



OII Europe Submission to the UN Call for Inputs: general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons

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OII Europe (Organisation Intersex International Europe) is the European intersex umbrella organisation covering Europe, and in a non-exclusive way, Central Asia and the Maghreb region. OII Europe has intersex-led member organisations in 21 countries which equals to almost 100% of intersex-led human rights based organisations in the mandated regions. OII Europe advocates for the protection of intersex people's human rights, raises awareness of intersex issues in society, e.g. through campaigns during Intersex Awareness Weeks, and supports the growth of the European intersex community together with its growing number of member organisations and allies through measures like the annual OII Europe Community Event & Conference.

Since 2012, OII Europe has been regularly consulted on intersex issues by the Office of the United Nations High Commissioner for Human Rights, the Parliamentary Assembly of the Council of Europe, the Bioethics Committee of the Council of Europe, the European Parliament, the European Commission, the European Union Agency for Fundamental Rights, the European Network of Equality Bodies, the European Commission against Racism and Intolerance and national governments. Since 2022 OII Europe is a framework partner to the European Commission and since 2020, OII Europe has been registered as an expert on sexual orientation, gender identity and gendered characteristics with the SOGI Unit of the Council of Europe. The NGO OII Europe was created in 2015, as an extension of a network of the same name set up in 2012, and is based in Berlin. For more information, please visit our websites oiieurope.org and intervisibility.eu.

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“Older lesbian, gay, bisexual, transgender and intersex persons are one of the most vulnerable groups, receive insufficient services and end up with poor health outcomes. They are also one of the most invisible groups in old age due to the social stigma and are largely ignored by national laws and policies and by society at large. They may experience multiple forms of discrimination due to the stigma linked to their sexual orientation, gender identity and sex characteristics.” (End of Mission Statement by the United Nations Independent Expert on the enjoyment of all human rights by older persons Ms. Claudia Mahler, on her visit to Finland, Nov 2021)

I. Relevance of this initiative for older and elderly intersex persons

As OII Europe, we highly welcome the Call for Input for the general framework, architecture, and guiding principles of a legally binding instrument on the human rights of older persons by the OHCHR. Our societies are entering a time where the demographic is changing towards an ageing population that brings certain challenges for the human rights of older persons, such as ageism as a specific form of discrimination against older or perceived “older” persons.

As laid out in the **Resolution adopted by the Human Rights Council**¹ on 4 April 2024, intersex persons face **multiple and intersecting forms of discrimination** in all areas of life, including social security, health, employment and exercise of their legal capacity. The **Report of the Office of the United Nations High Commissioner for Human Rights**² adds by highlighting that **“Discrimination is often compounded by intersecting factors** such as gender, race, ethnicity and disability, among others. A lack of awareness and invisibility of intersex issues, lack of legal protections and the secrecy surrounding intersex variations further contribute to the stigma, isolation and discrimination that intersex persons may face in their lifetime.”, and suggests that states should protect intersex persons from violence, discrimination and harmful practices by strengthening laws, investigating violations, ensuring accountability and access to justice, and prohibiting non-consensual, medically unnecessary interventions. States must also guarantee inclusive healthcare, access to records, legal recognition, and birth registration without coercion, while integrating sex characteristics into anti-discrimination frameworks. As detected in the Resolution and the Report, the issues intersex persons face are seen in many areas of life, often in intersections with other vulnerabilities, among which age is an important factor. It is therefore crucial to highlight **how age intersects with being intersex**.

