

Older Persons' Self-Advocacy Handbook

An Online Toolkit to engaging in processes on the human rights of older persons

AGE Platform Europe

This handbook intends to increase and improve the involvement of older persons in all processes that affect their human rights.



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About AGE Platform Europe

[AGE Platform Europe](http://www.age-platform.eu) is a non-profit European network, which brings together about 150 non-profit organisations of or for people aged 50+, directly representing over 40 million older people in the European Union (EU). AGE aims to fight age discrimination and promote the rights of older persons; voice the interests and concerns of older European citizens and foster their involvement at EU level to shape appropriate policy responses; and raise awareness of ageing related issues and of the opportunities and challenges that arise from the ageing of the EU's population. For more information on our activities visit: www.age-platform.eu

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Foreword by UN Independent Expert on the Enjoyment of All Human Rights by Older Persons, Rosa-Kornfeld Matte

I am delighted to write the foreword to this online toolkit *“Older Persons’ Self-Advocacy Handbook”*.

As the first United Nations Independent Expert on the enjoyment of all human rights by older persons, my mandate is an inclusive one, and implies a responsibility to raise awareness of the challenges faced in the realization of all human rights by older persons, and to ensure that they receive information about their rights. The following Handbook focuses on international and regional human rights frameworks and institutional mechanisms that are aimed at protecting the rights of older persons and on ways in which they can be used by older persons themselves.



Population ageing represents one of the greatest transformations of our time. For the first time in history, humankind will reach a point at which there are fewer children in the world than there are older persons. Approximately 700 million people, or 10 per cent of the world’s population, are over the age of 60. It is estimated that by 2050, the number of older persons will have doubled, reaching 20 per cent of the global population. This reality brings to light the importance of enabling older persons to remain integrated in society and allowing them to participate actively in the formulation and implementation of policies that directly affect their lives and well-being.

Older persons are often forgotten and left behind, but they have much to contribute to our societies, and it is crucial to promote a wider understanding of their role in order to build a society for all ages.

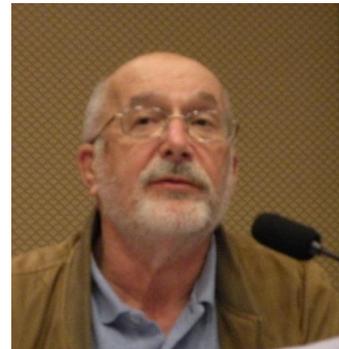
This Handbook makes an important contribution by giving visibility to, and promoting awareness of, the human rights of older persons. It is a toolkit that can be used by different stakeholders, including associations for and of older persons, which will empower them to claim their rights. As rights-holders, older persons should be able to exercise their rights in all circumstances.

Rosa Kornfeld-Matte

UN Independent Expert on the enjoyment of all human rights by older persons

Foreword by AGE Platform Europe President, Marjan Sedmak

Respect and enjoyment of ones' human rights by all individuals is a fundamental feature of our democratic societies. The right to be respected and treated with dignity, to take part and be included in society may look fairly natural to some people, but can be a real challenge for some parts of our ageing population. And this is all the more true in these tough economic times, when fundamental rights tend to be overshadowed by economic concerns.



Maintaining and enhancing our basic European values of respect, solidarity and equality should remain the main priority guiding all EU external and internal actions.

As the President of AGE Platform Europe, I am very proud to introduce this human rights handbook, which we believe will help older people to better know their rights and increase their participation in society as rights-holders and self-advocates. Ultimately we hope that this handbook will contribute to better addressing the rights of senior citizens at international, European, national and local levels.

Involving the older population in the debates concerning them has been our overall objective and underpins AGE's work and structure. We are convinced that this is the most appropriate way of optimising actions and developing policies that effectively meet older persons' rights and address demographic challenge in a sustainable way, for the benefit of both individuals and society as a whole.

Marjan Sedmak

President of AGE Platform Europe

About the Self-Advocacy Handbook

- **Why are we launching this handbook now?**

Older people's rights are gaining momentum as there is an ongoing international debate on how to improve their protection on the ground. Our intention is to clarify the state of the discussions and how older people can get involved in these; explain what human rights mean for this group; and how older people can use the existing European and international framework to claim their rights. This online handbook focuses on the legal and policy order of the United Nations (UN), the Council of Europe (CoE) and the European Union (EU).

- **What is older people's self-advocacy?**

Older people's self-advocacy aims to give older people a voice so that they are able to influence policy makers, international bodies and other relevant stakeholders to support and implement actions that contribute to the fulfilment of their human rights. It addresses the inequality faced by this age group in fully enjoying their human rights like everyone else and may include encouraging appropriate law or policy making; requesting the establishment of guidelines on the implementation of existing laws; calling for greater visibility of older people's contribution to society or complaining in case of rights violations.

- **Who is this handbook for?**

This handbook aims to empower older people as self-advocates and through their representative organisations to call for policy and legal changes necessary to allow them to enjoy their human rights; this is why it explains important concepts and processes and includes practical information on how older people can get involved in the relevant international and EU processes.

- **What can you learn from it?**

The first chapter of this handbook explains what human rights are, and how international and European treaties aim to protect and promote them. Then, three separate chapters describe in detail the United Nations (UN), Council of Europe (CoE) and European Union (EU) processes that relate to the full enjoyment of older people's rights. The first part on the UN is included in this handbook, whereas the parts about the CoE and the EU will be further updated in 2016 and 2017.

- **How can you make most use of this handbook?**

Although we have carefully designed this handbook as an online document to make it interactive and easy to navigate among its different parts, if you prefer, you can request a PDF version that you may print or use with assisted devices. However, please bear in mind that some of the functionalities of the online version, like quizzes or active hyperlinks will not work on the off-line version you have in your hands.

Alternatively, you can access the online version via the following webpage: <http://www.age-platform.eu/publication-type/age-publications>. There you will also learn how to use the online handbook. The following paragraphs include information only about the off-line/PDF version.

You may want to read the handbook from beginning to end or just focus on a specific part of it. Here we explain what each part is all about and what you can expect from our publication:

- The part entitled **‘About the handbook’** is the one you are reading now, explaining the different parts of the document, how it was prepared and how it can be used.
- General information about human rights can be found under the title **‘What are human rights?’** For those who wish to familiarise themselves with what international human rights law is, what are the state obligations to respect, protect and fulfil human rights and what is the difference between human rights and fundamental rights, this chapter is a good starting point. This part also includes a very brief overview of the human rights systems in the United Nations (UN), the Council of Europe (CoE) and the European Union (EU).
- The chapter **‘How does the UN provide for older people’s rights?’** explains in details the general UN human rights framework and how it can be applied to older persons as well as all UN actions and processes related to the rights of older persons, such as the UN Open-ended working group on ageing and the Independent Expert on the enjoyment of all human rights by older persons. Here you will learn what these processes are, how they interact with each other, what is their impact and how you can get involved with them.
- The third and fourth chapters entitled **‘How does the Council of Europe provide for older people’s rights?’** and **‘How does the EU provide for older people’s rights?’** will be completed in 2016 and 2017 respectively. For the time being, if you go through these chapters you will find a general description of these organisations’ human rights competences and a list of relevant resources. This will give you a preview of what exists for older people in these organisations, while we are building the full versions, which will be comprehensive and will include a number of examples and practical information.
- The four main sections of the handbook end with a chapter called **‘In a snapshot’**, which provides a brief, user-friendly summary of the most important information contained in the main four chapters. For every chapter we have moreover prepared a small quiz that you can take to test your knowledge and understanding of the main issues discussed in the handbook. You can also consult a **‘Glossary’** of the most important terms used and a list of related **‘Resources’**, such as reports, websites and videos at the end of this handbook.

In addition, throughout the handbook you will find the following info-boxes and symbols which signal the introduction of different types of information that may interest you.



Tip: here you will find practical advice about what you and your organisation can do to get involved.



Focus: Focus points provide further information to deepen your knowledge in the areas tackled by the handbook. They may explain some issues in more details or direct you to further material, such as videos or reports, which provide a more comprehensive picture of the issue.



Highlight: Highlights include important pieces of information, in particular milestones in older people's advocacy.



Case studies: Throughout the handbook you will also find case studies marked with a notebook sign. Case studies include concrete examples of how the issues discussed are applied in practice. They often provide an opportunity to underline the added value of an approach, instrument or process on the ground and give insights about how it might work in reality.

You will also notice as you read that some words in the text are **highlighted like this**. These words are explained in the handbook 'Glossary' at the end of the publication. If the words are also **underlined like this** then the word also contains an active link redirecting you to a webpage for more information. Although most of these concepts are explained throughout the handbook, you can quickly access a definition while you are reading, especially in case you are not reading from cover to cover. Alternatively you may refer to the paragraph of the handbook that explains that specific process.

▪ **Where does the information in the handbook come from?**

A lot of material fed into this handbook, in particular various publications of the UN Office of the High Commissioner for Human Rights, the Council of Europe and the EU institutions, which are included in footnotes and in the list of useful resources. Besides building on existing AGE work, such as factsheets, briefings and toolkits on the rights of older persons, the handbook also took inspiration from the online course offered by Prof. Olivier De Schutter on International Human Rights¹. Documents and information prepared by other NGOs, in particular by Helpage International and the Global Alliance for the Rights of Older People, are also included in the text.

This handbook was drafted by Nena Georgantzi, Policy Officer on Human Rights and Non-Discrimination with the help of Eabha Harper-McKeever, AGE Platform Europe intern. It is

¹ <https://www.edx.org/course/international-human-rights-louvainx-louv2x>

based on contributions by AGE staff, members and experts. Particular thanks go to Mr. Ebbe Johansen, Vice-President and Ms. Elizabeth Sclater for reviewing the document.

- **What can you do next?**

You are encouraged to share this handbook with your friends, other older people and contacts, include a link in your organisation's website and use the information herein to inform your organisation's work and trainings. We invite you to send us testimonials on how this handbook is useful for your activities and what we can do to further improve it. To communicate with us you may send an email to Nena Georgantzi, Policy Officer on Human Rights & Non-Discrimination: nenageorgantzi@age-platform.eu or to the general AGE Platform Europe email: info@age-platform.eu

More information on older people's rights and updates on the handbook can be found on our website at www.age-platform.eu

Chapter 1: What are human rights?

Human rights are entitlements and freedoms of all human beings, whatever our nationality, place of residence, sex, age, national or ethnic origin, colour, religion, language, or any other status. Human rights are held by all persons equally and universally. They are based on core principles like dignity, fairness, equality, respect and autonomy. Human rights are present in our day-to-day lives and protect our freedom to control the different aspects of our own lives.

1.1 How are human rights guaranteed?

Human rights are expressed and guaranteed by law, such as international **treaties** and national constitutions and/or laws. The first global expression of human rights being entitled inherently to all human beings was achieved after World War II. The foundational text that reflects this global consensus is the [Universal Declaration of Human Rights](#) (UDHR) that was adopted by the United Nations in 1948. After the adoption of the Universal Declaration countries have adopted many human rights treaties that lay down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of their citizens. These treaties constitute what we call international human rights law or framework. Accepting the provisions of such treaties creates legal duties on States to ensure everyone in the country can enjoy these rights and to provide remedies if they are violated. **International human rights law** lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. It makes governments accountable to the international community and foresees specific measures and sanctions that can be taken against the state that does not fulfil these obligations. This handbook explains how older people can advocate under international law and is not concerned with how they can claim their rights at the national level. It can be very useful in order to put pressure on governments to comply with their international obligations.

1.2 What are state obligations under international human rights law?

When states agree to international treaties (through a process called **ratification**), they assume the obligations to *respect*, to *protect* and to *fulfil* the human rights that are included in these treaties. The *obligation to respect* means that States must refrain from interfering with or limiting the enjoyment of human rights. It is also described as a *negative* obligation, as the state has to abstain from violating human rights. The other two obligations include *positive* duties, which means that the state has to take action to deliver rights. The *obligation to protect* requires States to interfere in order to protect individuals and groups against human rights abuses by others, in particular private, actors. The *obligation to fulfil* means that States must take positive measures to facilitate the enjoyment of human rights.

To illustrate the type of measures that action must take to ensure that citizens can enjoy their human rights, we will use the examples of the rights to work and to health².

The right to work

In the context of work rights, the *obligation to respect* means that the state must not use forced labour or deny political opponents work opportunities. It also means that the state should not discriminate against specific groups of people, like migrants, religious minorities or older workers when it selects civil servants. The *responsibility to protect* means that the state must ensure that employers, both in the public and in the private sectors, pay the minimum wage. It should moreover ensure that employers do not apply age limits in their recruitment policies. To do so, the state may need to carry out inspections or pass legislation regulating minimum wage schemes and equality policies. Under its *responsibility to fulfil* the State must provide opportunities for the enjoyment of the right to work for example by, offering training for groups at risk of long-term unemployment, a risk faced notably by older workers made redundant.

The right to health

To comply with its *responsibility to respect* the right to health, the State must not deny access to public health facilities on a discriminatory basis, for example to the Roma population. In addition, the *obligation to protect* means that the State must control the quality of medicines marketed in the country by either public or private suppliers. Its *duty to fulfil* includes the facilitation of the enjoyment of the right to health, for example, by establishing flu vaccination campaigns for older people. It also entails promoting the right to health through awareness raising campaigns, for example on the correct use of antibiotics, a key issue for older people who need for example hip surgery or heart surgery and are confronted with the risk of increasing antibiotics resistance.

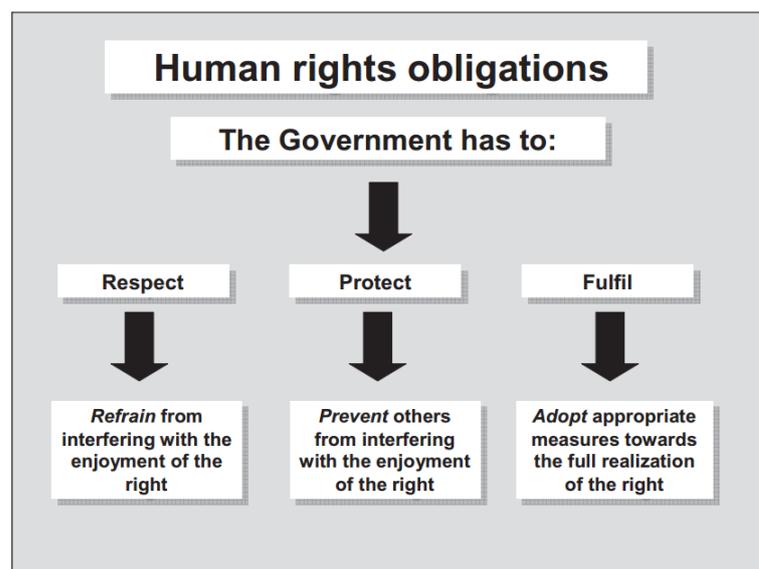


Image from OHCHR, Factsheet 33

These two examples showcase that the duty to fulfil is quite far-reaching: it includes an obligation to *facilitate* access to goods and services that are necessary for the enjoyment of a right (for example through occupational training, or through regulating the market so that

² This part and the examples herein are drawn (and adapted) from the OHCHR Factsheet 33, Frequently Asked Questions on Economic, Social and Cultural Rights, available at: <http://www.ohchr.org/Documents/Publications/FactSheet33en.pdf>

consumers have access to essential goods and services, such as medication, food and electricity), to *promote* through providing information to citizens so that they can make informed choices (for example, information campaigns about the detrimental effects of smoking or the importance of physical activity for active and healthy ageing) and to *provide* some essential goods and services (for example access to water, housing for vulnerable groups, shelters for victims of abuse, etc)³.

