability- specific; relevant to older persons with disabilities	Binding treaty obligations; remedies where applicable	CRPD Committee supervision
2030 Agenda for Sustainable Development (2015)	Health; inequality; inclusion; access to justice	General development framework with age-relevant commitments	Non-binding political commitments; no direct legal enforceability	SDG monitoring and review
Inter-American Convention on Protecting the Human Rights of Older Persons (2015)	Equality; non- discrimination; autonomy; independence; participation; health; access to justice	Older-person- specific	Binding regional treaty obligations; regional enforcement procedures apply	Regional implementation mechanisms
African Protocol on the Rights of Older Persons (2016)	Non- discrimination; social protection; health care; residential care; participation	Older-person- specific	Binding regional treaty obligations; regional supervisory mechanisms apply	Regional monitoring and implementation
UN Decade of Healthy Ageing (2021-2030)	Ageism; supportive communities; person-centred care; long-term care	Older-person- specific implementation framework	Non-binding implementation framework; no direct legal enforceability	Indicators and progress monitoring
Emerging UN treaty process (2025-present)	Rights and obligations concerning older persons remain under development	Older-person- specific treaty process	Treaty under elaboration; obligations and enforceability remain under development	Implementation and monitoring mechanisms remain under development

Note: The table presents a qualitative doctrinal comparison of the selected frameworks. It summarises their principal themes, age specificity, legal effect, enforceability and implementation arrangements rather than assigning numerical scores. The principal themes are illustrative of the rights and policy concerns examined in Section 3.2 and are not intended as an exhaustive list.

Source: Authors' comparative analysis based on the primary legal and policy materials discussed in Sections 2.1-2.3.

Table 1 shows that a common set of substantive concerns is distributed across the international framework, supporting the finding of normative continuity. The more substantial differences concern legal form and specificity. General human rights instruments provide broad and legally significant protection but relatively limited age specificity; ageing-specific global instruments make the concerns of older persons more explicit but remain predominantly non-binding; and the Inter-American Convention and African Protocol demonstrate the conversion of several established principles into age-specific treaty obligations. The comparison also shows a gradual

strengthening of autonomy, non-discrimination, implementation and monitoring, while universal enforceability remains uneven.

4.1 Normative continuity across international frameworks

The strongest finding is the persistence of a common normative core. These concepts recur across the instruments discussed, although their legal and policy formulations vary.

General human rights instruments establish the broad foundation. The Universal Declaration of Human Rights recognises dignity, adequate living conditions and security in old age, while the International Covenants extend protection through rights relating to liberty, equality, social security, health and an adequate standard of living.^{41,42,43} These guarantees are universal rather than age-specific, but they establish the legal interests that later ageing instruments develop more directly. Treaty-body interpretation reinforces this continuity. General Comment No. 6 applies the ICESCR directly to the circumstances of older persons, while General Comment No. 19 develops the right to social security in relation to old age, coverage, accessibility and non-discrimination. The continuity identified here therefore operates not only between general human rights treaties and subsequent ageing policy instruments, but also through authoritative treaty-body interpretation of existing Covenant obligations.^{44,45}

The Vienna International Plan of Action on Ageing introduced health, housing, family support, participation, protection and income security as a specific international ageing programme. The United Nations Principles for Older Persons then organised related concerns around independence, participation, care, self-fulfilment and dignity. These themes were carried over to Madrid, but contextualised in wider issues of development, health, social inclusion and supportive environments.^{46,47} There is a strong degree of continuity of norms rather than the replacement of one set of norms by another, as the same concerns have been expressed across the instruments.

Continuity is also visible in later international initiatives. The 2030 Agenda links health, inequality, inclusion and access to justice with universal development commitments, while the United Nations Decade of Healthy Ageing returns to ageism, supportive communities, person-centred care and long-term care.^{48,49} These are initiatives that affect the policy environment and approaches to implementation, and

⁴¹ UNITED NATIONS GENERAL ASSEMBLY. Universal declaration of human rights, resolution 217 A (III). Paris: United Nations, 1948. Ibid.

⁴² UNITED NATIONS GENERAL ASSEMBLY. International covenant on civil and political rights, resolution 2200A (XXI), 16 December 1966. Ibid.