¹ United Nations Human Rights Council. (2024, April 4). *Combating discrimination, violence and harmful practices against intersex persons: Resolution adopted by the Human Rights Council on 4 April 2024 (A/HRC/RES/55/14)*. Retrieved from <https://digitallibrary.un.org/record/4045699>

² Office of the High Commissioner for Human Rights. (2025, August 8). *Discriminatory laws and policies, acts of violence and harmful practices against intersex persons: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/60/50)*. Retrieved from <https://digitallibrary.un.org/record/4087307>

Older intersex persons face a variety of challenges, some of which are specific to them, while others overlap with other vulnerable groups of people of older age, such as people with disabilities or older trans and non-binary persons, among others. For Europe, according to the 2023 “Intersections – Diving into the FRA LGBTI2 Survey Data – Older People” report published by AGE Platform Europe and ILGA-Europe, 39.06% of older intersex persons reported experiencing violence, a higher rate compared to other vulnerable older age groups. The same report shows that one in three (31.63%) older intersex people reported experiencing discrimination when accessing health care or social services. The rates of older intersex persons who experienced homelessness (33,29%), being ignored for their specific needs (36,02%), and pressure to undergo treatment (22,24%) also show that older intersex persons require a special focus and action, for being the most vulnerable group among the older persons of all categories.³

The 2023 LGBTI III Survey conducted by the EU Fundamental Rights Agency (FRA) found that intersex persons’ experiences of discrimination, hate speech and violence of all ages, but in particular intersex youth and older intersex people, are **among the highest in the group of LGBTI** respondents: 42% of the intersex persons 55 years and older have personally felt discriminated against due to being LGBTIQ [FRA Data Explorer]⁴

Health-related challenges, as highlighted in the recently adopted **CoE Committee of Ministers Recommendation on Equal Rights for Intersex Persons (CM/Rec(2025)7)** and its Explanatory Memorandum, include, in particular:

- Accessing appropriate information on the purpose and nature of medical and surgical, interventions, as well as on their consequences and risks;
- Lack of **rights and access to health**, adequate medical follow-up and support regarding past non-vital, non-consensual medical interventions they experienced during their lifetime;
- **Complications** acquired from past non-vital, non-consensual medical procedures, often in childhood and youth;
- No access to **knowledge about past interventions** or the person's original bodily state and its lost visible intersex traits and related documentation omitted or perished;
- Avoidance of accessing healthcare due to past negative experiences in healthcare settings.

Beyond the area of access to health, older and elderly intersex persons face a wide range of additional challenges, some of which are specific to them, some of which they share with other older and elderly people from vulnerable minorities, including but not limited to:

- lack of **research** specifically on intersex ageing and the challenges older intersex persons face regarding physical and mental health, incl. as a result of being survivors of intersex genital mutilation (IGM)

³ AGE Platform Europe & ILGA-Europe. (2023, April 17). *Intersections: The LGBTI II Survey – Older People Analysis*. <https://www.age-platform.eu/intersections-diving-into-the-fra-lgbti2-survey-data-older-people/>

⁴ European Union Agency for Fundamental Rights. (2024). *LGBTIQ equality at a crossroads – Progress and challenges*. Publications Office of the European Union. <https://doi.org/10.2811/569753> .

- lack of **education** and **awareness** on this topic (including on the life-long consequences that survivors of IGM and other harmful practices face in their lifetime)
- lack of access to (or existence of) intersex community **spaces** for elderly and disabled intersex persons to participate, to find **places of belonging** and to share
- lack of **visibility** of intersex seniors in society
- **lack of knowledgeable services and care facilities** that are educated and have respectful, knowledgeable staff and/or volunteers
- **lack of training & sensitising** on the intersex realities of workers in care facilities
- Intersex-sensitive and -educated services such as **visiting programs, everyday assistants, community services** (incl. funding for such programs and services), e.g.
 - community-based volunteers visiting elderly intersex community members to go for a walk, have a chat, have a cup of coffee or tea (community visiting programs)
 - visiting seniors services with adequate training on intersex specifics, or volunteers who are intersex themselves
 - Visiting services and “everyday assistants” to provide help in daily chores such as cleaning, shopping, and laundry
- lack of **funding** (for such services, research, trainings, infrastructures, intersex community spaces, programs to serve elderly and disabled intersex persons)

An LBI which is inclusive of the diversity of all vulnerable groups will be able to empower older persons in all their diversity, reinforcing their ability to claim their rights, to participate meaningfully in public life, and shape the decisions that affect them. It would contribute to greater awareness of older people’s rights and help make existing human rights frameworks more effective and coherent in addressing the reality of living longer lives and intersecting forms of inequality. In doing so, it can mark a decisive step towards a more inclusive, equal and rights-based society for all ages.