The latter obligation to provide does not mean that the State should provide all goods and services for free. It means however that essential services like housing, food, water, sanitation, health or education should be available at affordable prices in order not to prevent a person from accessing these services and not to compromise his or her ability to enjoy other rights (as for instance lack of housing may jeopardise a person's ability to enjoy his or her rights to water, sanitation and private and family life). Of course in some instances, ensuring equal enjoyment of rights may involve providing subsidized or free services to those who would otherwise not be able to enjoy certain rights, for example for the poor, unemployed and most vulnerable.



Case study 1: What are the State obligations in cases of elder abuse?

Imagine the following three cases of elder abuse:

- An older person is sexually abused in a public nursing home.
- An older person is physically abused by his/her caregiver, who is recruited by the municipality to deliver care services at home.
- An older person is a victim of financial abuse by his/her daughter with whom he/she lives.

From these examples, only in the first case the abuse takes place in a public institution (i.e. nursing home). In the other two examples the human rights violation occurs in the private home of the older person. Whereas in the first case there is an obvious direct obligation of the state, as the public nursing home is funded and operated by the state, it does not mean that the state is free from responsibilities in the other two cases. Let's see what the state could do to prevent and remedy the abuse in those cases.

First, as we have explained above, the *duty to protect* includes the obligation of the state to intervene in private relationships in order to prevent violations by other actors, like professionals, businesses or individuals. At the same time this does not mean that the state can possibly prevent all cases of abuse; it however has an obligation to make reasonable efforts to avoid such situations and in case they occur, to offer redress and support to the victim. But what does 'reasonable efforts' mean?

³ Adapted from online training by Oliver De Schutter: <https://www.edx.org/course/international-human-rights-louvainx-louv2x>

Obviously the state cannot put a policeman or install cameras in everyone's home, to make sure that people are safe. This is not only impossible due to the important financial and human resources that such a measure would implicate, but also because such a policy might interfere with the right to privacy. The state can however take other types of action to prevent cases of elder abuse.

For example, the state can provide or facilitate training to caregivers so that they improve the quality of care provided and avoid abusing older people. It can moreover undertake inspections and regularly monitor how care at home is provided in order to promptly identify if some things in the care delivery should be changed. It could moreover provide respite care or other forms of support for informal caregivers so that they avoid exhaustion, which can lead to abuse. It may also raise public awareness of the risk factors and prevalence of elder abuse. In addition, when a case of abuse is reported the state should initiate an investigation to identify the perpetrator and also provide legal and social assistance to the victim. The state might also have to amend its law so that abuse of older people can be prosecuted in a similar way to domestic violence against women. In addition, the state should ensure the proper and impartial functioning of its judicial system, so that the case is dealt within a reasonable timeframe.

In other words the state does not have an obligation to prevent all cases of abuses, which would be impossible. It has however a duty to take necessary means to attempt to avoid such situations, including in private and inter-personal relations. This is particularly important because an increasing number of organisations (such as voluntary or for-profit companies), are providing basic goods and services, which are related to the realization of the human rights of older persons (like health and long-term care). In such cases, the State still carries the obligation to ensure that such organizations and enterprises respect human rights norms and standards in the delivery of these goods and services. It has to take all measures that would be reasonable expected to deter human rights violations.

For example, in a recent case ([McDonald v UK](#)), the **European Court of Human Rights** considered for the first time that States have positive obligations to ensure that the provision support to an older disabled person respects the right to private and family life. Moreover it held that social care services need to respect human dignity, otherwise there might be a violation of this right.

In this judgement the Court considered whether there was a breach of Ms McDonald's rights when due to the reduction of her care package she was asked to use absorbent sheets and sanitary pants, instead of allocating an assistant that would help her use the toilet. The Court found that the UK had not fulfilled its obligations as it failed to draft a proper care plan for Ms McDonald before reducing the amount allocated for her care, as this was something that was reasonably expected by the state and would avoid an interference with her right to respect for her family and private life. However, for the period after the state revised Ms McDonald's care plan, the Court found no breach due to the reduction of the

care package because the State had considerable discretion when it came to decisions concerning the allocation of scarce resources.

Overall, although the Court in the end ruled that Member States have a wide margin of appreciation regarding how to deliver care and that it's up to national authorities to make a proper balance between care needs and available resources, the decision established that *'a failure to consider a person's dignity can be a breach of human rights'*⁴. This may be a basis upon which to claim future cases around care and elder abuse.

1.3 Who provides for human rights at international level?

Besides the United Nations, other international organisations, including the Council of Europe and the European Union have elaborated human rights documents and established bodies and processes to monitor their implementation by national governments. One of the most important instruments in the European context is the [European Court of Human Rights](#) that rules on the application of the [European Convention on Human Rights](#) by the States that have accepted its provisions. Other international bodies exist that also protect and promote human rights, for example the African Union and the Organization of American States. However, for this text we will focus mainly on the UN, the EU and the Council of Europe as they are most relevant for older people living in Europe.



The United Nations

In 1945, after the Second World War ended, 51 countries founded the United Nations (UN), formerly known as the League of Nations, for the ultimate maintenance of peace. Today, the UN has 193 members that express their views through special UN bodies like, amongst others, the [General Assembly \(GA\)](#), the [Security Council](#) and the [Economic and Social Council \(ECOSOC\)](#). Its founding Charter lays down the basic and fundamental principles of the United Nations. The UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) in 1948. The declaration constitutes rights of the individual such as the right to life, prohibition of slavery, freedom of movement, freedom of association, thought, conscience and religion. It also sets out social, economic and cultural rights, such as the right to work and social protection.



Focus

Although the UDHR does not have a legally enforcing power, both states that have signed it but also those who have not, have committed to its tenets and should consistently align their laws, policies and conduct with the principles of the declaration in good faith. Any government that violates the UDHR, does so at the risk of domestic and international outcry.

⁴ <http://www.disabilityrightsuk.org/mcdonald-v-united-kingdom>

You may watch [this video](#) explaining the history of the adoption of the Universal Declaration of Human Rights by the UN, and the important role that Eleanor Roosevelt, the wife of the late U.S. President Franklin D. Roosevelt, played in that process.

The Universal Declaration was followed by a series of international treaties (variously named Covenants or Conventions) focusing on specific categories of rights (civil and political, economic, social and cultural) or specific groups (women, children, migrant workers, persons with disabilities) or wrongful activities (genocide, torture, racism). These treaties are binding for those countries that have ratified them and flesh out the rights that human beings can claim and for which governments have specific obligations, as outlined in the previous section 1.2. They have elaborated on the UDHR and manifest the principles of equality, dignity and respect, which is why - despite this variety of instruments - human rights are considered universal, inalienable, indivisible and interdependent.



Focus – What is the force of human rights conventions?

When a human rights convention is signed and ratified by a state, the state must submit reports highlighting how its laws and practices are following the rights set out within the convention. Most conventions set up bodies (called committees or treaty bodies) that oversee the implementation of the legal document, which in some cases hold little power but in other cases have strong political and legal authority. Some examples of UN conventions are the Convention on the Elimination of all forms of Racial Discrimination, the Convention Against Torture, the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities.

As the UN deals with both human rights and other international matters such as developing friendly relations among nations and helping nations work together to improve the lives of poor people, there are separate sub entities and groups within the UN that focus solely on human rights. The main human rights body of the UN is the [Human Rights Council \(HRC\)](#), which is made up of 47 states



Zeid Ra'ad Al Hussein

(elected periodically by the General Assembly) that acts as an inter-governmental committee that is responsible for the promotion and protection of all human rights on a global scale. The [High Commissioner for Human Rights](#) is the principle human rights official of the United Nations. The High Commissioner is assisted by a secretariat called [Office of the High Commissioner for Human Rights \(OHCHR\)](#).

The mandate of the OHCHR is to provide assistance to governments to help implement human rights standards - enshrined in UN documents - on the ground. It also works with civil society, national human rights institutions and other UN entities and international

organisations, such as the International Labour Organisation (ILO), the International Criminal Court, the World Bank and the United Nations Children’s Fund (UNICEF) to promote human rights. The office also supports the work of treaty bodies that monitor states’ compliance with core international human rights treaties and the Special Procedures of the Human Rights Council, which include independent human rights experts - also known as special rapporteurs - with mandates to evaluate the protection of human rights from a thematic or country-specific perspective.



Focus – How does the OHCHR work?

The office’s main structure of work is made up of three major dimensions:

1. Standard setting: providing a solid basis of work for other organisations to see and follow
2. Monitoring: evaluating states’ compliance with UN human rights instruments and investigating how states are protecting human rights
3. Implementation on the ground: examining to what extent societies, communities and individual persons are having their rights protected and promoted by the state.



Tip

The Civil society unit of the OHCHR provides information and advice to civil society organisations on a broad range of human rights issues and assists civil society in engaging with the United Nations human rights bodies and mechanisms. NGOs can contact the office of the High Commissioner for Human Rights via email: civilsociety@ohchr.org

For more information on the United Nations framework on the rights of older people see chapter 2.



The Council of Europe

The Council of Europe (CoE) promotes cooperation between European countries in the areas of human rights, democracy and the rule of law. Founded in 1949, the Council of Europe now has 47 member states. The Council of Europe’s headquarters are in Strasbourg, France.



Focus – What is the difference between the CoE and the EU?

The Council of Europe should not be confused with the European Union (EU) and in particular the European Council, which is an EU institution consisting of the heads of state or government of the 28 EU Member States. The Council of Europe is an independent inter-governmental organisation, although all EU Member States are also members of the Council of Europe. No country has ever joined the European Union without first having been a

member of the Council of Europe. To better distinguish the Council of Europe with EU and other international organs you may have a look at the following link:

<http://www.coe.int/en/web/about-us/do-not-get-confused>

All Council of Europe member states have signed up to the [European Convention on Human Rights \(ECHR\)](#). The [European Court of Human Rights \(ECtHR\)](#) - based in Strasbourg - supervises the enforcement of the European Convention on Human Rights at the national level. Individuals can bring complaints of human rights violations to the Strasbourg Court once all possibilities of appeal have been exhausted in the member state concerned.



The Council of Europe also promotes human rights through thematic international conventions, such as the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Cybercrime. It monitors member states' progress in these areas and makes recommendations through independent expert monitoring bodies.

The [European Social Charter](#) is another Council of Europe treaty, which guarantees social and economic human rights. It was adopted in 1961 and revised in 1996. The [European Committee of Social Rights](#) examines the conformity of States with the European Social Charter.

The [Commissioner for Human Rights](#) is an independent mechanism within the Council of Europe mandated to promote awareness of and respect for human rights. The Commissioner can make country visits and write reports in order to encourage policy reforms and improve the protection of human rights on the ground.



Nils Muižnieks



Focus

You may watch [this video](#) introducing the Council of Europe and its bodies as well as a [speech](#) by its current Secretary General, Mr. Thorbjørn Jagland, explaining the role of the Council of Europe in promoting and protecting human rights.

For more information on the Council of Europe framework see chapter 3 (*to be updated in 2016*).



The European Union

The European Union (EU) is bound by its founding treaties, according to which respect for human rights counts among the Union's fundamental values. The Treaty of Lisbon, adopted in 2009 introduced a new focus on human rights enshrining the binding force of the [Charter of Fundamental Rights](#). The EU has also established the [Fundamental Rights Agency](#) (FRA) as a consultative body of the EU institutions and has also appointed a [Special Representative for Human rights](#) (EUSR) whose role is to enhance the

effectiveness and visibility of EU human rights policy outside its borders. The human rights of European citizens are also protected by specific laws and policies of the European Union, such as equality directives, strategies and guidelines. According to the Treaty of Lisbon the EU is supposed to accede to the European Convention on Human Rights. When this happens, the EU will fall under the scrutiny of the European Court of Human Rights. There are currently discussions between the EU and the Council of Europe in order to make this happen.



Focus

You may watch [this video](#) by the European Parliament describing EU's current human rights challenges.

For more information on the European Union framework see chapter 4 (*to be updated in 2017*).

1.4 How are human rights enforced at national level?

While international human rights treaties can help raise awareness of human rights and improve the situation of people on the ground through domestic implementation, ultimately their impact will depend on how they are effectively enforced by State parties. The following chapters 2, 3 and 4 explain the different ways that States' compliance is monitored and what civil society can do in case their country does not conform with its obligations under international human rights law.

1.5 Is there a difference between human rights, fundamental rights and social rights?

Often there is confusion as to what the terms 'human', 'fundamental' and 'social' rights mean. Depending on the context and whether we refer to the national or international level, people may have diverging understandings of these concepts. Here we will try to debunk the myth around these notions and explain how they should be understood when advocating the rights of older people within European and international bodies.

As explained above, **'human rights'** is the general term used to refer to the individual entitlement of all human beings to live in dignity and enjoy freedom and autonomy. This is the word most commonly used by the United Nations and the Council of Europe when they take action to promote and protect the rights of citizens. The European Union however has adopted the term **'fundamental rights'**, which relates to the Union's Charter consolidating the rights that it should respect across all its actions. In other words, under international human rights law there is no one right that is more fundamental than another; the difference in terminology depends on the legal order and the legal framework to which we refer.

Another concept widely used is that of *'social rights'*; this is particularly important for the subject of this handbook, as many of older people's rights fall under the category of social rights, which include issues around welfare, employment and pensions. National legislation on social protection and health care fall under the remit of a state's social provisions, which explains why this term is widely used in the ageing sector. Social rights, such as labour, pension or housing rights, are human rights and should be equally respected and promoted by governments. However, at the same time governments should cater for what we call *civil and political rights*, which, among others, include older people's access to justice, freedom of expression, protection from abuse and political participation. So, 'social rights' cover only a part of older people's lives.