⁴³ UNITED NATIONS GENERAL ASSEMBLY. International covenant on economic, social and cultural rights, Resolution 2200A (XXI), 16 December 1966. New York: United Nations, 1966. Ibid.

⁴⁴ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. General Comment No. 6 (1995): The economic, social and cultural rights of older persons, contained in UN Doc. E/1996/22, annex IV. United Nations, Geneva, 1996. Ibid.

⁴⁵ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. General comment No. 19: The right to social security (Art. 9), UN Doc. E/C.12/GC/19. United Nations, Geneva, 2008. Ibid.

⁴⁶ UNITED NATIONS. Report of the world assembly on aging, Vienna, 26 July-6 August 1982, UN Doc. A/CONF.113/31. New York: United Nations, 1982. Ibid.

⁴⁷ UNITED NATIONS. Report of the second world assembly on ageing, Madrid, 8-12 April 2002, UN Doc. A/CONF.197/9. New York: United Nations, 2002. Ibid.

⁴⁸ UNITED NATIONS GENERAL ASSEMBLY. Transforming our world: The 2030 agenda for sustainable development, resolution A/RES/70/1. New York: United Nations, 2015. Ibid.

⁴⁹ UNITED NATIONS GENERAL ASSEMBLY. United nations decade of healthy ageing (2021-2030), resolution A/RES/75/131. New York: United Nations, 2020. Ibid.

are linked to policies and principles that are already found in previous frameworks on ageing.

The comparison therefore shows a relatively stable substantive foundation across the international framework. What changes most clearly is not the identity of the underlying values, but the specificity with which they are expressed and the legal structures through which they are pursued.

4.2 Areas of legal and conceptual development

Normative continuity is accompanied by identifiable legal and conceptual development. One important change is the increasing emphasis on older persons as autonomous rights-holders rather than primarily as recipients of welfare or protection.

This development is especially visible in the connection between ageing and disability rights. The Convention on the Rights of Persons with Disabilities is a legal instrument that further concretises the principles of autonomy, participation, independent living, equality and community inclusion for older persons who are covered by its terms.⁵⁰ Their relevance extends beyond care provision to choice, participation in decision-making and community living.

Earlier ageing frameworks focused largely on access to family, social and health assistance. Later rights-based approaches ask whether care respects autonomy, privacy, dignity, participation and freedom from abuse. Care is therefore increasingly treated not only as a service or social need but also as a setting in which human rights continue to apply.

Equality and non-discrimination constitute another area of legal development. While there are universal guarantees in general human rights documents, subsequent age-specific documents more clearly refer to discrimination at older ages. The Inter-American Convention is especially notable in that it clearly states that equality and non-discrimination on the basis of age is protected as well as independence, autonomy, participation, safety, health and access to justice.⁵¹ The African Protocol also contains provisions relating to discrimination, social protection, health services, residential care and participation.⁵²

The difference is not merely one of terminology. The Vienna Plan, the UN Principles and the Madrid Plan largely operate as non-binding international standards, whereas the Inter-American Convention and African Protocol place age-specific protections within treaty frameworks. The comparison thus indicates a shift in the approach to ageing from general principles of human rights guarantees to more specific principles of legal rights and state duties at the regional level, with reference to the soft-law ageing principles.

Implementation and accountability represent another direction of development. Previous approaches focused mainly on setting priorities and principles. Implementation review, indicators and monitoring are more widely incorporated in more recent initiatives. This does not make non-binding policy instruments into treaties but it does enhance the institutional frameworks that can be used to monitor progress.

Later frameworks therefore do more than repeat earlier principles. Their contribution lies in greater age specificity, stronger attention to autonomy and equality, more developed implementation arrangements and, in regional systems, the conversion of established principles into legally binding commitments.

⁵⁰ UNITED NATIONS GENERAL ASSEMBLY. Convention on the rights of persons with disabilities, resolution A/RES/61/106. New York: United Nations, 2006. Ibid.

⁵¹ ORGANIZATION OF AMERICAN STATES. Inter-American convention on protecting the human rights of older persons, treaty A-70. Washington, D.C.: Organization of American States, 2015. Ibid.

⁵² AFRICAN UNION. Protocol to the African charter on human and peoples' rights on the rights of older persons in Africa. Ibid.