II. Inputs to the questions

1. **What overarching framework should guide the international legally binding instrument on the human rights of older persons? Additionally, how can it best reflect and reinforce the recognition that older persons are rights-holders entitled to the full and equal enjoyment of all human rights and fundamental freedoms?**

The LBI should be guided by a framework based on **human rights, equality and intersectionality**, recognising the diverse experiences and identities that older persons have, including discrimination and other human rights violations based on the grounds of sexual orientation, gender identity and expression, sex characteristics, disability, refugee status, socio-economic background, as well as race, ethnicity and cultural background, among others. Older people’s “**rights**” rather than “**needs**” should be at the centre of the LBI.

We therefore fully endorse AGE Platform Europe’s recommendations laid down in their inputs to question 1:

The international legally binding instrument (LBI) should be based on a strong human rights framework that recognises older persons as full rights-holders, entitled to enjoy all human rights and fundamental freedoms equally. The instrument should not only reaffirm existing rights but also clarify their application in the context of older age and operationalise them through specific state obligations, monitoring and accountability mechanisms to address real barriers to the full enjoyment of human rights in old age.

In line with the rights-based approach, the process of elaborating the instrument itself must guarantee the meaningful participation of older persons and their representative organisations. This requires the inclusion of representatives of older persons' organisations in drafting committees, expert panels, or working groups, as well as in all relevant formal discussions. The process should allow sufficient time for consultation with older persons at the national and grassroots levels, including timely access to official documents and draft texts, to enable informed and effective contributions to the process. States should support technically and financially the meaningful involvement of older persons in the negotiations and ensure structured and systematic consultations with them in advance of each session of the Intergovernmental Working Group.

The overarching framework of the instrument should focus on “rights” rather than “needs”, moving away from medical and charity approaches to ageing and older persons. The LBI must not frame older persons as inherently vulnerable, dependent, passive recipients of care and/or needing protection. Instead, it must recognise older persons as rights-holders and acknowledge that the inequalities and rights violations that they face are the result of various social, environmental, legal and institutional barriers and dynamics that limit the equal enjoyment of human rights and their full participation and inclusion in society.

A key part of this framework should be recognising ageism as a root cause of many human rights violations in older age. The instrument must acknowledge that ageism exists in laws, policies, social and economic institutions, social attitudes, and increasingly in digital and technological spaces. It should further acknowledge that ageism may itself be rooted in deeper societal perceptions and dynamics, including discomfort with ageing, decline, and mortality. These are influenced by wider socioeconomic, political and technological developments, which can both reinforce and challenge stereotypes and assumptions about ageing and older persons. Addressing ageism therefore requires not only legal and policy change, but also a broader cultural shift in how ageing and older persons are understood, represented, and valued.

The LBI must be grounded in dignity, equality and non-discrimination, autonomy and independence, participation and inclusion. At the same time, it should not lose sight of the lived realities of older age, which may include periods of loss, situations of vulnerability, need for support, and exposure to harm arising from a combination of factors, including, in particular, biased attitudes and perceptions of ageing and older persons.

Therefore, while the LBI must foreground these principles, it should also acknowledge that some individuals or groups may require additional support and safeguards to exercise their rights on an equal basis with others, including in situations of abuse, high support needs, or humanitarian and emergency contexts. These are not conditions to be denied or

marginalised, but part of the human condition that must be recognised and addressed, including through measures to protect from harm where necessary. At the same time, the LBI must ensure that such “protection” does not come at the cost of dignity, equality, autonomy, participation and inclusion, but rather enables their realisation in those specific contexts.