Focus - Social Rights in conventions of the International Labour Organisation (ILO)

The [International Labour Organisation](#) (ILO) is a specialized UN agency based in Geneva, bringing together representatives of workers, employers and governments. ILO has adopted a number of conventions promoting rights at work, decent employment opportunities and social protection, amongst other issues. These conventions are the result of international tripartite social dialogue between governments, labour and employers' organisations. Although they do not formally constitute human rights treaties, ILO conventions establish how work-related social rights can be put into effect. This is why it is useful to take them into account to understand how social rights can be applied in practice. For example the ILO adopted in 1967 [Convention no.128 concerning Invalidity, Old-Age and Survivors' Benefits](#) and in 2012 [Recommendation No.202 National Floors for Social Protection](#).

In other words, ILO provides with technical expertise and labour standards and guides policy change in compliance with the human rights framework enshrined in the Universal Declaration of Human Rights and the [International Covenant on Economic, Social and Cultural Rights](#).



Highlight

Philip Alston, UN Special Rapporteur on extreme poverty and human rights, in 2014 urged governments around the world to embrace the United Nations Social Protection Floor Initiative to ensure guaranteed basic income security and access to essential social services for all. He stressed: *"The use of human rights language does matter. Let me apply this to the plight of those living in extreme poverty. Recognition of their human rights acknowledges their dignity and agency, empowers them and their advocates, and provides a starting point for a meaningful debate over the allocation of societal resources. We need to acknowledge the extent to which governments and the international community are intentionally avoiding the language of human rights in the context of development debates, and to ask ourselves why this is happening. Perhaps it is precisely in order to avoid all of the positive consequences of using human rights language"*. Read more at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/501/65/PDF/N1450165.pdf?OpenElement>

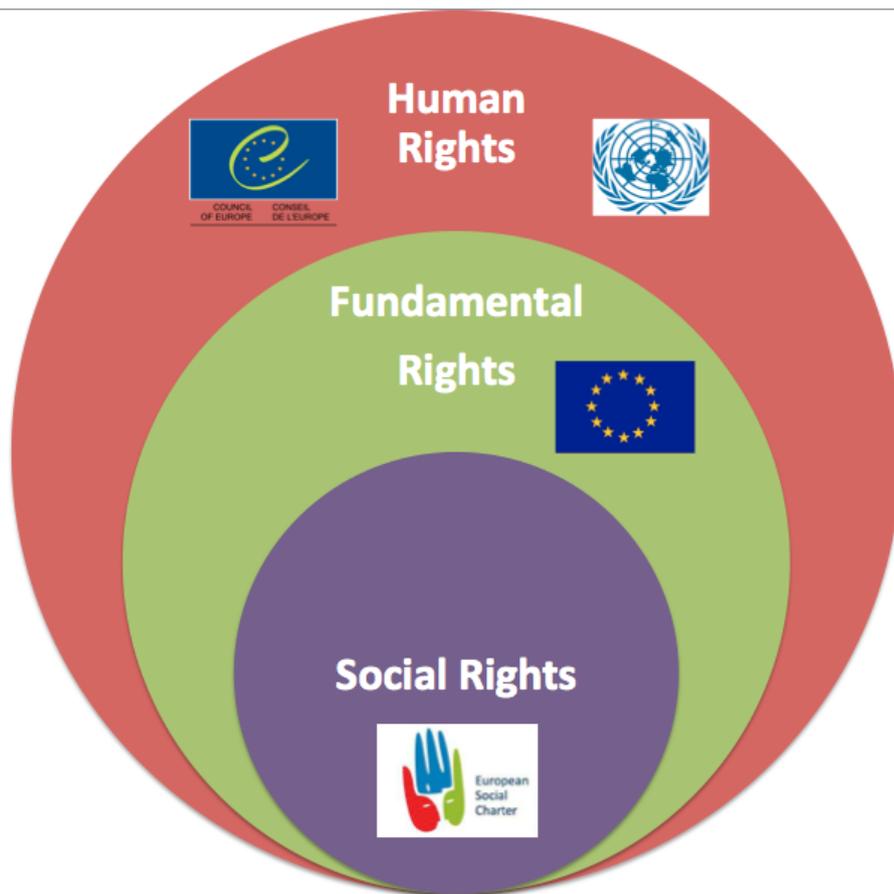
In reality, the enjoyment of all human rights is interlinked. For example, it is often harder for individuals who do not have access to adequate resources, to take part in political activity or to exercise their freedom of expression. This is why in practice it makes little sense to distinguish between **“civil and political rights”** and **“economic, social and cultural rights”**, which is the wider family of social rights as it is described in international law.

At national level - depending on the country in question - either the term ‘human rights’ or ‘fundamental rights’ may prevail or national laws and constitutions may use both interchangeably or rather refer to one category, such as ‘social rights’. These differences should not pose a problem in our understanding of how governments should conform to their international obligations, since – as shown above – they all emerge from the common principles and values of the Universal Declaration of Human Rights.

Nevertheless, traditionally countries have understood social rights differently than civil and political rights. The reason for this conceptual distinction is that social rights are believed to require positive action and high levels of investment, while civil and political rights are said simply to require the State to refrain from interfering with individual freedoms. While this is in general true, social rights also require the state not to interfere with individual freedoms, for instance trade union freedoms or the right to seek work of one’s choosing. Similarly, civil and political rights, also require investment for their full realization. For example, civil and political rights require infrastructures such as a functioning court system, prisons respecting minimum living conditions for prisoners, legal aid, free and fair elections, and so on⁵.

What has been outlined above is also depicted in the image below; in sum, what one should remember is that all rights are of equal value and importance, regardless of the terminology used to describe them. For the sake of clarity this handbook adopts the simple distinction, by referring to ‘fundamental rights’ only when discussing the EU framework and the Charter of Fundamental rights, whereas in all other cases it uses the term ‘human rights’ or more simply ‘rights’.

⁵ Source: [Office of the High Commissioner for Human Rights](#)



Focus – Economic, social and cultural rights and progressive realisation

The [International Covenant on Economic, Social and Cultural Rights](#), one of the main UN human rights treaties, as it will be explained in the next chapter, states in article 2 that states must *'take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to **achieving progressively the full realization of the rights** recognized in the ... Covenant by all appropriate means, including particularly the adoption of legislative measures'*.

This provision is only included in this treaty and does not concern civil and political rights, which as we have seen imply primarily (although not entirely) negative obligations for states not to intervene with individual rights and freedoms. This specific condition was added for economic, social and cultural rights, because historically they were seen as having a different nature and entail more positive action by states.

What this means is that the Covenant admits that it is not possible to realise all human rights at once. Nevertheless that does not mean that states can use this as an excuse not to act at all. On the contrary, while the full realization of the relevant rights may be achieved gradually, steps towards that goal must be taken within a reasonably short time. Such steps should be *deliberate, concrete and targeted as clearly as possible towards meeting the*

*obligations recognized in the Covenant*⁶. Governments must also demonstrate that they are using the maximum of available resources to continue improving the conditions of their citizens. They must also ensure that they are not discriminating, for example by offering free housing facilities to migrants but not to the Roma population. This obligation not to discriminate has an immediate effect. This means that even if states take several years to achieve their human rights targets, they are not allowed to discriminate against some parts of the population in order to attain progress in an area. In other words, governments should not for example – in the context of austerity – apply budgetary cuts that have as a consequence to exclude only non-nationals from access to health, or disproportionately affect only one part of the population, like older people.

For a case study on how older people can use this Covenant to challenge austerity measures, see the second chapter.

In a snapshot: What did we learn in the first chapter?

- **Human rights** describe basic ways that all people in the world should be treated and recognise that every human has an equal value.
- Rights are listed in different legal documents, such as national constitutions and/or international **conventions**.
- They include every aspect of people's lives, such as the right to work, to have a family, to go to school and to receive a pension.
- **International human rights law** imposes on states both positive (duty to take measures) and negative (duty not to interfere with individual rights) **obligations** to put these rights in effect.
- The **United Nations** is one of the organisations that is particularly active in promoting human rights. It has written down the *Universal Declaration of Human Rights*, a document that aims to protect the human rights of everyone. The United Nations has also explained what countries should do to respect the human rights of vulnerable groups, such as children and people with disabilities.
- The **Council of Europe** has drafted *the European Convention on Human Rights* and has established a specific tribunal, called the European Court of Human Rights to decide how far countries are applying correctly the Convention.
- The **European Union** also aims to protect the rights of its citizens and fundamental rights are among the shared values of the EU Member States, which is why they are included in the documents that founded the Union.

⁶ Committee on Economic, Social and Cultural Rights, General Comment 3, The nature of States parties' obligations (Fifth session, 1990), U.N. Doc. E/1991/23, annex III at 86 (1991), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 14 (2003)

- All rights - regardless of whether they refer to aspects of welfare or individual freedoms and the resources required for their implementation – are of equal value and importance.

Quiz on chapter 1: Test your knowledge!

1. **International human rights emerged after World War II first as one of the goals of the United Nations, being further clarified by the adoption of the Universal Declaration of Human Rights in 1948.** *True or False?*

Answer: True

Explanation: Although individual rights have a long history in distinct national traditions, human rights as we understand them today emerged after World War II in a gradual fashion, taking shape first as one of the goals of the United Nations, being further clarified by the adoption of the Universal Declaration of Human Rights, and taking on an increasingly precise and binding character through the adoption of multiple treaties throughout the second half of the twentieth century. This is why this handbook focuses on the concept of human rights as it exists in international human rights law (which encompasses the European level), and not for example under national constitutions.

2. **When an older person is abused at home, the state has no responsibility under international human rights law; the individual who committed the abuse is at fault and should be prosecuted.** *True or false?*

Answer: False

Explanation: International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. This means that under international law, human rights can only be enforced and violated by states. So when an individual abuses an older person, he/she may face charges for a criminal offence but not for a human rights offence. However, if a state encourages intolerance and violence, if they do not take action to prevent it or redress it, it fails to protect its citizens' rights and it is violating international human rights law.

3. **Both civil and political rights and economic, social and cultural rights impose on States the obligation to adopt certain measures, which means that States should not simply avoid interfering with human rights by being 'passive'.** *True or False?*

Answer: True

Explanation: As we have seen, the realisation of human rights (without distinction between civil and political and economic, social and cultural) imposes on states *negative obligations*

(*duty to respect*) as well as *positive obligations (duty to protect and to fulfil)*. Although civil and political rights, like the right to life, the right to vote and the freedom from abuse, often require the state to abstain from interfering with them (i.e. negative obligations, such as the duty not to impose death penalty, not to exclude citizens from elections, not to exercise violence), it is clear that even these rights require states to adopt some positive measures, such as establishing and maintaining an effective judicial system, organising elections or financing and training an effective police force. Likewise, the enjoyment of economic and social rights also requires that states abstain from interfering with, for example, trade union freedoms or the right to access health care, alongside their obligation to provide for education and pensions, for instance.

- 4. Realising civil and political rights does not require a lot of resources, whereas protecting economic, social and cultural rights is expensive. True or False?**

Answer: False

Explanation: As we have seen all human rights impose both positive and negative obligations on states. Even if economic, social and cultural rights are often considered as more expensive, the realisation of civil and political rights also entails considerable costs, such as the functioning of the police force, prisons and courts, all paid by taxpayers' contributions. However states have acknowledged that economic, social and cultural rights - in contrast with civil and political rights, which have an immediate effect - can be realised progressively.

- 5. Fundamental rights include a family of rights that are more important than the rest of human rights, such as the right to life. True or False?**

Answer: False

Explanation: In reality there are no human rights that are more fundamental than others. The difference in terminology depends on the legal order and the legal framework to which we refer. As we have seen fundamental rights mainly refer to the legal order of the EU, although different countries and stakeholders may be using both or either the following terms: 'human' and 'fundamental' rights. For the sake of clarity this handbook adopts the simple distinction, by referring to 'fundamental rights' only when discussing the EU framework and the Charter of Fundamental rights, whereas in all other cases it uses the term 'human rights' or more simply 'rights'.

Chapter 2:

How does the UN provide for older people's rights?



Population ageing has profound implications for many facets of human life, especially regarding the protection of the human rights of older people. The Office of the High Commissioner for Human Rights has stated that unfortunately, the rise in numbers has shed light on the lack of adequate protection mechanisms, and on the existing gaps in policies and programmes to address the situation of older persons⁷. The realisation of older persons' human rights is in practice impeded by negative attitudes and extensive discrimination towards older persons. This chapter explains how the United Nations is providing for the protection of older people's rights through different legal instruments and mechanisms.

2.1 International human rights law and the rights of older persons

The United Nations human rights treaties (also known as Conventions or Covenants) apply to people of all ages and thus do not exclude older people from their scope of application. However most documents do not refer explicitly to age discrimination or older persons. The United Nations [Universal Declaration of Human Rights](#) (UDHR) serves as an international



Eleanor Roosevelt

instrument that strives to secure the universal and effective recognition and observance of the human rights set out in the Declaration. The rights enshrined in the UDHR are entitled to everyone regardless of age. As the UDHR is not legally binding, (for more information about the UDHR see chapter 1) the UN has adopted two treaties that have provided for Civil and Political Rights and Economic, Social and Cultural Rights.

These two Covenants, the [International Covenant on Civil and Political Rights](#) (ICCPR) and the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) are binding for those countries that have ratified them and are seen as cornerstones in human rights protection. The ICCPR includes rights like the right to vote and access to courts and the ICESCR enshrines rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education.

The reason why there are separate instruments for these sets of rights is that economic, social and cultural rights have been seen as requiring a lot of resources for their realisation and are thus to be achieved gradually, while civil and political rights were believed to demand from States only to refrain from interfering with individual freedoms. However, as explained above, all rights are equal in value and importance.

⁷ <http://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>



Focus - Are economic, social and cultural rights fundamentally different from civil and political rights?

No. In the past, there has been a tendency to speak of economic, social and cultural rights as if they were fundamentally different from civil and political rights. While the Universal Declaration of Human Rights made no distinction between rights, the distinction appeared in the context of the deepening cold war tensions between East and West. The market economies of the West tended to put greater emphasis on civil and political rights, while the centrally planned economies of the Eastern bloc highlighted the importance of economic, social and cultural rights. This led to the negotiation and adoption of two separate Covenants—one on civil and political rights, and another on economic, social and cultural rights. However, this strict separation has since been abandoned and there has been a return to the original architecture of the Universal Declaration. In recent decades, human rights treaties such as the Convention on the Rights of the Child or the Convention on the Rights of Persons with Disabilities have integrated all rights. For more information on the distinction between civil and political and economic, social and cultural rights see previous chapter.