4.3 Remaining protection gaps

Despite these developments, the comparative assessment identifies areas in which international protection remains incomplete. The most obvious gaps arise when existing rights must be applied to situations that were not foreseen when several of the basic ageing instruments were drafted.

One such area is digitalisation. Earlier ageing frameworks address participation, access to services, independence and non-discrimination but provide limited specific guidance on exclusion from digital public services, algorithmic decision-making and age-related disadvantage in AI systems.

Technology-enabled financial exploitation presents a related gap. Protection from abuse and exploitation is recognised in ageing-specific standards, but the existing framework provides limited detail concerning online fraud, digital financial manipulation, misuse of personal information or technologically mediated forms of exploitation. The underlying principle of protection is therefore present, while its application to contemporary digital environments remains insufficiently developed.

The analysis also identifies unresolved questions concerning autonomy in long-term care. International instruments increasingly recognise dignity, independence and participation, yet they do not provide a fully consistent global standard governing the relationship between protection, consent, legal capacity and supported decision-making in later life. This issue becomes particularly important when older persons require substantial care or experience cognitive impairment. Support needs should not, by themselves, justify disregarding a person's wishes or excluding them from decisions about their own life.

Similar uncertainty surrounds end-of-life decision-making. Although dignity, health, autonomy and protection are recognised within the broader human rights framework, international ageing instruments provide limited guidance on age-specific aspects of advance decision-making or situations in which decision-making capacity is impaired. The problem is therefore not the absence of relevant rights, but insufficient clarity about how those rights apply in these circumstances.

A final structural gap concerns geographical inequality in legal protection. There are now regionally agreed age-specific treaties, but no universal age-specific treaty has yet been adopted at the global level. This position may change following the creation of an intergovernmental working group to elaborate a legally binding international instrument in 2025, with its first meeting held in July 2026.^{53,54} The treaty process remains ongoing, however, and does not yet remove the differences between universal general guarantees, global soft-law standards and regional binding protection.

5. Discussion

The results show continuity in the international protection of older persons rather than complete substitution. Core principles such as dignity, independence, participation, care and social protection recur in subsequent instruments; however, as they pass from general human rights guarantees or policy statements to more specific commitments—and in some regions to binding ones—their legal meaning is altered. This continuity does not mean that the law is unchanged. Munuera Gómez and Blanco Larrieux also highlight issues of dignity, participation and protection from

⁵³ UNITED NATIONS HUMAN RIGHTS COUNCIL. Open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons, resolution A/HRC/RES/58/13. Geneva: United Nations, 2025. Ibid.

⁵⁴ UNITED NATIONS. 1st session of the open-ended intergovernmental working group for the elaboration of a legally binding instrument on the promotion and protection of the human rights of older persons, Palais des Nations, Geneva. Ibid.

ageism in the legal nature and standing of older persons, and note the shortcomings of general guarantees of rights when age-related discrimination still exists.⁵⁵ The comparative results therefore imply that the development of international law can be judged on the basis of the changes in scope, specificity and legal effect of the law and not by the presence of fully new rights.

The second point concerns the connection drawn between universal human rights law and age-specific protection. Rights concerning equality, liberty, privacy, health, social security and an adequate standard of living are already available to older persons. These assurances, however, are fragmented and do not necessarily tackle age-specific forms of exclusion or dependence. Similarly, Barafi et al. point out that while there may be constitutional and international protection, there must be more specific laws for older persons.⁵⁶ The findings thus point towards a complementary answer: universal rights continue to hold, but age-specific standards provide further guidance on the ways in which rights should be applied in older age.

The shift from welfare-oriented protection toward autonomy and agency is especially significant. The results demonstrate that later frameworks are more likely to link care with choice, participation, legal capacity and community inclusion. Institutional and long-term care can raise basic issues of dignity, restraint, liberty and freedom from degrading treatment, as O'Rourke has demonstrated in his analysis of older-person care.⁵⁷ Green, Tinker and Manthorpe also illustrate that human rights concerns are not confined to the quality of the care provided, but are also related to issues of equality, privacy, participation and institutional responsibility.⁵⁸ These views help to confirm the conclusion that care should be understood as more than the provision of services. A rights-based approach also looks at the way care is provided and whether older persons are involved in decisions affecting their daily lives.