The instrument must recognise ageing as a natural biological process and a profoundly human experience. It should promote a positive, realistic and holistic understanding of ageing, capturing the diversity of older persons and of later life experiences and the full complexity of human life.

The LBI should recognise older age as a unique and meaningful phase within the human lifecourse - including distinct processes of transition, loss, evolving capacities and needs, growth, development and death - in which all human rights continue to apply on an equal basis.

At the same time, the LBI should take a life course approach, recognising that ageing is a process and an integral part of human development. It should recognise that human capacities, circumstances and needs evolve over time, without altering the universal and inalienable nature of human rights or the fundamental human needs for connection, relationships, security, recognition, development, meaning and participation. It should ensure that these are effectively realised at all stages of life, including in older age.

Recognising ageing as a lifelong and dynamic process involves measures to support continued development, growth and the opportunity to live a full and meaningful life in older age. This entails rejecting arbitrary age thresholds that undermine the inherent dignity of older persons and the full and equal enjoyment of human rights. The LBI should further acknowledge that inequality accumulates over time and affects individuals differently in older age, depending on factors such as gender, sexual orientation, disability, income or socio-economic status, ethnicity, and place of residence, among others. To effectively address inequalities and violations of rights in older age, it may be necessary to adopt measures and interventions across the life course.

The instrument should not be based on a chronological definition of older age or older persons. It should allow for flexible and inclusive understandings of who is considered an older person, reflecting diverse and context-specific experiences and evolving perceptions of ageing that may give rise to barriers to the full enjoyment and exercise of human rights. This flexible approach should guide interpretation and implementation, ensuring inclusiveness while allowing for appropriate adaptation in specific legal and policy contexts.

- 2. What core principles should underpin the legally binding instrument, to ensure it effectively protects the rights of older persons? In addition, how can the legally binding instrument both reaffirm existing human rights for older persons and clearly identify and address gaps where further normative development is required?**

The framework should be grounded in dignity, equality, autonomy and participation in all areas of life, and reflect the diversity of older persons and the different forms of multiple, cumulative and intersectional discriminations they may face.

It should use clear language when addressing challenges and human rights violations that older and elderly people, including but not limited to intersex people, face in general and in situations where they have specific needs and have to enter into relationships that are most often characterised by power imbalances, e.g., medical settings and elderly care.

The LBI should recognise that older people who are part of specifically vulnerable population groups, may have experienced discrimination and other human rights violations throughout the course of their lives already -including in the case of intersex people, from infancy- and that these experiences have consequences throughout their lives that may become aggravated with age.

The LBI should therefore acknowledge that for these parts of the population, ageing and discrimination and other human rights violations that may be more prevalent with older persons intersect with a continuation and aggravation of barriers to their participation as equal members of society.

The LBI framework should also emphasise the positive obligation for member states to ensure the recognition and protection of older and elderly people as right bearers in all areas of life and to ensure access to support and care that is sensitive to and well-informed about the specific challenges they face.

It should explain clearly how rights such as equality, non-discrimination, and the right to work apply in later life, including what governments need to do to tackle ageism and remove discriminatory laws and practices. At the same time, it should address both long-standing and emerging challenges - such as care, economic security, digital inclusion, and the effects of climate change - while introducing clearer concepts like elder abuse, so that older persons' rights are meaningfully protected in today's changing world.

The LBI should also call for national mechanisms to observe the application of equal rights and access to every aspect of life and of the anti-discrimination policies, ensure that educational and awareness raising activities are carried out for every social group, but most importantly for caregivers and service providers for older persons, and also ensure the right protection mechanisms are in place for older persons when they are in need.

We therefore fully endorse AGE Platform Europe's recommendations laid down in their inputs to question 2:

The legally binding instrument should be grounded in a set of core principles that guide its development, interpretation, monitoring and implementation. These include respect for inherent dignity, equality and non-discrimination, autonomy and independence, and the full and meaningful participation and inclusion of older persons in all their diversity.