Source: [Office of the High Commissioner for Human Rights](#)

None of the covenants mention older people or age discrimination specifically but where it is stated that everyone is entitled to these rights regardless of different status', it is considered that "other status" could be interpreted as applying to age. Each of the two covenants has a corresponding Committee that work as a monitoring body to guide the implementation of each covenant.

These committees are made up of human rights experts and have the power to provide interpretations on different sections of the covenants (known as General Comments or General Recommendations), highlighting concrete ways that these rights can be provided for by governments.



Highlight

The Committee on Economic, Social and Cultural Rights has produced [General Comment no. 6 on the economic, social and cultural rights of older persons](#). This highlights the protection of older people's rights to education, health and social protection and plays an important role in showing how the covenant can be applied with relation to ageing and older people.



Case study 2: How can older people use human rights to challenge austerity measures?

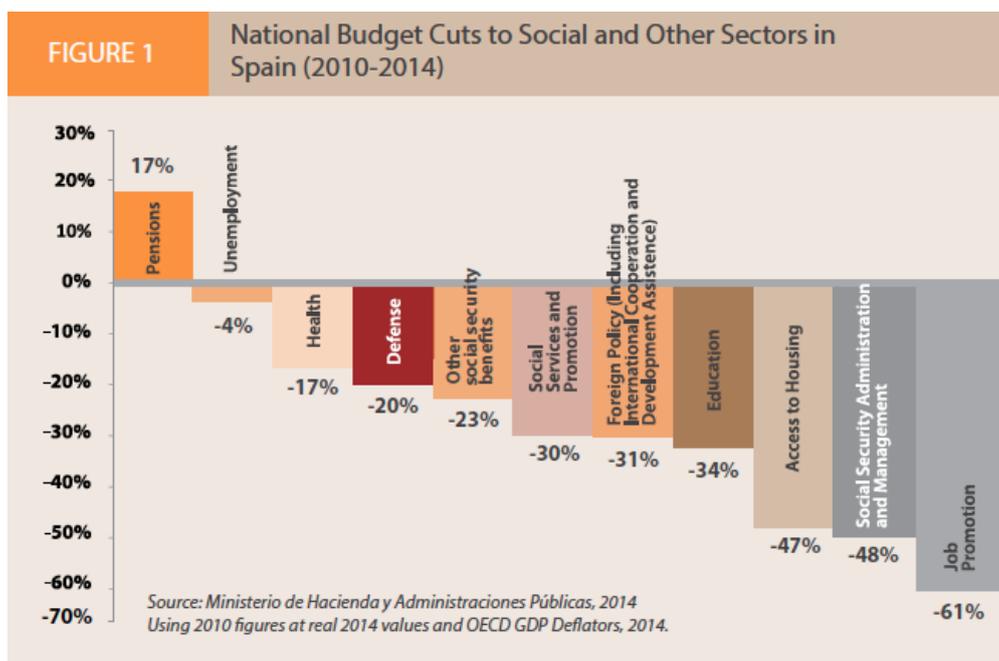
Human rights allow the scrutiny and challenge of economic policies imposed by governments in the context of austerity, because states should cater for their citizens' rights

even in times of crisis or emergency. In fact, international human rights law obliges governments to conduct impact assessments of the effect of their tax law, policies and agreements on the rights of their citizens. It also requires them to pay particular attention so that budget cuts do not affect disproportionately a part of their population, in particular the most vulnerable groups. These are obligations that derive from the International Covenant on Economic, Social and Cultural Rights.

In reality however, austerity measures often have the effect of violating economic, social and cultural rights, such as access to health care, protection of adequate standard of living, pensions and housing, etc. The reason is that governments often have to divert resources from existing programs to respond to the financial situation or apply substantial budget cuts.

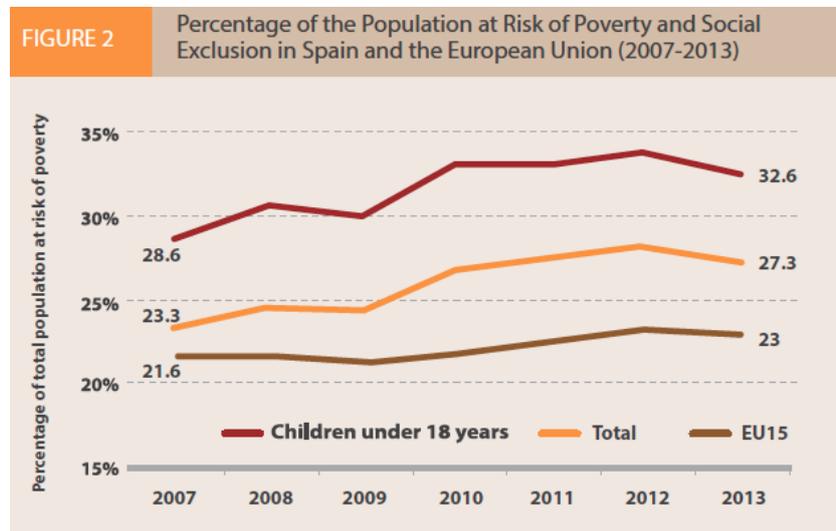
To provide evidence of how austerity is impacting the enjoyment of their human rights, older persons' organisations can carry out analysis of national budgets. For example the [Center for Economic and Social Rights \(CESR\)](#) did research on the negative effect of the crisis on the right to work, adequate standard of living and housing⁸, by analysing Spain's resource allocation before and after the crisis. The tactics used by CESR illustrate ways that older people can prove how far their rights are integrated in budget priorities.

For instance, NGOs could gather information on the level of budget cuts in different areas, such as pensions, health care and social benefits for older people and compare them with spending cuts in other areas, such as national defence. This has helped CESR conclude that *'a human rights impact assessment has not been conducted in the formulation of the budget'*, which is in violation of the country's obligations.

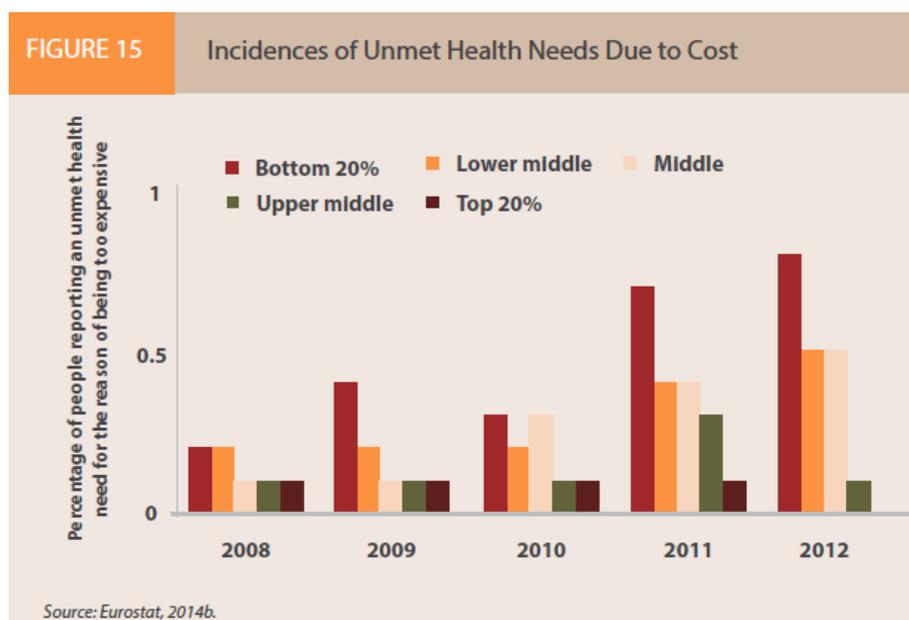


⁸ [CESR Factsheet on Spain](#)

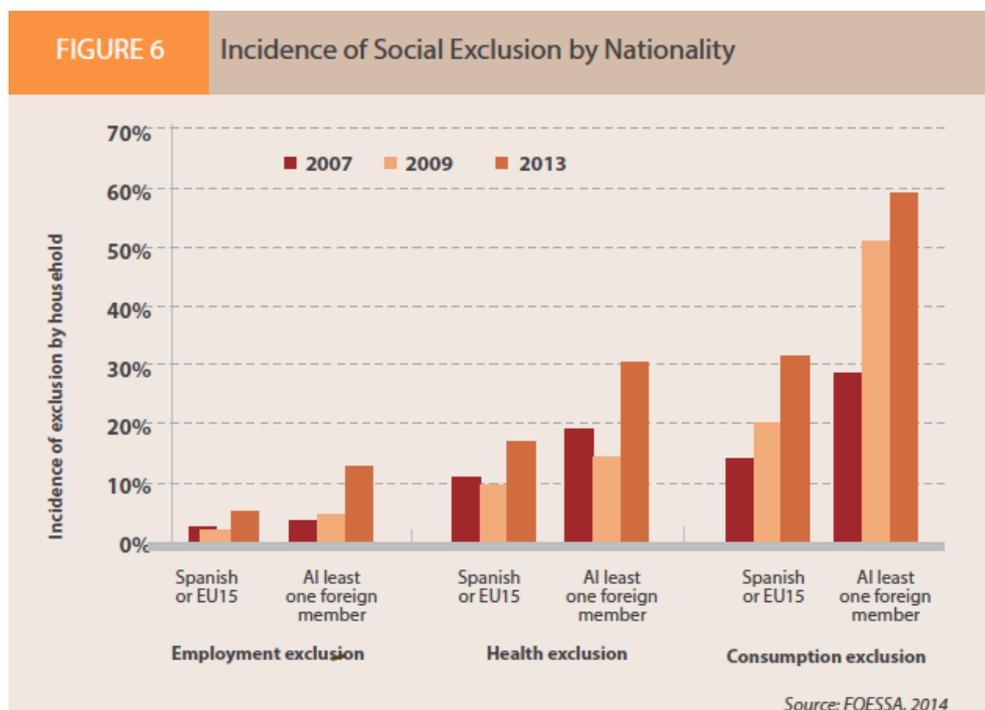
In addition, to showcase how far the country is advancing or not in promoting human rights, one could use data over time to illustrate how poverty rates among older people have increased or decreased and compare it with poverty rates of the average country population and of the other EU Member States. Thanks to such analysis, the CESR proved that Spain is not doing enough to achieve the progressive realisation of economic and social rights.



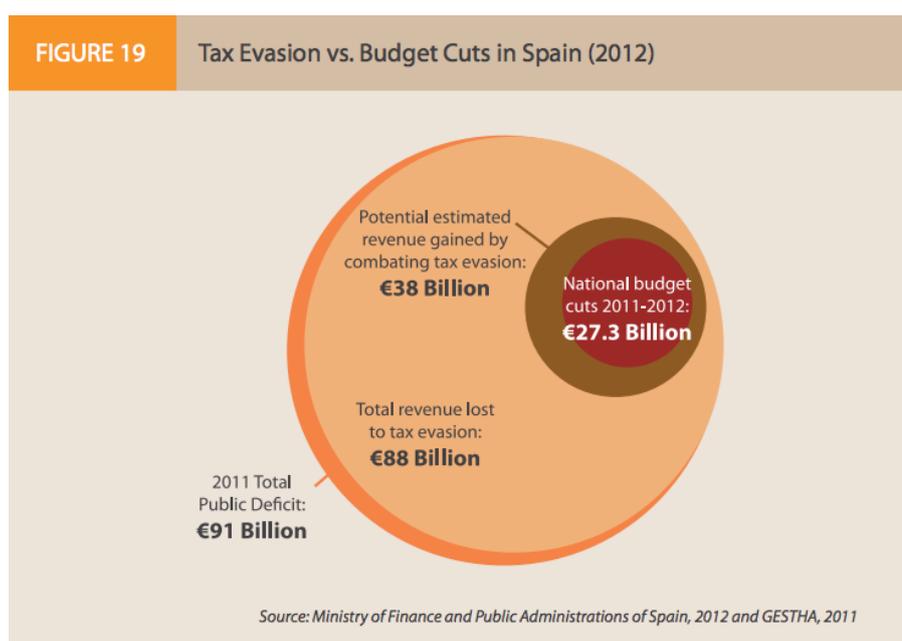
Moreover, older people could seek to prove whether budgetary cuts deteriorated the situation on the ground, especially for those that need state support the most. According to the CESR findings, during the crisis an increased number of citizens did not have access to necessary health services due to their cost. This violates the country’s obligations because it diminishes people’s current enjoyment of their rights. To avoid violating this principle, which is called ‘non-retrogression’, the government should introduce compensatory measures or use existing resources efficiently in order to avoid any negative impact from cuts.



Older people could also use available data as evidence of the disproportionate effect that austerity has had on them, compared to the general population. For example, the CESR managed to prove that cuts led to the exclusion of non-Spanish nationals.



Moreover, NGOs could suggest alternative ways of funding compared to cuts in social spending. For example, CESR provided evidence of how efficiently tackling tax evasion would bring more revenue compared with budgetary cuts.



The Women's Budget Group also did an equality impact assessment of the UK austerity measures and identified that single parents and single older women were most negatively impacted. They have also recently published a [briefing](#) on budgetary cuts on social care for older persons in England, suggesting alternatives to provide and fund care in the future.

The OHCHR has published in December 2014 a report entitled '[Towards better investment in the rights of the child](#)'. It considers the different stages – of the budget process – preparation, allocation, spending and monitoring – and provides a framework for a human rights-based approach to budgeting. It includes examples of good practices and a number of recommendations to ensure that adequate resources are devoted to the realization of the rights of children in all countries, regardless of the income level of the State. The approach of this report may be useful also when considering budgets for old age.

The rights of older women

Other legally binding UN instruments include thematic **treaties**. For example, the [UN Convention on the Elimination of All forms of Discrimination Against Women](#) (CEDAW) protects women of all ages. The committee that oversees the implementation of CEDAW recognizes that older women suffer multiple forms of discrimination and states that the Convention is a good tool for addressing these issues and violations of the human rights of older women. CEDAW provides for the equal rights of women to social security including in old age, it addresses issues such as gender inequality, gender stereotyping, neglect, healthcare, violence against women and access to the law.



Highlight

In 2010, the committee produced the [General Recommendation No.27](#) that focuses on older women and how their rights should be protected by CEDAW. It makes recommendations for states to recognize that older women are an important resource to society and to enforce age-specific and gender-sensitive legislation to ensure that older women participate fully in the social, economic, cultural and civil life in their societies. It also focuses on older women's right to education, work, pension benefits, health, access to justice and freedom from violence.

The rights of older people with disabilities

Older people who encounter functional limitations, frailty or disability are covered by the provisions set out in the [Convention on the Rights of Persons with Disabilities](#) (CRPD). This convention requires states to provide services to prevent and minimize further disabilities among older people, and to ensure older people with disabilities have access to retirement benefits and poverty reduction programmes.

