



26<sup>th</sup> July 2018

**Statement on normative elements  
on equality and non-discrimination  
and freedom from violence, abuse and neglect  
for the 9<sup>th</sup> Session of UN OEWSG on Ageing  
by AGE Platform Europe**

Mr Chair,

Our statement is supported by our member BAGSO, and includes their contribution, and is also supported by Fundació Aroa, here present.

First of all, we should say that we regret the low numbers of contributions on normative elements, and we would like to encourage government delegations, NGOs and NHRIS to continue work on this in the intersessional period to fulfil the mandate of the OEWSG.

Mr Chair,

Regarding violence, neglect and abuse of older persons, we agree that such right should be wide in scope in order to cover all forms of violence, abuse, neglect and exploitation, and both in public and in private settings. We also believe that the right should apply to all situations (both in relationships of trust and outside such trust) and regardless of whether they are against an individual or systemic, structural, customary or part of institutional practice.

We are pleased to have heard and agree with the fact that the right should cover acts committed by state and also by non-state actors, to the extent that states fail to prevent, investigate, prosecute, punish and provide reparations for such acts.

We welcome the fact that some government representatives have already listed obligations of states. We believe these obligations should be wide and address four key areas:

- Prevention
- Access to support services for victims, survivors and persons at risk
- Access to remedy and redress



- Collection of data

Preventative actions should include adopting specific legislation to prevent, identify and investigate violence, abuse, neglect and exploitation (VANE) of older persons, while respecting their ability to live independently and autonomously; ensuring older persons are also protected by measures that address other types of violence, such as gender-based; developing monitoring mechanisms to detect VANE at home, in residential settings as well as in the community; allocating sufficient resources for care and support, including supporting informal carers, as a way to ensure they are rights-based and person-centered; training care and support providers, and also law enforcement agents for better identification, and including on human rights and their human rights obligations; raising awareness and sensitising society to the different forms of VANE; providing information and raising awareness among older persons of their rights.

Regarding access to support services for victims, survivors and persons at risk, this should include access to a full range of medical, social, psychosocial, rehabilitative and legal services; access to information about available support and services, and effective access to support services for victims, survivors and persons at risk, including assistance to file complaints and report VANE.

Timely access of older persons to effective remedies and redress, should include investigating violations timely and taking action against those allegedly responsible in accordance with national and international law; providing older persons who report VANE with equal access to justice, and if relevant and possible to extra judicial redress such as mediation and restorative justice; supporting older persons to make autonomous decisions about reporting acts of violence, abuse and neglect; and providing remedies, including reparation.

The last obligation is about data: states should have the obligation to collect, disaggregate, analyse, utilise and make public information on forms of VANE.

Mr Chair,

Regarding equality and non-discrimination, a right should cover all forms of discrimination on the basis of old age, in all aspects of life. This should not be based on chronological age alone, but also should include social factors such as perceptions and attitudes. Obligations should include prohibiting discrimination in all aspects of life. States should also have the obligation to review all policies, decisions, laws and in particular age limits.

It is important to state that no human rights treaty includes derogations to the rule of equality and non-discrimination; including exceptions to such rule could

weaken the protection on the ground of age. Differential treatment on the basis of reasonable and objective justification has been allowed by treaty bodies; we believe that age-based criteria and differential treatment should, as a general rule, promote the enjoyment of rights and not undermine human rights principles.

Mr Chair,

Last year, at this group, we could realise how existing instruments are insufficient to address the situation; in Europe, there is no legally-binding instrument forbidding abuse, violence, neglect, and ensuring equality and non-discrimination to older persons.

We believe that an international convention on the rights of older persons is the necessary tool to address gaps and ensure that the mentioned rights and their obligations and guarantees can become a reality.

Thank you.