

**Liberation's submission: general framework,
architecture, and guiding principles of a legally
binding instrument on the human rights of older
persons**



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Introduction

1. [Liberation](#) is a group led by persons with psychosocial disabilities. Our focus is adults of all ages. We are based in England and also have strong links to other parts of the United Kingdom (UK) and internationally. We campaign for full human rights for persons with psychosocial disabilities, in particular for the rights set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The enclosed submission represents Liberation's position and has taken into account contributions from Liberation's members.

Key Question One: 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?

2. The overarching framework should be based on a comprehensive recognition of the reality of ageism, including its social construct roots and manifestations and its foundations in a medicalised approach to older persons.

3. It needs to address human rights issues for older persons at political, legal, institutional, policy and practice levels, in the media, within communities and amongst individuals, together with internalised ageism.

4. It should take account of increased risks to equality which the growth of far-right movements present and of capitalism's role in promoting the concept that people's worth ends when they are no longer earning.

5. Recognition that 'living a very long life is a great gift' (Yoder, 2021)¹, value for the life experiences and wisdom which older persons have to contribute to society and awareness that elder oppression is, therefore, harmful to people of all ages need to be embedded in the framework.

¹ Yoder, J.A. (2021) *Elder Liberation*. Available at: <https://www.rc.org/publication/liberationpublication/newtorc/yoder> (Accessed: 16 April 2026).

6. The framework should reflect an understanding of the temporal continuity of personhood, that rights do not belong only to some age groups, but travel with people across their life spans.

7. Embedded in the framework should be awareness of the diversity of older persons. both in terms of the extensive number of years which can be involved and in terms of widely varying characteristics which older persons have.

8. This embedding will include a comprehensive recognition of the additional, intersectional discrimination experienced by many older persons, including those with psychosocial disabilities, intellectual disabilities, or autism; older members of racialised communities, including asylum seekers and refugees; older women; older persons identifying as lesbian, gay, bisexual, transgender, intersex and/or gender diverse; older members of the deaf community; those with physical or sensory disabilities; those experiencing major socio-economic disadvantages.

9. The framework should be reflective of regional differences for older people, for example between the global north and global south and between rural and urban areas, including the particularly critical impact of climate change in deprived areas. It should include a focus on the effects for older people of major conflicts and of emergency situations such as natural disasters and epidemics.

10. It needs to make use of and strengthen further relevant content in treaties such as the Universal Declaration of Human Rights (1948); ICERD (1965) on the elimination of racial discrimination; ICMW (1990) on the rights of migrant workers; CEDAW (1979) on women's rights; ICCPR (1966) on civil and political rights; ICESCR (1966) on economic, social and political rights; CAT (1984) on the prevention of torture; the CRPD (2006) on the rights of persons with disabilities.

11. Similarly, the framework should take account of key documentation related to older persons, for example existing material from the United Nations (UN), such as the Madrid International Plan of Action (UN, 2002)², reports from the UN Independent Expert and the Working Group on Ageing and from the Human Rights

² United Nations (2002) *Political Declaration and Madrid plan of action on ageing*. Available at: <https://www.un.org/esa/socdev/documents/ageing/MIPAA/political-declaration-en.pdf> (Accessed: 11 April 2026).

Council; material from the World Health Organisation (WHO), including its *Global Report on Ageism* (2021)³ and Decade of Health Living report (2023)⁴; relevant points from the Sustainable Development Goals (UN, 2015). It will also be important for the framework to address ways in which these need to progress further if full human rights for older persons are to be achieved.

12. As part of this, it will be crucial for the framework to be centred on the right of older persons to legal capacity in all spheres of life and to independent life in the community on an equal basis with others, in line with the UNCRPD. There can be no place in a treaty centred on older persons' human rights for additional marginalisation of those judged to lack 'mental capacity' and so subjected to discriminatory mental health and mental capacity legislation.

13. There should be inbuilt recognition that independence for older persons, the rich contributions which they have to offer within society as a whole, and their life spans, are seriously affected by ageism and related resource failings - and that these failings are intrinsically linked with the serious misconception that older age automatically involves 'incapacity' and dependency.

14. Given the sheer scale of ageism, a key emphasis in the framework should be the need for radical transformation of the current situation for older persons, as opposed to focusing on improvements to existing approaches.

15. It will also be vital for the framework to be collated on the basis of leading roles for older persons and their representative organisations, with a particular emphasis on leading roles for older persons whose rights are still further infringed because of intersectional discrimination.

³ WHO (2021) *Global report on Ageism*. Available at: <https://iris.who.int/server/api/core/bitstreams/71ad96a0-d29a-4457-9d54-52029c24c76c/content> (Accessed: 11 April 2026).