It includes a number of provisions that illustrate the need to take into account old age and the specific situation of older persons, in particular age-appropriate accommodation, access to justice, age-sensitive assistance to prevent abuse, health services to minimize and

prevent further disabilities, and aims to ensure access by older persons with disabilities to social protection and poverty reduction programmes. In addition many of its articles are also relevant for older persons, such as the provisions on accessibility, independent living, personal mobility and habitation.



Focus

To know more about the provisions of the CRPD, you can read a publication by Handicap International, entitled ['Understanding The UN Convention On The Rights Of Persons With Disabilities'](#).



Highlight

The UN **Secretary General** mentioned in 2011 in his report to the **General Assembly**, *"...while not all older persons will experience a disability, and ageing cannot be equated with disability, some older persons also have disabilities (...) However, failure to establish and address issues specific to each group or to enact policies for older persons and to devote adequate financial and human resources to their needs creates the risk of neglect. Some challenges confronted by older persons who do not have disabilities may also leave them without access to policies or measures to ensure them the enjoyment of all their rights on an equal basis with others."*



Case study 3: How can older people use the disability convention?

While not all older people are persons with disabilities, the likelihood of acquiring a disability increases with age. In fact, according to Eurostat figures (EU-SILC2012) the percentage of people between the age of 55 and 64 reporting a disability is 32 %, but 70 % of the 85+ group suffer from some kind of impairment or functional limitation in their everyday activities.

For the purposes of the UN Convention on the Rights of Persons with Disabilities, a person with a disability is not only someone with a disability card or a specific handicap. Older people who become frail and need support, for instance because of mobility constraints or because of a cognitive decline, like old age dementia, fall under the wider conception of persons with disabilities and can benefit from the protection of the convention, if their country has ratified this treaty. In 2015 only three EU Member States have not done so, Ireland, the Netherlands and Finland.

This presents an important advocacy avenue for organisations of older persons, which should not hesitate to take advantage of the protections of the CRPD to advocate for challenges related to functional limitations or support needs that people face as they age. In fact, under this convention, disability is no longer a stigmatising concept linked to a medical condition. On the contrary the CRPD abandoned the medical approach to disability; in other words for someone to fall under the scope of the convention it suffices to lack equal and full participation in society due to a long-term impairment or limitations in daily activities. This

is why most older people could fall in the remit of the CRPD, precisely because they face such challenges, even if they do not suffer from a specific disability.

The Committee that monitors the implementation of the CRPD has already paid some attention to the challenges faced by older people in terms of abuse, independent living and social protection. It has made reference to the elderly in its [General Comment No. 2 on accessibility](#). In addition the Committee acknowledged that: *'In the light of the intersection of the rights of persons with disabilities and the rights of older persons, the international standards adopted in the CRPD entirely apply to older persons⁹'*.

What this means is that age alone cannot be a reason why older people in need of support do not fall under the protection of disability policy and legislation. States that exclude older people from accessing benefits and services, such as disability allowances or personal assistance or offer a lot less generous support to older persons than younger persons with disabilities are actually violating the CRPD. For example, national policies that do not reimburse the expenses related to a long-term condition, such as Lou Gehrig's disease, to people beyond a certain age (like in Belgium¹⁰), provide less financial support for older people in need of care (like in France¹¹), or exclude older people with support needs from a state-funded mobility allowance (like in Ireland¹²) can be challenged using the CRPD standards. These are situations that older people's organisations should bring to the attention of the CRPD Committee. Other rights enshrined in this convention that are particularly relevant for older people are accessibility, health care and rehabilitation, independent living and social protection.

The most efficient way to flag the specific barriers that older people face as they need support for their everyday activities is to prepare a written report when their country is under review by the CRPD Committee. This process is often called *'shadow reporting'*, as NGOs provide an alternative perspective, complementing the government's official report. To do so they must respect the deadlines and guidelines for submission which are available on the Committee's [website](#).

For instance [AGE submitted its views](#) alongside the EU report on the implementation of the CRPD, where we highlighted the specific age-barriers that older people with disabilities encounter. For another example of how one of AGE members prepared a shadow report and its value for policy and advocacy purposes, you may read case study 7. Alternatively you can work together with disability organisations to prepare a joint report.

⁹ United Nations Committee on the Rights of Persons with Disabilities (CRPD committee) Position statement concerning the CDDH-AGE, available at:

[http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/cddh-age/Document_CDDH_AGE/CDDH-AGE\(2013\)14_en.pdf](http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/cddh-age/Document_CDDH_AGE/CDDH-AGE(2013)14_en.pdf)

¹⁰ <http://www.andrecontrelasla.be/Atteinte-de-S-L-A-a-71-ans-elle.html>

¹¹ <http://www.social-sante.gouv.fr/espaces,770/personnes-agees-autonomie,776/dossiers,758/adaptation-de-la-societe-au,2971/>

¹² <https://www.ombudsman.gov.ie/en/Publications/Investigation-Reports/government-departments-other-public-bodies/Too-Old-to-be-Equal-/Too-Old-to-be-Equal-.pdf>

NGOs can also attend the Committee meetings and request informal briefings with its members outside formal sessions. Informal briefings, which usually take place either in the morning or during lunch, should address issues for the countries that are under the Committee's consideration. In addition, every time the Committee prepares a **General Comment** on an article of the Convention, it invites NGOs and other stakeholders to provide information and suggest issues that it should take into account for its interpretation. This is a handy way to ensure that the implementation of the CRPD will reflect the reality of older people. The CRPD Committee has prepared guidelines for the participation of civil society in its work, which are available on its [website](#).

In addition NGOs have an important role to ensure that their government applies the Committee's **concluding observations**, monitoring state action and raising awareness of the Committee's deliberations at the national level. This is why it is important for older persons to read the Committee's [concluding observations](#) for the country in question.

At national level older people's organisations can request to be consulted when the government is preparing its report for the CRPD Committee, and also in every disability-related policy reform. In fact the CRPD includes a principle according to which people with disabilities should be involved in all processes that affect their rights. If your government does not consult your organisation for issues around older people's care and social protection in case of impairment, you can remind them that they are obliged by the CRPD to involve NGOs, which include older people's organisations that advocate also on behalf of their members who face old-age related disabilities. Lack of involvement is also something you can highlight in your report to the CRPD Committee.

The rights of older migrant workers

Another UN Convention that includes, to a small extent, the rights of older people is the [International Convention on the Protection of the Rights of Migrant Workers and the Members of their Families](#) (ICMW), which is the only UN treaty that explicitly refers to age discrimination in its article 7. Whereas this provision can contribute to improving age awareness in human rights mechanisms, the scope of this instrument is quite limited, as it applies only in the context of migrant work.



Focus - Which UN instruments contain reference to older people and old age?

Instrument	Explicit reference	Interpretation	Positive	Negative
International Covenant on Economic, Social and Cultural Rights (ICESCR)	None	General Comment No.6 on the economic, social and cultural rights of older persons (1996)	- Lack of explicit prohibition is unintentional and implies lack of foresight - "other status" <u>could</u> be interpreted as applying to age	- CESCR did not conclude that ICESCR prohibits age discrimination - General comments are not binding
		General Comment No.20 Non-	- Age is a prohibited ground of discrimination in several	- Only refers to work, training, poverty and pensions

		discrimination in economic, social and cultural rights (2009)	contexts	- No general prohibition in all areas of life
International Covenant on Civil and Political Rights (ICCPR)	None	None	Article 26 on equality before the law could include age among 'other status'.	'Age' is not mentioned explicitly
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Article 11: equal rights of men and women in social security	General Recommendation No. 27 on older women (2010)	Explicit reference to old age	- only applies to gender equality in social security - only on older women
International Convention on Migrant Workers (ICMW)	Article 7: prohibition of age discrimination	None	Explicit reference	Applies only to migrant workers
Convention on the Rights of Persons with Disabilities (CRPD)	- Article 13: access to justice - Article 16: prevention of abuse - Article 25: health services - Article 28: social protection	General Comment No.2 on Accessibility (2014)	- Consciousness of demographic ageing - Other articles relevant for older people, such as article 9 on accessibility, Article 19 on independent living, Article 20 on personal mobility and Article 26 on habitation.	- No specific provision on older persons (like it does with women and children) - No mention of discrimination and ageism - Older persons not involved in drafting nor in implementation of CRPD - CRPD implementation is often age-blind

Although these conventions aim to include older people's rights within its text, the rights protected in these treaties are contingent on the older person in question being a woman, a person with a disability or a migrant worker. Overall there is a fragmentation and lack of focus on ageism and old age in existing human rights instruments.



Case study 4: How can NGOs use General Comments by UN treaty bodies?

General comments provide the standards and benchmarks against which NGOs can test state compliance with human rights. They also give guidance to governments as to how they can put rights into effect.

For example the Committee on Economic, Social and Cultural Rights has delivered a [General Comment on the right to health](#), which can help NGOs measure government efforts towards the realisation of this right. This General Comment clarifies the criteria to be used to examine the policy content and implementation, which include:

- **Availability** – for example, whether there are sufficient primary care and hospitals across the country
- **Accessibility** – for example, if services result in the exclusion of some people like ethnic minorities, the poor who cannot pay for the service fee or people with disabilities who cannot have access to the building. In fact accessibility includes the

obligation not to discriminate and to offer goods and services at affordable prices, as well as the physical accessibility and access to information.

- **Acceptability** – for example, to respect the religious belief of patients, privacy and to not put people's lives at risk (i.e. to be culturally and ethically appropriate)
- **Quality** – for example, to ensure well-trained medical staff and adequate medical equipment.

Moreover, the General Comment clarifies that states should not only provide for a health care system but also take into account all the factors that might affect a person's ability to live in health, like access to food, water, sanitation and housing. In addition, the Committee makes specific reference to the health of older persons, reaffirming *'the importance of an integrated approach, combining elements of preventive, curative and rehabilitative health treatment. Such measures should be based on periodical check-ups for both sexes; physical as well as psychological rehabilitative measures aimed at maintaining the functionality and autonomy of older persons; and attention and care for chronically and terminally ill persons, sparing them avoidable pain and enabling them to die with dignity'*.

All these elements clarify state obligations and can be useful for NGOs advocacy. This is why older people should familiarise themselves with General Comments and make reference to them in their position statements. Some of the most interesting General Comments for the rights of older people are the following:

- General Comment No.6 of the Committee on Economic, Social and Cultural Rights on the economic, social and cultural rights of older persons (1996)
- General Recommendation No. 27 of the Committee on the Elimination of All Forms of Discrimination Against Women on older women and protection of their human rights (2010)
- General Comment No.14 of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health (2000)
- General Comment No.19 of the Committee on Economic, Social and Cultural Rights on the right to social security (2007)
- General Comment No.2 of the Committee on the Rights of Persons with Disabilities on the right to accessibility (2014)

How do governments apply international human rights law?

These documents must be ratified by a member state for it to help make an impact on the protection of its citizen's human rights. Once ratified, the law set forth in a document must be implemented by the state, which is obliged to adopt the rights enshrined in the text into its national legislation. In some cases, national courts can use international UN documents during trials that relate to human rights.

As previously highlighted, most UN human rights documents have a monitoring committee that oversees the implementation of its corresponding document, for example the

committee on the rights of the child deals solely with examining the implementation of the Convention on the rights of the Child by states. Committees are made up of human rights experts and they have the power to write reports and recommendations for different states on the position of their human rights implementation.



Case study 5: What is the impact of the UN Conventions?

The UN Convention on the rights of persons with disabilities (CRPD) and the UN Convention on the Rights of the Child (CRC) are taken as examples to illustrate how international conventions are used to raise awareness and increase visibility of these groups, provide guidance on what states can do to promote the rights of people with disabilities and children and hold governments accountable for their human rights obligations. These anecdotal examples of course do not give a comprehensive picture of the remaining challenges for these groups but rather showcase how international human rights law can help self-advocates on the ground, as a means of benchmarking and tracking change in policy and practice.

Driving legal and policy reforms at national level

As we have seen, international human rights law obliges governments to take action to adapt their policies and laws to the treaties that they have ratified. The Fundamental Rights Agency (FRA) has published a [study](#) on the current and ongoing reforms inspired by the CRPD across the EU¹³. According to this report CRPD ratification has led to the revision of national policy and legal frameworks in particular with regard to legal capacity, inclusive education and the prohibition of placement of people with disabilities in institutions without their consent. For example a large majority of Member States have adopted action plans covering the rights of people with disabilities. Some countries, such as the Czech Republic, Hungary, Latvia and Malta, have amended their civil codes to comply with the Convention, while in Spain a new Law on the Rights of People with Disabilities and their Social Inclusion, adopted in December 2013, foresees the adoption of reasonable accommodation mechanisms in the areas of: telecommunications and information society; transport; public good and services; relations with public administration; justice; cultural inheritance; and employment.

Similarly, in compliance with CRC obligations, the rights of the child were enshrined in the Irish Constitution declaring the promotion and protection of the rights of the child a key objective. Moreover, because the Committee on the Rights of the Child that monitors implementation of the CRC stressed the need for state support for the transition from childhood to adulthood for children without parental care, countries like Ireland, Norway, Romania and the UK took targeted measures to address this issue¹⁴

¹³ <http://fra.europa.eu/en/publication/2015/implementing-un-crpd-overview-legal-reforms-eu-member-states>

¹⁴ Emily R. Munro, John Pinkerton, Philip Mendes, Georgia Hyde-Dryden, Maria Herczog, Rami Benbenishty, *The contribution of the United Nations Convention on the Rights of the Child*

EU action

By ratifying the CRPD, the EU has undertaken the obligation to take concrete steps to put the rights enshrined in the Convention into effect. The EU also has the responsibility (under article 33.2 of the CRPD) to set up an independent mechanism to monitor, promote and report on the application of the Convention as well as to create focal points in its services, with a view to mainstreaming disability across its different actions. Since the rights covered by the CRPD include civil, political, economic, social and cultural rights, there is practically no area of work of the Commission that is excluded from the implementation of the Convention. For example, to comply with the obligations deriving from the CRPD, the European Commission has adopted a [proposal for a Directive](#) on the accessibility of the public sector bodies' websites. This proposal will forerun and complement the [European Accessibility Act](#) that the Commission is also preparing as part of its CRPD implementation¹⁵.

In addition, following the ratification of the CRPD by the EU in December 2010, the FRA has been paying increasing attention to disability issues, publishing several dedicated documents and including the rights of persons with disabilities among the main axes of its work¹⁶. Furthermore, the EU has launched a new data survey (EHSIS -European Health and Social Integration Survey) to meet the need for statistics as defined in the CRPD.