Legal capacity adds another dimension to this shift. Clough's analysis of the Convention on the Rights of Persons with Disabilities challenges assumptions that cognitive change or support needs automatically justify the loss of decision-making authority.⁵⁹ This is especially important for older persons who may need help with their medical care, living conditions or finances. The comparative findings suggest that protection and autonomy should not be treated as opposing objectives. Support may be necessary, but it should not become a routine basis for excluding older persons from decisions concerning their own lives. These considerations also apply to end-of-life decision-making, where support or protection must not override autonomy, legal choice or meaningful participation in decisions about care.

The results also reveal that formal equality does not necessarily guarantee equal enjoyment of rights. Santha and Tóth-Batizán found that age discrimination remains significant across European countries despite developed legal and policy

⁵⁵ MUNUERA GÓMEZ, M. P., and BLANCO LARRIEUX, M. E. "legal protection of the rights of older persons against ageism". *The Age of Human Rights Journal*, v. 10, 2018, pp. 42-63. DOI: <https://doi.org/10.17561/tahrj.n10.3> (accessed on 27 July 2026).

⁵⁶ BARAFI, J., JAFFAL, Z., ALSHAWABKEH, F., and AL AJLANI, R. "Towards an effective legal protection for older persons in the 21st century: A comparative study of international human rights law and Arab constitutions". *Access to Justice in Eastern Europe*, v. 7, n. 1, 2024, pp. 198-221. DOI: <https://doi.org/10.33327/AJEE-18-7.1-a000106> (accessed on 28 July 2026).

⁵⁷ O'ROURKE, M. *Human rights and the care of older people: Dignity, vulnerability, and the anti-torture norm*. Oxford University Press, Oxford, 2024. DOI: <https://doi.org/10.1093/oso/9780192859716.001.0001> (accessed on 28 July 2026).

⁵⁸ EMMER DE ALBUQUERQUE GREEN, C., TINKER, A., and MANTHORPE, J. "Human rights and care homes for older people: A typology of approaches from academic literature as a starting point for activist scholarship in human rights and institutional care". *The International Journal of Human Rights*, v. 26, n. 4, 2022, pp. 717-739. DOI: <https://doi.org/10.1080/13642987.2021.1961753> (accessed on 30 July 2026).

⁵⁹ CLOUGH, B. "Temporal disruptions in the UNCRPD: an untimely future for legal capacity?". *Human Rights Law Review*, v. 25, n. 2, 2025, pp. ngaf007. <https://doi.org/10.1093/hrlr/ngaf007> (accessed on 30 July 2026).

environments.⁶⁰ This supports the broader finding that universal equality clauses may require age-sensitive application. The same concern now extends into digital environments. Stypinska's work on AI ageism illustrates how discrimination can emerge through data practices, technological design and automated systems.⁶¹ The legal relevance of digital exclusion is not that it establishes a new right category, but that it indicates what the existing rights of equality, participation, privacy and access to services mean in the new technological conditions.

Technology-enabled financial exploitation creates a similar challenge. Hancock, Czaja and Beach identify financial skills and scam susceptibility as relevant factors in the exploitation of older persons.⁶² The comparative analysis shows that international instruments already recognise protection from abuse and exploitation, yet they provide limited detail concerning online fraud, digital manipulation or misuse of personal information. The underlying principle is already present, but under current circumstances its application requires greater specificity.

The distinction between soft law and binding treaty protection is therefore central. Vienna, the UN Principles and Madrid have helped to establish a common international language of dignity, independence, care and participation; however, they do not have the same legal implications as treaties. These familiar principles can be made more concrete in the rights and duties of the states in the Inter-American Convention and the African Protocol. However, due to their regional nature, they do not provide uniform protection. The level of age-specific legal protection may, therefore, vary from one jurisdiction to another for older persons.

This unevenness gives particular importance to the emerging universal treaty process. Ataguba, Bloom and Scott argued that a dedicated international convention could consolidate fragmented protections, clarify state obligations and strengthen accountability.⁶³ The current treaty-elaboration process makes that argument more concrete. Its importance lies not in substituting for human rights law, but in whether principles traditionally recognised in human rights law can acquire greater age specificity and effective implementation and monitoring mechanisms. The comparative results thus suggest significant but incomplete development of the framework. The key is to link the existing normative base with more explicit obligations, new forms of protection and more coherent accountability across legal systems.

