

6th July 2017

Statement on equality & non-discrimination for 8th Session of UN OEWG by AGE Platform Europe

Madame Chair, distinguished panellists,

I would like to first reply to the representative of the EU, who asked some very important questions. While we agree on the need to answer these questions, any discussion on the right to equality in old age must start with a discussion of acceptable exceptions. This departing point reflects the deficiency of the existing system, which instead of accepting that age discrimination is just as harmful as any other form of discrimination leaves open a wide margin of appreciation for exceptions to the rule. This discussion must start with the universal and inalienable right to non-discrimination, which as the OHCHR stated, does not diminish with age.

Mme Chair, for the sake of time I will not refer to the long list of examples of structural ageism that we come across in EU countries and that render discrimination on the basis of age more acceptable than other forms, nor to the gaps and inconsistencies that can be found even in countries with legal provisions prohibiting age discrimination. I would like however to give some more insights about the failure of the treaty system to address these.

Based on a review of concluding observations we see that despite some attention to multiple discrimination against older women, the human rights system has failed to address the full spectrum of inequalities in old age and to provide adequate standards on what constitutes a violation of this right. Moreover, treaty bodies have not recommended the adoption of legislation on age discrimination in unprotected areas, whereas they regularly comment on such gaps for other grounds. The elimination of stereotypes on account of age has only been mentioned once by CEDAW in its conclusions for the Netherlands, while no other committee has to date addressed the deep-rooted social and cultural bias that prevent older persons from making choices and exercising their rights. Likewise, the CRPD Committee has not addressed age limits that discriminate against those who acquire disabilities in old age, despite wide evidence of their existence in a vast number of countries.

Such gaps and inconsistencies are not surprising because national policies and UN bodies still reflect a culture of discounting of older persons, according to which age categorisations are necessary. Treaty bodies were not established and are not equipped to detect and remedy structural ageism. And they have little prospect to do so, unless the prodding of a new binding instrument is added to the equation.



A new convention will allow normative clarity and expertise in this area and provide the necessary ground to stimulate the mainstreaming of old age into the existing human rights system. But let's not forget that mainstreaming cannot work unless there is a duty for identifying the problem and a duty for eradicating it.

In this light I would like to ask panellists – in their opinion - which normative elements should be included in a new instrument to counter structural ageism, such as age limits in laws and policies that lead to the exclusion, poverty and undignified treatment of older persons?

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