Even though the EU has not ratified the CRC, the Commission is guided by the principles set out in the UN Convention on the Rights of the Child and adopted in 2011 *the EU agenda for the rights of the child*. DG Justice has a coordination role on the rights of the child among the Commission's services. Through the children's rights coordinator and an inter-service group, it cooperates with other services of the Commission to make sure that the rights of the child take a prominent role in all relevant policies and actions¹⁷. The Commission also holds an annual Forum on the Rights of the Child, as a permanent group that aims to promote children's rights in the EU's internal and external action.

Gaining visibility in human rights mechanisms

Conventions allow also mainstreaming the rights of protected groups, such as people with disabilities and children within existing human rights mechanisms. For example, during the first 11 sessions of the **Universal Periodic Review** process under which every single State's human rights record is reviewed, 544 recommendations were made related to "disabled" people, "people with disabilities" or "a disability". An additional 154 recommendations specifically cited the Convention on the Rights of People with Disabilities. At the same time

to

understanding and promoting the interests of young people making the transition from care to adulthood (2011), Children and Youth Services Review 33 (2011) 2417–2423

¹⁵ The CRPD Committee asked the European Union to adopt the European Accessibility Act in line with the Convention: http://www.edf-feph.org/Page_Generale.asp?DocID=13855&thebloc=34349

¹⁶ <http://fra.europa.eu/en/theme/people-disabilities>

¹⁷ http://ec.europa.eu/justice/fundamental-rights/rights-child/index_en.htm

only 24 recommendations out of 18,916 were made referring to “elderly” people, “older people” or people of “old age”¹⁸. This showcases the potential of conventions in increasing visibility of vulnerable groups across the UN system.

In addition, national and European caselaw increasingly refers to the CRPD in cases on the rights of persons with disabilities¹⁹. Similarly the CRC has inspired a jurisprudential view of children as active citizens with rights that should be protected and promoted²⁰.

Empowerment of representative organisations

The CRPD includes specific provisions on the participation of civil society, in particular persons with disabilities and their representative organizations, in monitoring, decision-making and planning of disability policies. It has reaffirmed the slogan of the disability movement ‘*Nothing about us without us*’ enshrining it in a legal provision that asks for the involvement of persons with disabilities and their representatives in all processes that concern them. Member States should also help, including by financial means, organisations of persons with disabilities build their capacities in advocacy, communication, understanding data, legal knowledge, problem solving and other related skills. For example in the UK, a program on strengthening disabled persons user-led organisations exists, allocating a facilitation fund of 3.7 million EUR, as a subsidy for different projects, such as training of staff, advocacy, promotion, provision of services, etc. In Malta, a consultative body for the rights of people with disabilities was established, bringing together people with disabilities, service providers, activists, policymakers, academics and relevant professionals. The body was heavily involved in the preparation of the National Disability Policy in 2014.

2.2 Soft Instruments on the rights of older persons

The international human rights treaties we discussed so far are legally binding and are thus considered ‘**hard law**’. The United Nations has however introduced some non-binding instruments, which showcase states’ will to advance the human rights of older persons. These do not include legal commitments for governments; for example they do not use strong language including what the states ‘must’ or ‘will’ do, and there are no consequences if countries fail to comply with the principles included in them. These texts are called ‘**soft instruments**’ or ‘**soft law**’. Although non-binding, these instruments can drive policy change if governments have the political will to follow them. However, state obligations are not described in a precise manner like in human rights treaties and governments are allowed to improve the situation in one area but not in another. So, while these instruments can be

¹⁸ Data gathered by Helpage International

¹⁹ For example see the following cases of the European Court of Human Rights : CASE OF ALAJOS KISS v. HUNGARY and CASE OF JASINSKIS v. LATVIA)

²⁰ Emily R. Munro, John Pinkerton, Philip Mendes, Georgia Hyde-Dryden, Maria Herczog, Rami Benbenishty, *The contribution of the United Nations Convention on the Rights of the Child to understanding and promoting the interests of young people making the transition from care to adulthood* (2011), Children and Youth Services Review 33 (2011) 2417–2423

useful to improve some aspects for older people's lives, how far they are applied depends entirely on each government. The two main soft documents that refer to the rights of older people are the UN Principles for Older Persons and the Madrid International Plan of Action on Ageing and are described below.

- **UN Principles for Older Persons**

The UN has provided a set of [guiding principles](#), which are not legally binding but strive to show that the UN is placing the dignity of older persons at the heart of its work. The UN General Assembly adopted the guiding principles in 1991. These principles encourage governments to incorporate the specific ideas and issues into their national programmes whenever possible. The principles focus on five main areas: *Independence, participation, care, self-fulfilment and dignity*.

- **Madrid International Plan of Action on Ageing**

Adopted at the [Second World Assembly on Ageing](#) in April 2002, the [Madrid International Plan of Action on Ageing](#) (MIPAA) offers a new agenda for handling the issue of ageing in the 21st Century. It is a political declaration agreed upon by 159 UN member states and can be used by governments, non-governmental organisations and other actors as a resource for policy making that changes the way societies perceive, interact with and care for their older citizens. It is another soft law instrument, which means that its implementation is voluntary. MIPAA has foreseen an innovative participatory review process every five years. During this review governments are invited to report what they have done to put in effect the MIPAA and they are encouraged to involve older people in the process. The last MIPAA review took place in 2012 and the next one is planned for 2017.

MIPAA focuses on three main areas:

1. *Older Persons and Development*. This section addresses work and the ageing labour force, access to knowledge, education and training and intergenerational solidarity.
2. *Advancing health and well-being into old age*. The issues of universal and equal access to health care services, mental health needs of older persons and older persons and disabilities are highlighted in the second section.
3. *Ensuring enabling and supportive environments*, this includes housing, living environments as well as neglect, abuse and violence.



Case study 6: What are the achievements and shortcomings of the MIPAA?

MIPAA follows the [Vienna International Plan of Action on Ageing](#) (VIPAA), which was adopted in 1982, and is an improved document as it tackles more aspects of older people's lives. It has a significant role in the protection of older people's rights as it recognises older people as contributors to the development of societies and commits governments to including ageing in all social and economic development policies, including poverty reduction programmes.

Nevertheless, not only does it lack legal enforcement, but also the MIPAA was not drafted as a human rights instrument; it is a series of recommendations to achieve socio-economic objectives. Although it recognises older people as contributors to society, it does not include specific actions to tackle discrimination in all areas of life. In fact, in his report to the 68th session of the UN General Assembly, the Secretary General recognised that ten years after the adoption of MIPAA, prejudicial attitudes and discriminatory practices by individuals and institutions towards older people have continued to undermine their role in society²¹.

A positive element of the MIPAA is that it foresees a periodic review every 5 years as well as regional implementation strategies that aim to tailor solutions to the specific context of Member States. However, what we witness is that not all countries fulfil their reporting obligations. In the previous reporting cycle, which ended in 2012, more than 1/3 of **UNECE** countries failed to complete their reviews. Besides, national reports rarely link to the specific MIPAA priorities and there is a lack of evaluation of the impact national measures have had on the ground. In addition, whereas older people are supposed to participate in the review process, in reality there is a lack of bottom up approach in the formation of policies by Member States.

Another shortcoming of MIPAA is that there is no overall monitoring of the progress achieved; Member States can pick and choose which areas they progress on, there are no indicators or time-bound priorities and some issues lack any policy coverage. For example, according to Helpage International older people are not being included in programmes or measures relating to emergencies, migration, mental health, NCDs, HIV and AIDS, housing, water and sanitation, abuse and much more²². Moreover, the Commission for Social Development concluded in its 2013 second review and appraisal of the Madrid International Plan of Action on Ageing (MIPAA) that major challenges and obstacles remain that undermine older people's participation, inclusion and social integration, including discrimination and abuse²³.

While, some progress on policy frameworks can be noticed, overall the implementation of the MIPAA has lagged in many countries, with significant gaps between policy and practice as a result of insufficient funds and lack of human and political resources. On a positive note, the MIPAA has given growing attention by the global community to the unique challenges that older people face; its awareness and mainstreaming effect however are not equally strong and older people rarely know how they can use it.

²¹ Follow-up to the International Year of Older Persons: Second World Assembly on Ageing, Report of the Secretary-General (2013), A/68/167: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/68/167>

²² UNFPA and Helpage International (2012) *Overview of available policies and legislation, data and research and institutional arrangements relating to older persons – progress since Madrid*: http://www.unfpa.org/webdav/site/global/shared/documents/publications/2011/Older_Persons_Report.pdf

²³ Commission for Social Development, Report of 51st session (2013) E/2013/26: http://www.un.org/ga/search/view_doc.asp?symbol=E/2013/26, see Draft resolution IV Second review and appraisal of the Madrid International Plan of Action on Ageing, 2002, E/CN.5/2013/15

The UN [Independent Expert on the Enjoyment of All Human Rights by Older Persons](#) is assessing in 2015-2016 the human rights implications of the implementation of the MIPAA and its influence on the human rights of older persons across the globe²⁴.

2.3 UN processes dedicated to the rights of older persons

▪ UN Open Ended Working Group on Ageing

The [Open-Ended Working Group on Ageing](#) (OEWGA) is open to UN member states, civil society, and other stakeholders including UN Agencies, such as the World Health Organisation (WHO) and the International Labour Organisation (ILO). It was established by the UN General Assembly to improve the protection of older people's rights worldwide and has been meeting in New York since 2010. This is the first time that a process has been set up for UN Member States to specifically examine what they can do so that older people can fully enjoy their human rights. AGE Platform Europe has been a participant in the OEWGA since August 2012.

What is the mandate of the OEWGA?

In 2010 a General Assembly Resolution ([A/RES/65/182](#)) established the Open-Ended Working Group on Ageing and set out the main goals and aims on which the group should be working. This resolution specifies that the working group's main purpose is to:



- discuss any challenges relating to older people enjoying their rights;
- examine and evaluate the implementation and adequacy of the existing international framework that deals with older people's rights; and
- consider the possibility of introducing new measures and legal instruments, such as a binding treaty.

This means that the OEWGA is not drafting a new UN convention on the rights of older people however, there is a debate surrounding whether there is a need for such a convention.



Tip

The UN General Assembly (GA) is the main representative and decision-making body of the UN, gathering together all the UN Member States, each country having one vote. More information about GA is available [here](#).

Every year the UN General Assembly (GA) can refine the mandate of the OEWGA and suggest future actions. For example, a General Assembly Resolution from 2012

²⁴ <http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/MIPAA.aspx>

[\(A/RES/67/139\)](#) changed the Open Ended Working Group on Ageing's mandate and stated that the Group is to *"consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons"*. This resolution, which is aimed at updating the OEWGA's mandate in order to start working towards a new UN convention, has been adopted with a very high number of abstentions. This demonstrated that the international community is not yet ready to start drafting a treaty for older people's rights. Although not implemented in practice, this GA resolution has increased the international attention surrounding the feasibility of a new treaty for older people's rights.

In 2014 another GA resolution [\(A/RES/69/146\)](#) called upon Member States to *'continue to contribute to the work of the Working Group, in particular by presenting concrete proposals, practical measures, best practices and lessons learned, in order to enable it to fulfil its mandate'*.

This means that in its sixth session that took place in 2015, the OEWGA attempted to strike a balance between looking forward to a new legally binding instrument, a request by some UN Member States, and discussing ways to improve the implementation of the existing human rights framework, following the views of other Member States.

How does the OEWGA work?

The Open Ended Working Group on Ageing is managed by a [bureau](#); The Chair is moreover mandated to prepare a summary of the OEWGA sessions. Argentinian representatives have been chairing the working group since the beginning. The current composition of the bureau is available [online](#). The bureau is assisted by the secretariat of the [UN department for Economic and Social Affairs \(UN DESA\)](#).



Focus – What is UN DESA?

The Department of Economic and Social Affairs (UNDESA) hosts, among others, the UN Programme on Ageing, the focal point within the United Nations system on matters related to ageing. As the focal point, its primary action is to facilitate and promote the Madrid International Plan of Action on Ageing (MIPAA), including designing guidelines for policy development and implementation; mainstreaming ageing issues into development agendas; engaging in dialogue with civil society and the private sector; and exchanging information.

For more information, please visit the [website](#) of the UN Programme on Ageing

During the working sessions of the group, member states, UN agencies and civil society organisations have the opportunity to take the floor and discuss issues. Side events also take place and are hosted by member states or civil society organisations providing more concrete examples and good practices related to the OEWGA deliberations or aiming to address issues that are not covered by the Working Group agenda. For example in 2014 the

European Union Delegation to the UN organised an event on *'Monitoring the care of older people from a human rights perspective'*, giving examples from the European and Asia-Pacific region.



Highlight

AGE has been an active participant of the OEWGA since its fourth session, when our Vice President and Legal Officer spoke in 3 out of 5 panels and had a moderating role in another one. We have also participated as speakers in various side events organised by civil society, Member States and the EU. Moreover we have intervened on a number of occasions and submitted written material presenting our members' views. Some of AGE members are also actively participating in the working group.

What has the OEWGA achieved so far?

From 2011 to 2015, six sessions of the Open-Ended Working Group on Ageing have been held with representatives participating from all over the world. During which time, discussions and debates have taken place in the areas of discrimination, the right to health, social exclusion, violence and abuse.

Its first session in April 2011 discussed the making of new proposals to improve the promotion of older people's rights. These proposals included a new special rapporteur on the rights of older people and a new convention on older people's rights. The Group's second session in August 2011 saw a focusing on the rights to health, social security and freedom from violence and age-related discrimination. In 2012, during the Open Ended Working Group's third session, there was a strong debate between different country representatives on how to strengthen the promotion of older people's rights through legislation.

The representatives from more developed countries argued that the strengthening of existing instruments was the way forward and those from developing nations argued that the drafting of a new specific UN convention is a necessity. The fourth session of the working group took place after the new General Assembly resolution calling on the group to discuss the main elements that would be included in an international instrument to protect the human rights of older people. A discussion on the outcomes of the Madrid International Plan of Action of Ageing also took place with regards to progress on the regional human rights instruments in Africa, Europe and the inter-American region.

In 2014 six panels took place that discussed varying topics ranging from human rights and care of older people, planning for end of life care and the strengthening of older people's rights through the strengthened implementation of [the Madrid International Plan of Action on Ageing](#). In 2015 the OEWGA discussed recent policy and legal developments, including the adoption of the [Inter-American convention on the rights of older persons](#) by the [Organisation of American States \(OAS\)](#). During the last session NGOs made a common

statement asking the OEWGA to move towards the drafting of a new convention and the Chair, in his concluding remarks, mentioned that this is a call that States can no longer ignore. You may find out more about the outcomes of the 2015 session [here](#).