6. Recommendations

The emerging legally binding instrument should consolidate existing principles into clearly defined state obligations. It should expressly prohibit age discrimination, protect autonomy and legal capacity, and require supported decision-making where assistance is needed. Equality provisions should address discrimination linked to chronological age, disability, dependency and assumptions of diminished capacity,

⁶⁰ SANTHA, A., and TÓTH-BATIZÁN, E. E. "Age Discrimination of Senior Citizens in European Countries". *Societies*, v. 14, n. 10, 2024, pp. 198. DOI: <https://doi.org/10.3390/soc14100198> (accessed on 21 March 2026).

⁶¹ STYPINSKA, J. "AI ageism: a critical roadmap for studying age discrimination and exclusion in digitalized societies". *AI & Society*, v. 38, n. 2, 2023, pp. 665-677. DOI: <https://doi.org/10.1007/s00146-022-01553-5> (accessed on 31 July 2026).

⁶² HANCOCK, D. W., CZAJA, S., and BEACH, S. "Understanding financial exploitation among older adults: The role of financial skills, scam susceptibility, and demographic factors". *SAGE Open Aging*, v. 11, 2025, pp. 30495334251327509. DOI: <https://doi.org/10.1177/30495334251327509> (accessed on 25 July 2026).

⁶³ ATAGUBA, J. E., BLOOM, D. E., and SCOTT, A. J. "A timely call to establish an international convention on the rights of older people". *The Lancet Healthy Longevity*, v. 2, n. 9, 2021, pp. e540-e542. [https://doi.org/10.1016/S2666-7568\(21\)00178-1](https://doi.org/10.1016/S2666-7568(21)00178-1) (accessed on 25 July 2026).

while preserving the participation of older persons in decisions concerning health care, housing, long-term care, financial matters and end-of-life care.

Digital protection should be stated in operational terms. States should maintain accessible alternatives where essential health, banking or public services are delivered digitally, provide appropriate assistance for persons with limited digital access or literacy, subject automated decisions that materially affect rights or benefits to meaningful human review, and establish safeguards against algorithmic age discrimination, online fraud, misuse of personal data and technology-enabled financial exploitation.

Long-term care provisions should require respect for privacy, dignity, informed consent, legal capacity, family and community contact, and freedom from abuse. Residential and institutional settings should be subject to independent inspection, and older persons should have access to confidential complaints procedures, review of restrictive practices and effective remedies.

Implementation provisions should require periodic state reporting based on age-disaggregated data, independent national monitoring, defined indicators of progress and regular review of domestic laws for age-related protection gaps. Monitoring should also assess access to justice and the practical availability of remedies rather than relying only on formal legal guarantees.

Older persons should participate meaningfully in treaty development, implementation and monitoring. Consultation should extend beyond formal representation to the design of legal rules, public policies, services and monitoring indicators, including participation by older women, persons with disabilities and persons experiencing digital or socioeconomic exclusion.

7. Conclusion

International protection of older persons has progressed gradually from general human rights protections to more specific ageing protections, binding regional treaties and the current international push towards a universal legally binding measure. The analysis has identified a constant core of rights and protective principles in various successive frameworks. Their presence is a testament to the prevailing understanding around the world of the conditions required for older persons to live with dignity.

This normative continuity does not mean that the legal framework has remained static. Later instruments have increasingly focused on autonomy, equality, non-discrimination, community participation, legal capacity and protection from abuse as key areas of attention. Regional treaties also show how principles expressed in non-binding plans and declarations can be translated into more specific legal obligations. International protection is thus evolving in the specificity and legal nature of the substantive rights recognised.

Significant gaps nevertheless remain. Digital exclusion, technology-facilitated financial abuse, algorithmic discrimination, long-term care, privacy and end-of-life decision-making are not adequately addressed in previous frameworks. These questions reveal the need for continued development of established principles in line with social and technological change.

The global framework has thus progressed to a crucial juncture. While there is already a robust normative basis, protection is not uniform across regions or legal systems. The new global treaty process has the potential to bring fragmented protections together within a unified age-specific framework. Whether established principles are translated into clear obligations, practical safeguards and effective mechanisms of accountability that can meaningfully enhance real-life protection of older persons will be a key determinant of its success.

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