⁴ WHO (2023) *Progress report on the United Nations decade of healthy ageing 2021-2023*. Available at: <https://www.who.int/publications/i/item/9789240079694> (Accessed: 11 April 2026).

Key Question Two: 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?

16. In order both to reaffirm existing human rights for older persons and to acknowledge and address those which are not recognised/recognised widely, key principles built into the legally binding instrument should include recognition of:

16.1 Older persons as rights holders and valuable members of society, who, together with their representative organisations, should have the prerogative, too, to take a leading role in the formulation of laws, treaties, policies and structural changes, in research and training and in resource-allocation and practice decisions which have implications for their lives

16.2 The need to replace current medicalised approaches to older persons with a social model approach and social model terminology

16.3 The fact that controlling and coercive approaches to older persons have misleadingly been portrayed as representing much needed protection and care, particularly in the case of older persons with disabilities

16.4 The requirement to end all forms of institutionalisation, in line with the UNCRPD, including involuntary admission to psychiatric hospitals, forced treatment community treatment orders, and guardianship, together with the mental health, mental capacity and fusion legislation which authorises these forms of coercion for persons with psychosocial disabilities (Transforming Communities for Inclusion, 2023)⁵ and persons with intellectual disabilities, or autism

⁵ Transforming Communities for Inclusion (2023) 'Paper on intergenerational solidarity and inclusion of older persons with psychosocial disabilities', *Joint Expert Group Meeting on Older Persons and Intergenerational Solidarity*, United Nations Conference Centre, Bangkok, 10-11 October. Available at: <https://whatweneed.tci-global.org/wp-content/uploads/2023/11/Paper-on-Intergenerational-Solidarity-and-Inclusion-of-Older-persons-with-Psychosocial-Disabilities.pdf>, p.2. (Accessed: 18 April 2026).

16.5 The need to respect older persons' right to freedom from ill treatment, abuse, violence and practices which amount to torture

16.6 Older persons' right to live independently and to access everyday community resources, such as healthcare, housing, food, clothing, lighting, heating and social protection, community facilities and opportunities in life, on an equal basis with others, facilitated by the employment of reasonable accommodation and universal design – including at times of national and international conflicts, disasters and emergencies

16.7 The importance of moving away from professionally-led approaches to resources and services which stem from older persons' own choices, in accordance with the UNCRPD Deinstitutionalisation Guidelines (UN Committee on the Rights of Persons with Disabilities, 2022)⁶

16.8 Older persons' right to fully accessible information, for example copies of items in large print, braille, audio formats and a variety of languages, including sign language, and the need not only to avoid digital exclusion through the constantly increasing use of digitalisation, but to recognise that older persons may feel marginalised by the very different culture which internet technology represents

16.9 The importance of older persons having access to justice for infringements of their human rights, including restorative justice, reparation and redress

16.10 The fact that these principles apply to all older persons, not just to those belonging to dominant societal groups and states, and that strong account should be taken of particular issues faced by older persons who experience one, or more forms of intersectional discrimination. By the time they become elders, many have already been strongly affected by intersectional issues such as ableism and sanism, sexism, classism, racism, including antisemitism and islamophobia, homophobia, transphobia and socioeconomic deprivation⁷.

⁶ UN Committee on the Rights of Persons with Disabilities (2022) *Guidelines on deinstitutionalization, including in emergencies*. Available at: <https://digitallibrary.un.org/record/3990185?ln=en&v=pdf#files> (Accessed: 10 April 2026).

⁷ Yoder, J.A. (2021) *Elder Liberation*. Available at: <https://www.rc.org/publication/liberationpublication/newtorc/yoder> (Accessed: 16 April 2026).

16.11 The importance of comprehensive data collection related to older persons, with a particular focus on qualitative data, and the vital role which adequate resource-allocation has in ensuring the full human rights of older persons

16.12 The vital part which international cooperation has to play if human rights are to be achieved effectively and on a universal basis.

Key Question Three: 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?

17.1 The overall structure might helpfully include a preamble, statement of purpose, definitions, general principles, general obligations, specific rights and implementation processes.

17.2 The final section would set out state parties' obligations to promote awareness of the treaty and steps being taken by the government to implement it; to provide education and training related to the treaty; to monitor progress with implementation and to take action to address shortfalls. There would also be provision for an international treaty body which reviews state parties' progress, considers concerns raised about breaches of the treaty and undertakes investigations as necessary.

17.3 A structure of the sort outlined above will have the advantage of similarities to structures in other treaty material, in particular the UNCRPD, and so of familiarity. Publishing the treaty in a variety of accessible formats will also be important, if it is to be grasped fully and fully utilised by older persons, including persons with disabilities.