Overall, since its establishment the OEWGA has been a forum where diverse views on the way forward are debated. Latin-American and African States (and a small number of countries of the Asia-Pacific) have argued about the need for a new legally binding instrument, whereas the EU, the United States and Canada have been advocating that there is no need for a new treaty. Several specific recommendations were made by the latter states as an alternative to a new convention: states parties should make good use of the **Universal Periodic Review** to address issues related to ageing; UN funds and programmes should include targets and indicators related to older persons; a compilation of all applicable legal instruments to be made available on regional and international levels; **special procedures** and **treaty bodies** should consistently address the rights of this group; and the rights of older people to be highlighted in the **post-2015 development agenda**.

How can I get involved with the Open Ended Working Group on Ageing?

1. Participate in the Open Ended Working Group on Ageing sessions

Any Non-Governmental Organisation (NGO) with an interest for older people's rights can apply to attend the next session of the Open Ended Working Group on Ageing. A call for accreditation is launched before each OEWGA session and interested NGOs have to reply within the set deadline. There is no fee to participate in the OEWGA meetings, but NGOs have to cover their own travel expenses. You may check out their [website](#) for updates.



Tip

Even if you cannot attend the OEWGA, gaining accreditation will give visibility to your NGO and also allow you to submit written information that will be posted on the Working Group's website and inform the debate.

Some NGOs have managed to be included in governmental delegations from capitals. It is worth approaching the Ministry working on older people's issues or the Ministry of Foreign Affairs in your country to check whether there is such possibility. You can remind them that the Chair of the OEWGA has repeatedly called on Member States to include older people's representatives in their delegations. This ensures that the views of Member States are informed by the opinions of older people in that country, and it also gives the opportunity to NGOs that do not have the funds to travel to New York to participate in the OEWGA. However, you should note that you may not take the floor as a representative of your organisation, unless your NGO is accredited to the OEWGA.



Focus – What is the ECOSOC status?

The first time that non-governmental organizations (NGOs) took a role in formal UN deliberations was through the Economic and Social Council ([ECOSOC](#)) in 1946. This relationship with ECOSOC is governed today by ECOSOC resolution 1996/31. International, regional and national NGOs, non-profit public or voluntary organizations are eligible to obtain consultative status, which is called ECOSOC status. Participating in the Open Ended Working Group does not require having ECOSOC status – Organisations which have ECOSOC status also have to apply for accreditation to the OEWGA, so that they are able to participate in the discussions. For more information on the ECOSOC status read our related 2.5 section.

2. Engage at the National level

You may also be indirectly involved with the Open Ended Working Group on Ageing by engaging with government representatives at the national level. Civil society can play a significant role in informing them about the importance of the working group, encouraging them to get involved and discussing with them about the issues which should be raised in the sessions.



Tip

Different Ministries may be in charge of older people's rights at national level – for example it may be the Ministry of Social Welfare, the Ministry of Health, the Ministry of Justice, Ministry for Culture, or the equivalents/others in your country that will be responsible for this issue - often alongside the Ministry of Foreign Affairs that follows international debates at the UN.

In case you cannot identify which Ministry is following the discussions in the OEWGA, you may try to get in contact with your country's Permanent Representation to the United Nations. Diplomats working in New York, will be able to point you to the administrators that they consult in capitals, in order to prepare for the OEWGA sessions.

You may also get in touch with your national and European Parliamentarians about the work of the Open Ended Working Group on Ageing and encourage them to take this up and promote debate within Parliament, in their constituencies and with your government.

3. Build national coalitions on the rights of older people

Other ways of engaging at a national level include working with other civil society organisations to push for the rights of older people by co-ordinating efforts, exchanging ideas and experiences and coming together to organise and share work. For example, you may get in contact with National Human Rights Institutes and Equality Bodies in your countries that have the necessary human rights expertise and can help you advocate at the

UN level. Building such coalitions will also strengthen your voice at national level and allow you to plan action or raise awareness on issues of common interest, such as age discrimination.



Tip

Your organisation may want to get involved in the [Global Alliance on the Rights of Older People](#) (GAROP), which is an informal coalition bringing together more than 100 NGOs promoting the idea of a new UN Convention. AGE has been a member of this coalition since 2012.

4. Raise Awareness

Mobilising national public opinion and bringing issues surrounding older people's rights to the media's attention whenever possible – including using social media sites like Facebook & Twitter – can help to spread the word.

Translating to your language important material of the OEWGA and documents produced by civil society can also help raise awareness among older people and policymakers and increase participation to the UN debate.

5. Contribute to AGE's advocacy efforts

Finally, you can get in touch with AGE Platform Europe and share your experiences and ideas regarding how older people's rights are being protected and provided for in your country/area, as well as identifying gaps and considering how best to address them. AGE can present this information to the Open Ended Working Group on Ageing and include examples from your country in our oral statements or position papers submitted to the OEWGA.

Where can I get more Information?

The Open Ended Working Group [webpage](#) has information on all sessions along with access to relevant documents and information on how to get in contact with the working group. For up-to-date information we suggest that you visit this website or sign up for AGE monthly newsletter [CoverAGE](#) where we communicate the latest information on ageing. The Global Alliance for the rights of older people also has some information on the Open Ended Working Group on their [website](#).

- **UN Independent Expert on the enjoyment of all Human Rights by Older Persons**

For the first time in 2014, the UN **Human Rights Council** appointed an Independent Expert with a mandate to work on the rights of older persons. This sections looks into how this Expert works and how you can



contribute to her work.

What is an Independent Expert within the UN Human Rights system?

Independent Experts, Special Rapporteurs and members of Working Groups are part of the so-called '[Special Procedures](#)', the Human Rights Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts are appointed on a personal capacity, based on their expertise, independence and impartiality. They work on a voluntary basis; they are not UN staff and do not receive a salary for their work but are supported with personnel, logistical and research assistance by the **UN Office of the High Commissioner for Human Rights (OHCHR)**, they are independent of government and serve as an expert in a specific topic of human rights.



Highlight

In 2010, the Special Rapporteur on the question of human rights and extreme poverty devoted a [thematic report](#) to social protection. The Special Rapporteur noted that social protection comprises both social insurance and social assistance with due consideration to the true cost of living. She noted that the coverage gap most severely affects those living in extreme poverty, which includes an unduly large number of older persons. As the Special Rapporteur noted, the absence of adequate legal frameworks to underpin non-contributory social security schemes seriously threatens older people's enjoyment of their human rights. In the same year, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health prepared a [thematic study](#) on the realization of the right to health of older persons.

What is the mandate of the Independent Expert?

The UN independent expert on the enjoyment of all human rights by older persons was appointed by the UN Human Rights Council in 2014. The expert has in her mandate to monitor, evaluate and report on the state of older people's rights on a worldwide level. In particular the expert is tasked with assessing how existing international human rights instruments have been implemented in relation to older people's rights, identifying both best practices and implementation gaps, and assessing the human rights implications of the implementation of the **Madrid International Plan of Action on Ageing (MIPAA)**. The current Independent Expert is Ms. Rosa Kornfeld-Matte from Chile who was appointed in May 2014. She serves on a three-year mandate, which may be renewed by the Human Rights Council in the end of 2016.

How does the Independent Expert work?

The Independent Expert is asked to report on her activities to the Human Rights Council on an annual basis, with a first report in September 2014 and a final comprehensive report in September 2016. The expert can be invited by states' governments to take part in country

visits where she examines how a particular country is providing for and protecting the human rights of older persons. During these visits, different meetings and discussions are held between the independent expert and government representatives, NGOs and other civil society organisations so that different perspectives can be shown in relation to how that particular country is managing the protection of the human rights of older persons.

On the basis of these visits the expert has the task of submitting public reports with recommendations. The expert is also mandated to produce thematic reports on specific human rights issues that highlight the human rights challenges older persons face and that serve as a guide on human rights norms and standards. Communicating with Member States on either individual cases or structural issues of concern in relation to enjoyment of the rights of older persons is another mission of the Independent Expert along with raising awareness of the challenges older people face in the realisation of their rights. The Independent Expert attends the sessions of the UN Open Ended Working Group on Ageing and her work can be seen as complementary to the work of the working group.

How can I engage with the Independent Expert?

Civil society organisations have many opportunities to engage with the Independent Expert.



Focus – how can civil society contribute to the work of Special Procedures?

Engagement with civil society is an integral part of the activities of Special Procedures, such as Independent Experts. The Manual of Operations of the Special Procedures of the Human Rights Council states:

“Civil society in general, and international, regional and national NGOs in particular provide invaluable support to the Special Procedures system. They provide information and analysis, help to disseminate the findings of the Special Procedures, and assist in follow-up activities, and thus help also formulate and implement relevant national policies and programmes for human rights education to improve situations of the issues under the Special Procedures. Meetings with their representatives are appropriate in all aspects of the work of the Special Procedures including in their activities in Geneva and New York, on field missions, and more generally. It is thus appropriate for mandate-holders to give careful and timely consideration to invitations from NGOs and academic institutions to participate in activities such as conferences, debates, seminars and regional consultations.”

For more information: OHCHR, [Working with the United Nations Human Rights Programme: A Handbook for Civil Society](#)

These opportunities include contributing to the expert’s work during fact-finding country visits; civil society organisations can suggest and advise on which countries to visit, provide the Independent Expert with information on older persons’ rights in the country to be visited, meet with the Independent Expert during the country visits, arrange meetings for

the Independent Expert with older persons and other civil society organisations during the visit and invite the Independent Expert to visit project sites during the visit.

With regards to thematic studies, civil society organisations can suggest areas for thematic studies, provide written evidence and recommendations as part of Independent Expert's consultation on the study, suggest who should be invited to any expert group meetings convened by the Independent Expert for a thematic study and comment on the conclusions drawn by the Independent Expert in her/his final report on the thematic study.



Tip

The Independent Expert also welcomes written submission on issues/countries under examination. For instance, the Expert has called on NGOs to send information on older people's rights in Austria and Slovenia to use in her reports.

Civil society organisations can contribute to awareness raising and information sharing inviting the Independent Expert to speak at events, and encouraging the Independent Expert to comment on specific issues e.g. reports or research findings published, statements made by others etc.



Highlight

AGE invited the Independent Expert to speak at our annual joint event marking the World Elder Abuse Awareness Day. You may read her speech [here](#).

NGOs may also send information to the Independent Expert on individual cases or structural violations of human rights in a specific country and request that Ms. Kornfeld-Matte communicate with the government on this.

Civil society can, of course, also use the conclusions and information gathered by the Independent Expert and comment on her [annual reports](#) in order to strengthen and build links with their advocacy activities.

What are the latest activities of the Independent Expert?

In 2014-2015 the Independent Expert made official country visits to Slovenia, Austria and Mauritius. Ms. Kornfeld-Matte met with various Government authorities, non-governmental organizations, others working on the rights of older persons and older people themselves. She also participated in the sessions of the OEWGA in 2014 and 2015 in New York. Her 2015 annual thematic report addressed issues of autonomy and care, and was presented in September 2015 to the Human Rights Council. In 2016 she will present her final thematic report, which will discuss how states deliver human rights based on the commitments they made in the Madrid International Plan of Action on Ageing.

You can get more up-to-date information on the activities of the Independent Expert on her [website](#).



Tip – How can I contact the Independent Expert?

Contact details for the Independent Expert

Address: Ms. Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons, OHCHR-UNOG CH-1211 Geneva 10, Switzerland

Fax: +41 22 917 9006

E-mail: olderpersons@ohchr.org

2.4 Towards a new UN convention on the rights of older people?

A UN human rights convention is a legally binding document - this means that it is enforceable by law - It is drafted by the United Nations and sets out rights for a specific group (for example, on women) or issue (for example, on torture). Conventions are also known as treaties. Any member state of the United Nations can agree to sign up to a UN convention therefore agreeing to abide by its rules. This is known as ratification. Once a country ratifies a convention, it has to adapt its national laws and policies to the content of the treaty or adopt new legislation in order to put into effect the rights included in that treaty.

How are conventions implemented?

The implementation of conventions is monitored on a regular basis in different ways, depending on what is foreseen in the treaty in question. Usually, the country has to write a report every few years describing how it has protected and promoted the rights set out in the convention. This is evaluated by a corresponding **committee** (also known as *treaty body*), which can make recommendations for the country if they find the report to be unsatisfactory or in order to strengthen action.



Focus – Which human rights treaty bodies exist to date?

- The *Human Rights Committee* (CCPR) monitors implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols;
- The *Committee on Economic, Social and Cultural Rights* (CESCR) monitors implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
- The *Committee on the Elimination of Racial Discrimination* (CERD) monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);

- The *Committee on the Elimination of Discrimination against Women* (CEDAW) monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999);
- The *Committee against Torture* (CAT) monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984);
- The *Committee on the Rights of the Child* (CRC) monitors implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000);
- The *Committee on Migrant Workers* (CMW) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- The *Committee on the Rights of Persons with Disabilities* (CRPD) monitors implementation of the International Convention on the Rights of Persons with Disabilities (2006);
- The *Committee on Enforced Disappearances* (CED) monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (2006); and
- The *Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (SPT) established pursuant to the Optional Protocol of the Convention against Torture (OPCAT) (2002) visits places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment

Sometimes additional pieces of legislation are annexed to conventions which are called *Optional Protocols*. These sometimes make it possible for individuals or groups to complain if they feel their rights have been violated by or within the state. When this possibility exists, individuals can complain to treaty bodies as long as they respect specific requirements.

More information about the treaty bodies and their complaints procedures are explained in the following section.

What might a new convention on the rights of older people involve?

A new UN convention outlining the rights of older people would not create new rights for this group; it would introduce new international legislation that would explain how the human rights that everyone should enjoy can become a reality for older people.

There is a strong debate for and against the drafting of a new UN Convention on the rights of older people. This debate has taken place mainly during the sessions of the Open Ended Working Group on Ageing.

Do we really need a new treaty?

Some say that because human rights instruments by definition apply to everyone and therefore already include older people, a new treaty is unnecessary. They thus suggest that instead of introducing a new convention, the existing human rights framework should be strengthened by introducing new implementation measures that take into account the rights of older people. In other words, some stakeholders think that we do not need to explain in a new international law what the human rights of older people are and what the states should do to put them in effect, but rather ensure that governments extend all their policies and laws to older people and treaty bodies make old-age specific recommendations to states, taking due account of the specific barriers that older people face in accessing their human rights.