Dignity as a core principle requires recognising older persons as rights-holders with equal worth, entitled to equal concern and respect. It entails that none of the rights set out in the

LBI may be interpreted or applied in ways that undermine individual dignity or the moral and social status of older persons. It also involves recognizing older persons' roles and potential contributions, affirming their agency and supporting their ability to remain integrated in society.

Approaches based on dignity must avoid stereotypical or age-based generalizations. Attributing characteristics such as diminished ability, contribution or value on the basis of age constitutes a breach of dignity and can perpetuate ageist treatment. This principle further requires that economic considerations do not prevail over human dignity, and that States remove systemic barriers – physical, economic, digital and social – while ensuring that individuals are supported, accompanied and recognised as their needs, desires, and capacities evolve.

Equality and non-discrimination require respect for difference and acceptance of ageing as part of the human experience. They ensure that older persons, in all their diversity, can fully participate in society and enjoy all human rights on an equal basis with others. As guiding principles, they entail addressing structural barriers to the equal enjoyment of rights, including ageist norms, and explicitly prohibiting ageism and age discrimination in all their forms, including systemic, institutional, intersectional and emerging types, such as algorithmic discrimination. It also requires promoting substantive and transformative equality, to ensure that older persons can effectively enjoy their rights in practice, including through positive measures to achieve equality of opportunity and prevent undignified treatment and marginalisation in older age. This includes ensuring accessibility and reasonable accommodation as enforceable rights, and recognising the cumulative and intersectional nature of discrimination, as well as the need to respect gender equality.

Autonomy and independence recognise older persons' agency and require respect for their wills and preferences. They involve the right of older persons to exercise control and to make decisions about their lives on an equal basis with others, with appropriate support where needed. These principles require that policies and systems enhance, rather than undermine, individual agency and dignity, and are integral to the paradigm shift towards a rights-based approach to ageing.

Autonomy and independence as core principles do not imply that older persons do not experience decision-making challenges. Rather, they affirm that older persons must be enabled to exercise choice and control over their lives. This includes overcoming ageist stereotypes around capacity in old age, guaranteeing opportunities for continued development and participation, sustaining relationships and ensuring continuity of support where needed.

Participation and inclusion require that older persons are fully and effectively involved in all aspects of society. They entail approaches that prioritise social integration and foster belonging, connection, and intergenerational relations, rather than marginalisation and social isolation. Recognising older persons as rights holders enables their meaningful participation in public affairs and the exercise of their rights. States have an obligation to ensure the effective involvement of older persons, through their representative organisations, in the development and implementation of laws and policies and in other decision-making processes, including through co- design, co-decision, and other forms of genuine and

meaningful consultation. This also requires ensuring accessible information, training, and support, as well as addressing structural barriers and inequalities that hinder the full and effective participation and inclusion of older persons in all their diversity.

In terms of content, the LBI should reaffirm that all human rights apply equally to older persons, while strengthening protection where necessary. It should restate existing rights and provide guidance on their interpretation and application in the context of older age, ensuring their effective enjoyment in practice through the articulation of clear and specific State obligations.

At the same time, the LBI should provide greater specificity and normative development in areas where protections are insufficient or underdeveloped. This includes addressing both longstanding and emerging challenges, and ensuring that the human rights of older persons are effectively protected in evolving social, economic, technological, and demographic (e.g. rural depopulation) contexts.

As an illustration of how the LBI could expand the scope and clarity of the existing framework through more tailored standards, the following non-exhaustive examples highlight a small number of selected areas where further normative development is needed.

First, the LBI should clarify the right to equality and non-discrimination as it applies to older persons. This should include an explicit obligation to prohibit and eliminate age discrimination and ageism in all its forms, including interpersonal, as well as systemic, institutional, and structural manifestations, and to address harmful ageist norms and Practices.

This right should apply across all areas of life and encompass existing and emerging forms of discrimination. Protection should not be based solely on chronological criteria as perceptions and assumptions of older age can drive discriminatory attitudes and treatment. It should reflect principles of formal, substantive, and transformative equality, including the adoption of measures necessary to address the adverse effects of ageism, which contribute to exclusion, marginalisation, abuse, and neglect.

