

7<sup>th</sup> July 2017

## Final Statement for 8<sup>th</sup> Session of UN OEWG by AGE Platform Europe

Mr Chair,

This session has provided evidence that protection from discrimination and abuse is incomplete and inconsistent even in countries where relevant legal provisions exist. Bearing in mind the cross-cutting impact of discrimination, neglect and abuse across all spheres of human rights, we remain convinced that for the next session the OEWG needs to continue its work in these two areas, whilst also exploring their interdependency with other rights, in particular autonomy and independence and the right to long-term and palliative care. We urge the Bureau and Member States to ensure continuity and to build on the outcomes of its 8<sup>th</sup> meeting. To achieve this, sufficient time in the agenda of the next session must be allocated for substantive discussion. In addition, inter-sessional work will allow us to find consensus on the normative elements of abuse and discrimination and to find language that could be included in a new instrument. This work will complement – and not replace our continued efforts to equally apply existing standards in old age. AGE intends to work at EU level for this aim and we invite the European Commission will join us in this work, in order to – as they have mentioned in their statement – ‘analyse the issues and how to tackle them’.

Mr Chair,

The discussions in this session have highlighted the absence of standards about what constitutes and what doesn't constitute a violation of the rights to equality and freedom from abuse and the existence of too many exceptions, which lack specific and rights-based justifications. Panellists, delegates, NHRIs and NGOs have argued that structural ageism imposes an image of worthlessness, burden, frailty and death and obscures human rights in old age.

In order to make sure that rights do not apply in diverging, unequal and fragmented ways across our lifecycle – and based on the discussions of this session - the following elements need to be taken into account:

**For the right to equality and non-discrimination :**

- Explicitly prohibit age discrimination in all areas of life
- Provide for both negative and positive duties, including an obligation to eradicate structural ageism in institutions, practices, culture and mindsets



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- Not be subject to a wider range of exceptions than is permitted for any other ground. Any exception must be specifically justified and consider the differential impact on older people, which must not undermine their dignity and rights.

**For the right to freedom from abuse :**

- Cover all forms of violence, abuse and neglect in old age both in private and public settings, in a relationship of trust and on account of old age, regardless of whether they are against an individual or are systemic, structural, customary or part of an institutional practice
- Implement awareness-raising and preventative actions, including training for professionals and support for informal and family carers
- Monitor the impact of all policy reforms on the access to quality care and the prevalence of abuse
- Develop adequate protection and support for victims and provide redress

And finally, for both rights there should be an obligation to collect and disaggregate data, in order to adequately define, acknowledge and eventually enforce those rights.

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