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Normative content of the right of older persons to equality and non-discrimination

AGE Platform Europe input

This short answer is submitted in reply to the call of the Chair of the Open-Ended Working Group on Ageing (OEWG) to NGOs. AGE Platform Europe (AGE) has ECOSOC status and is accredited to the OEWG since 2012.

As the largest European network of self-advocacy organisations of older people, our position aims to reflect the situation at EU level and to provide a comparative overview of the EU Member States on behalf of the 40 million older citizens represented by our members. Our contribution is based on written answers received from organisations of older people in several EU Member States, oral debate in the frame of our Council of Administration where representatives from 24 countries¹ and 6 European organisations/federations² sit as well as reflections shared during an expert seminar on the human rights of older persons co-organised by AGE.

Separate answers covering normative elements on freedom from violence, abuse and neglect, and questions on autonomy & independence and long-term & palliative care are also submitted.

Further resources:

- On [non-discrimination and equality](#)
- [Older persons' self-advocacy handbook](#)

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¹ All EU countries with the exception of Croatia, Latvia, Luxembourg and Slovakia

² FIAPA, ESU, NOPO, EURAG, EDE, OWN Europe



Understanding of the right

Older persons have the right to equality and freedom from discrimination on an equal basis with others. This right includes prohibition of discrimination on the basis of their age or on any other ground, alone or in combination with another ground or grounds.

Scope of the right

- The right to equality and non-discrimination against older persons shall cover discrimination on the basis of old age. The personal scope of the right should not be based on chronological age alone, but cover old age in combination with social factors, such as perceptions and attitudes.
- The right to equality and non-discrimination against older persons shall apply to every aspect of life without limitation.
- The prohibition of discrimination against older persons shall not be subject to exceptions and shall cover individual, systemic, structural and institutional discrimination.
- The right shall encompass all forms of discrimination against older persons including, inter alia, direct, indirect, by association, by perception, victimization, harassment and denial of reasonable accommodation.
- The right shall include prohibition of multiple discrimination covering all grounds.

State obligations

States Parties shall have a duty to take all appropriate measures:

- to adopt laws that explicitly prohibit discrimination on the basis of age in every aspect of life
- to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against older persons
- to review all policies, decisions and laws, in particular age limits and age proxies, with regard to their impact on older persons and ensure that these do not undermine human rights principles, including equality, dignity and independence
- to ensure formal and substantive equality of older persons, including through reasonable accommodation and specific measures that are necessary to achieve de facto equality and alleviate the adverse effect of ageism that serves to justify discrimination and leads to the exclusion, abuse and neglect of older people
- to ensure protection from multiple discrimination, including for those groups who are at particular risk
- to eliminate both individual and systemic, institutional and structural discrimination
- to eradicate harmful ageist social norms and practices
- to ensure easy and timely access of older persons to tailored and comprehensive assistance in making claims and accessing justice, as well as to redress and reparation for age discrimination
- to establish monitoring mechanisms, such as national equality bodies, with a comprehensive mandate on age discrimination
- to promote information, research and public awareness around equality and non-discrimination against older persons, inter alia, by:
 - Raising awareness of the rights, capacities and contributions of older persons
 - Promoting awareness of the benefits of age equality and of investing in older age
 - Promoting a positive image of ageing
 - Countering any discriminatory systemic ageist perceptions of, and practices towards, older persons

- Undertaking or promoting research on ageing and on issues particularly affecting older persons
- Ensuring data is collected, disaggregated, analysed, utilised and disseminated by all ages, and take into account intersectionality
- Providing accessible, appropriate information to older persons on their rights and entitlement to benefits and resources
- Engaging and making older persons partners and active participants in shaping social policies and public programmes which relate to their rights and interests
- Promoting intergenerational interactions and solidarity.