The realisation of this right should entail specific State obligations, including raising awareness of ageism and age discrimination; monitoring and assessing the impact of laws and policies, including through the systematic collection, analysis, and use of age-disaggregated data, and abolishing discriminatory laws, policies, and practices. States should also review age limits and exceptions to ensure that age-based distinctions do not undermine the full and equal enjoyment of human rights.

Legal frameworks should extend the duty of reasonable accommodation to age discrimination, provide protection against multiple and intersecting discrimination, and establish or designate effective monitoring mechanisms, such as national equality bodies with a comprehensive mandate on age discrimination. Particular attention should be paid to ensuring that older persons in all their diversity are not excluded or disadvantaged, especially those belonging to marginalised groups or minorities in vulnerable situations.

Likewise, the legally binding instrument has the potential to advance and clarify the implementation of the rights to work and social security in the context of longer lives,

responding to the specific barriers and inequalities faced by older persons. In doing so, it should build on and further develop existing standards, including where necessary through the articulation of specific positive State obligations.

The LBI could, for example, address structural issues such as forced retirement, age-related barriers to access to training and lifelong learning, and the situation of long-term unemployed older workers who have difficulties re-entering the labour market. It should also set out pathways for strengthening and expanding social security systems, including social protection floors, to ensure coverage for older persons who are currently excluded. In this way, the instrument would contribute to a fundamental transformation that recognizes and supports older people's agency, contributions and their full and effective participation and inclusion in society.

The LBI could also develop new concepts and definitions that advance existing standards. For example, a comprehensive definition of 'elder abuse' could broaden the scope of protection from inhuman and degrading treatment to cover all forms of abuse, violence, and neglect in old age. This would include conduct that is intentional or unintentional, interpersonal or systemic and institutional in nature, across all settings, whether public or private, including at home and in residential care environments.

In addition, the instrument could articulate emerging rights or concepts, such as the right to digital inclusion and the right to care and support moving away from traditional or medicalised notions, thereby further strengthening the protection and dynamic realisation of the human rights of older persons in evolving contexts.

Overall, the instrument must not undermine existing human rights standards or introduce derogations or exceptions that would weaken the equal protection and enjoyment of human rights in older age.

3. What overall structure or architecture should the legally binding instrument adopt to ensure clarity and effectiveness? For example, should it include a preamble, definitions, general principles, general obligations, specific rights, and implementation provisions?

The LBI should begin with a preamble that sets out its rationale, including the historical and ongoing discrimination and exclusion experienced by older persons, and references relevant international documents and standards. The preamble should be followed by the purpose of the LBI and a list of definitions explaining terms related to older persons' human rights. Those should be followed by a set of General Principles to be adopted by UN member states and General Obligations for States Parties resulting from these principles. These should be followed by obligations linked to areas of life where older people face obstacles in enjoying their human rights as enshrined in existing human rights standards, such as the Universal Declaration of Human Rights and other relevant human rights treaties and standards. The LBI should also ensure that, in the case that the specific situation of older persons requires detailing universal human rights related to their specific situations, the LBI should address these explicitly and with the necessary level of detail. The LBI should also provide for implementation and monitoring provisions.

In all of these aspects, the LBI should ensure an emphasis on the intersectionality of persons' lived experiences. The Preamble as well as the definitions should, therefore, include clear language about the diversity of experiences and about intersectional human rights violations that older persons may face, **incl. their belonging to different vulnerable and minority population groups**, to reflect the diversity of ageing experiences and to allow for context-specific application. Both parts should therefore include references to relevant human rights standards and a definition of vulnerable and minority population groups, and, potentially, also include a *non-exhaustive* list of relevant grounds, including the ground of sex characteristics along with other relevant grounds, e.g. sexual orientation, gender identity and gender expression, among others.

We, in addition, fully endorse AGE Platform Europe's detailed recommendations laid down in their inputs to question 3:

The LBI should adopt a clear and comprehensive structure that ensures accessibility, coherence and effectiveness drawing on the structure of existing UN human rights Treaties.

It should begin with a preamble that sets out the rationale for the treaty, including the historical and ongoing discrimination and exclusion experienced by older persons and the impact of ageism on individuals and society. It should refer to the implications of demographic change, while avoiding framing it merely as a problem or challenge, but rather focusing on the opportunities of longer lives and the importance for the human rights framework to reflect this changing reality and guaranteeing human rights equally at all stages of life. The preamble should also recognize the important roles that older people and their representative organisations play in their communities and in the promotion and monitoring of human rights.

The preamble should further articulate the overarching vision of the instrument and its role in strengthening the international human rights framework. A core focus should be on rendering older persons more visible in the human rights system, clarifying how universal rights should be secured to overcome structural barriers, which impact the full enjoyment of rights and how to develop systems of support to exercise rights in older age. The LBI should also ensure a sustained focus and increased expertise in ageing within the human rights system. In this way, it can help better mainstream older people's rights within the existing mechanisms and to better address intersecting forms of inequalities.

This should be followed by provisions on purpose, scope, concepts and definitions, including a flexible and inclusive understanding of "older persons" that reflects the diversity of ageing experiences. This definition should serve as a basis for identifying and addressing barriers to the full enjoyment of human rights and allow for context-specific application. It should not be based on a strictly chronological understanding and may draw inspiration from the 2014 Council of Europe Recommendation, which adopts a social construction approach to defining older age. The definition could also further reflect the importance of older persons' continued development alongside their full and effective participation in society.

The LBI should then set out general principles that underpin the entire treaty and guide its interpretation alongside the lines described in the previous answer. These should be accompanied by general obligations of States Parties to respect, protect and fulfil the rights

contained within the instrument. Such obligations should include reviewing and adopting legislative and policy measures, eliminating discrimination, ensuring access to justice, promoting awareness, collecting and analysing disaggregated data, and ensuring the full and effective participation of older persons in decision-making processes and the design of policies that affect their rights through their representative Organisations.

In a context where ageism contributes to the normalisation of inequalities and human rights violations in older age, the full enjoyment of human rights in older age requires a broader cultural and societal shift in how ageing and older persons are perceived. The LBI should therefore also include general State obligations aiming to strengthen the recognition of older persons as rights-holders and valued members of society, promote a culture of mutual respect and intergenerational solidarity and to empower older persons to know and exercise their rights.

The main body of the instrument should set out rights covering the full range of human rights, while also making clear how they apply to the realities and experiences of older persons. This includes areas where further normative development is required, such as care and support, including palliative care, protection from violence, abuse and neglect, work, economic security and social protection, education and lifelong learning, digital inclusion and access to new technologies, including artificial intelligence, as well as the impact of climate change, disasters and humanitarian emergencies on older persons.

Finally, the instrument should include strong provisions on implementation, monitoring, enforcement and accountability at both national and international levels. This should include effective data collection, reporting, and independent oversight at the international level, as well as the establishment or designation of independent and adequately resourced national bodies responsible for the promotion, protection and monitoring of the rights of older persons. It should also ensure access to remedy, including through individual complaints and collective redress mechanisms³. The LBI must also provide for a meaningful role for organisations of older persons in monitoring and implementation of the LBI, drawing on article 33 of the UN Convention on the Rights of Persons with Disabilities.

In addition, awareness-raising and human rights education are integral to monitoring, enforcement and accountability. Attention must therefore be paid to building capacity to use the LBI and to empowering older persons to be aware of their rights and to exercise them fully in all aspects of life. Human rights indicators and general comments or recommendations can further clarify the scope of obligations under the LBI and support their dynamic interpretation in evolving contexts.

Overall, the structure should be clear, practical and strong enough to ensure the rights in the instrument are realised in practice.