Other arguments against a new treaty include the difficulty to define older people, as well as the fact that the impact of a new convention will ultimately depend firstly, on whether states ratify it and second on whether they demonstrate the necessary political will to comply with their obligations under the convention. This is because there are no effective legal sanctions for non-compliance with conventions; in fact whereas States often fail to submit their reports on time or follow-up on the committees' recommendations, the only recourse normally available to treaty bodies is to provide that information to the UN General Assembly, which can put political pressure to States so that they conform with their human rights obligations.

Besides, some countries believe that a new treaty would involve important costs and administrative work for national governments and the United Nations and would prefer to avoid the extra burden.

What are the advantages of international conventions?

A new convention would help create a universal understanding of the barriers that older people face in enjoying their rights. It would also outline concrete ways that governments can protect and promote the rights of older people. Based on their international obligations states become more accountable about their achievements and failures. Civil society would also be better equipped to monitor the progress made by governments and assess what more can be done so that older people can enjoy their human rights. Moreover, it would require governments to collect data and other relevant information so that they are able to report progress on the situation of older people in their country. A new convention would call for the involvement of older people in all processes that affect their rights and would encourage structural changes and shifts in the perception of ageing and older people in our societies.

A new convention would increase the awareness of older people about their rights and would allow them to claim those rights, for example in national courts or through individual complaints to treaty bodies. In addition, independent experts, committees, treaty bodies and other human rights mechanisms would improve their understanding about the rights of

this group and would be in a better position to mainstream old age and age discrimination in their work, for example, by referring to older people in their recommendations to governments.

What is the position of AGE Platform Europe?

With regards to the idea of a new UN convention on the rights of older people, AGE Platform Europe's Council of Administration has agreed that a Convention is needed to fully understand how existing human rights law applies to older people and can be effectively enforced as part of the UN system. It will clarify what governments should do to put them into practice and will help treaty bodies, courts and other human rights mechanisms take into account older people as part of their existing mandates. Specific norms for this group will help tackle the current invisibility of older people across the human rights system and government policies. Moreover, it will strengthen and guide civil society's call for measures that respect and promote the rights of older people.

Nevertheless for AGE, a Convention cannot solve every problem as, in order to have a real impact, it will have to be accompanied by action at different levels. This is why our engagement with the UN complements the work that we already do at European level, both within the EU and the Council of Europe, which recently finalized a [Recommendation on the promotion of the rights of older persons](#). We will therefore continue to analyse how existing human rights instruments apply to older people and debate the added value and elements of a future Convention.

2.5 How can I get involved?

Contribute to AGE Campaign

There are many different ways to contribute to our campaign. Firstly, by sending us any information about older people's rights in your country, such as:

- **news stories** that showcase the challenges of older people, for example due to budget cuts;
- **data or statistics** on old age poverty, access to health care and other key areas;
- examples of **court cases** from national tribunals that deal with discrimination against older people, abuse, inadequate income, lack of access to care and other human rights violations;
- information about related **events, seminars, conferences or consultations** in your country; and
- national **reports** from human rights institutions, equality bodies and government agencies that have dealt with older people and/or age discrimination.

Such information is crucial to understand the state of protection of older people's rights and establish what else should be done within Member States, the UN and the EU.

Take action at national level

Raising awareness is of great importance as well. Spreading the word about the rights of older people will start a dialogue that is necessary for any change to be made; it will help make rights known, used and understood. For instance you can use social media, like Twitter and Facebook to disseminate information on a global scale.



Tip

Many human rights bodies and organisations have Twitter accounts that make it accessible for anyone with an account to see what events are taking place and allow twitter users to take part in discussions and debates through a global network. For example the UN Focal Point on Ageing that deals with older people's rights, owns the twitter account **@UN4Ageing**; they use hashtags like **#equality** to help spread the word and link up people with similar interests. You can follow their activities and share information about your work in key moments, such as the International Day of Older Persons (October 1st) or the World Elder Abuse Awareness Day (15th June).

You can organise events, consultations, surveys or focus groups in your country or city to discuss the barriers that older people face and what could be done to allow older people enjoy their human rights. You can translate important documents that explain older people's rights in your language and share them widely in your network. You can get in touch with other civil society organisations, such as NGOs on women's rights or national human rights bodies and start working together to influence government policies to the benefit of older people. You can call for a better consultation and involvement of older people at different levels, for example by the Parliament, Ministries and local/regional authorities.



Highlight

HelpAge International has set up the [Age Demands Action](#) Campaign, which fights for the protection of the human rights of older people. It also highlights a call for a new UN convention to protect older people's rights.

Get engaged with UN processes

Another way of getting involved with the human rights of older people can be through engagement with human rights processes established by the UN.

ECOSOC Status

Gaining ECOSOC consultative status allows an organisation to take part in United Nations deliberations. Any NGO can apply for special consultative status from the UN Economic and Social Council (ECOSOC) as long as the NGO has been in existence for at least two years, it has an established headquarters, a democratically adopted constitution, a representative structure and democratic and transparent decision-making processes.

The benefits of gaining consultative status include actively engaging with ECOSOC and its subsidiary bodies and consulting with Member States and the United Nations system at large. NGOs that are accredited with ECOSOC may participate in debates, interactive dialogues, panel discussions and informal meetings at the United Nations level. This special consultative status allows organisations to designate official representatives to the United Nations Headquarters in New York and UN offices in Geneva and Vienna. It gives organisations the ability to submit written and oral statements relevant to the work of the Economic and Social Council on subjects in which these organisations have a special competence and it allows them to use United Nations facilities such as accommodation for conferences, access to United Nations press documentation services and the use of United Nations libraries.

This status also comes with special responsibilities for the organisation, this includes submitting a report once every four years on the activities of the organisation in support of the work of ECOSOC and the United Nations, this report may consist of detailed records of participation in United Nations meetings and events and information on any cooperation with UN funds and agencies.

Universal Periodic Review

The Universal Periodic Review (UPR) is a UN process led by the 47 elected members of the **Human Rights Council**, whereby every four years each UN state submits a report to declare what actions they have taken to improve the human rights situations in their countries.

The UPR is one of the key processes of the UN which reminds states of their responsibility to fully respect and implement all human rights and fundamental freedoms. Its added value lies in the fact that it is led by Member States, which are accountable to one another about their human rights achievements and failures as they are all asked in turn to be under review and become reviewers.

Under this mechanism, the human rights situation of all UN Member States is reviewed every 4.5 years. 42 States are reviewed each year during three Working Group sessions held in January/February, May/June and October/November within the Human Rights Council in Geneva²⁵.

This periodic exercise aims to ensure that states actually fulfil their human rights obligations and improve the situation on the ground, by making governments accountable to the Human Rights Council for their action or inaction. It may also improve the capacity of states to respond to human rights challenges by providing guidance, cooperation and opportunity for exchange of good practices among countries.

Civil society actors, including NGOs, have the opportunity to submit own-reports on the protection of human rights in the country in question. These are called **shadow or**

²⁵ <http://www.upr-info.org/en/upr-process/what-is-it>

alternative reports and are taken into account for the UPR, alongside the official state report and information gathered by the Office of the United Nations High Commissioner for Human Rights, including reports of treaty bodies, special procedures, including observations and comments related to the State concerned.



Tip

Civil society actors (regardless of whether they are holders of consultative **ECOSOC status**) can get involved with the UPR process by submitting information/alternative reports about a certain country. This information is taken into account for the State review and posted on the OHCHR website as a background document.

However, only NGOs with ECOSOC consultative status can be accredited to participate in the session of the working group of the UPR as observers. NGOs may organise Information Meetings on the UPR process, with a view to sharing information and best practices at the country level.

UPR Info is an NGO dedicated to promoting the Universal Periodic Review mechanism and providing assistance to civil society actors. You can visit the [UPR Info website](#) to learn more about the role of NGOs in this process, or follow them on twitter (@UPRInfo) to receive regular updates.



Focus- Which are the EU countries under Universal Periodic review until the end of 2016?

Country	Deadline for State report	Deadline for NGO report	UPR Working Group session (tentative)
Austria	20.7.2015	23.3.2015	Oct-Nov 2015
Estonia	26.10.2015	22.06.2015	Jan-Feb 2016
Belgium	26.10.2015	22.06.2015	Jan-Feb 2016
Denmark	26.10.2015	22.06.2015	Jan-Feb 2016
Latvia	26.10.2015	22.06.2015	Jan-Feb 2016
Greece	25.01.2016	21.09.2015	April-May 2016
Hungary	25.01.2016	21.09.2015	April-May 2016
Ireland	25.01.2016	21.09.2015	April-May 2016
Lithuania	25.07.2016	21.03.2016	Oct-Nov 2016

The online calendar for the UPR includes information only up to the end of 2016, when the second UPR cycle will be concluded; this is why it is advisable to visit the [website](#) to have updated information about upcoming reviews.

Treaty bodies

Once a country ratifies a convention, it is required to submit regular reports on how they have implemented it. Treaty bodies, which are committees of independent experts that monitor the implementation of the UN conventions by States parties, are charged with reading the reports submitted by states, alongside other related material submitted by civil society (called shadow or alternative reports). The committee initially sends a list of issues to the State outlining aspects of particular human rights that the committee thinks the State should be focusing on. The reply that the State sends back to the committee is deemed to constitute the State party's report. The process also includes an oral exchange with state representatives and civil society, where their respective reports are considered. Based on this process, treaty bodies adopt what are generally known as **"concluding observations"**, which refer to the positive aspects of a State's implementation of the treaty and the areas where the treaty body recommends the State to take further action.



Tip

An initial report is usually required one to two years after the entry into force of the treaty in the State concerned. How often the government will be asked to submit subsequent reports varies from two to five years depending on the treaty provisions and the decisions taken by the committees.

As explained, shadow or alternative reports form an important part of the state reporting process. They include information submitted by an organisation that isn't affiliated with the state, such as NGOs, academic institutes and national human rights institutes. These reports seek to fill any gaps left by the state report and give a realistic image of the situation in the country under consideration.



Focus – What is the difference between treaty bodies and the UPR?

Unlike the UPR, which is a State-led process, the reporting system under the treaties is led by the treaty bodies, i.e. independent experts sitting in related committees. This ensures the impartiality of the process. In addition, whereas in the UPR states have to report about all their human rights obligations under the various conventions that they have ratified, the treaty bodies only consider how countries apply the specific convention in question. In other words, when a country prepares a report for the UPR, it has to say what it has done for the rights of women, children, migrants, people with disabilities and everyone else in their jurisdiction. On the contrary when they prepare a report for the Committee on the Rights of the Child, they have to explain what they have done to protect children's rights in accordance with the provisions included in the Convention on the Rights of the Child. NGOs have the possibility to prepare alternative or shadow reports both for the UPR and treaty bodies. However, for the UPR civil society has to submit its report earlier than the State, whereas treaty bodies allow NGOs to send their views later so that they can respond to the concrete issues raised in the state report.

Getting involved with the reporting process can help to get your message across and highlight the challenges that older people face in accessing their rights. For example, by submitting a shadow report to the [Committee on Elimination of Discrimination against Women \(CEDAW\)](#) you can explain what are the particular barriers that older women in your country face. To do so, you have to respect the deadlines for submission of NGO reports, which can be found in the respective committee's webpage.



Tip

If you don't want to write a complete report on your own, you can also associate with another organisation or coalition of NGOs that is undertaking this job. For example, AGE worked together with the European Disability Forum and other European networks in order to prepare an [alternative report for the EU's review under the CRPD Committee on the rights of persons with disabilities](#). You can find out which organisation(s) in your country is working on the next report for the treaty body in question. A good starting point might be to approach the National Human Rights Institute, which might be either coordinating or consulted by such coalitions. A list of National Human Rights Institutes is available [here](#).



Case study 7: How can NGOs prepare a shadow report?

Our expert, Elizabeth Sclater from the Older Women's Network, Europe led a group of gender and age NGOs in drafting a shadow report on older women for CEDAW, when the Committee was evaluating UK. We asked her to share their experience to act as a stimulus for other NGOs from countries in the European region and beyond, to get involved with their country shadow reporting process.

Regarding the importance of shadow reporting, she explains: *"It is bringing to the attention of the UN Committees the impact of government policy on a specific group of people and an opportunity to highlight certain issues the government may have overlooked or may be trying to avoid in its report"*.

She explained to us that the CEDAW Committee calls for all NGOs to work together to have a single over-arching shadow report addressing all aspects of women's rights. However, as shadow reports have to respect a certain limit in pages, it is not possible to cover in great detail the specific challenges for each sub group, for example, older women, girls, migrant women etc. This is why they decided to work on two fronts. On the one hand to contribute to the main UK shadow report, that was drafted by a coalition of UK gender NGOs in order to keep key older women's issues in the main report, and on the other hand to pursue a specific shadow report on older women, to highlight age-specific issues.

About the process she told us that it took 18 months in development and a wide consultation of NGOs across the country: *"I brought together gender and age NGOs to explore the interest and commitment to develop such a report and identify the key issues to*

be raised. Contributions came from over 30 NGOs from across England and Wales as well as consultations with colleagues in Scotland and Northern Ireland”.

Regarding the impact, she admits that although the concluding observations were not very specific about older women, it gave NGOs a wide brief to hold government to account over the next four years when they (the Government) will report back to the Committee on actions taken to implement the recommendations. Paragraph 21 of the concluding observations reads:

“The Committee urges the State party to mitigate the impact of austerity measures on women and services provided to women, particularly women with disabilities and older women. It should also ensure that Spending Reviews continuously focus on measuring and balancing the impact of austerity measures on women’s rights. It should further review the policy of commissioning services wherever this may undermine the provision of specialised women’s services”.

She also shared a piece of advice for others who may want to engage in a similar process. *“As the challenge for the Committee is to assimilate and give value to the bulk of information received, I would suggest rather than developing a comprehensive report on older women’s issues focus on one or two issues. This might offer a better chance for these topics being integrated in the concluding observations. Reporting the direct voice of older women through focus groups, ‘killer’ facts, examples of human rights abuses, as well as data disaggregated and analysed by gender and age cohort are invaluable. I would also stress the importance of joining the NGOs preparing the main report and lobbying strongly for specific references to older women and men; simply saying people of all ages is not enough and does not give specificity to the barriers faced by this group”.*

Overall, she said, it was an important exercise to do at least once, as it set a benchmark for NGO advocacy in this field.

The Concluding Observations and the older women’s shadow report can be found on the website of the Office of the High Commissioner for Human Rights at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=810&Lang=en



Tip

The website of the OHCHR includes a very useful online tool to find out when your country is passing the next review, for each treaty it has ratified. This is available here:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En

To find out which are the deadlines for the submission of civil society reports, you have to follow this link:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx and search under Document type/Info from other stakeholders.

Complaints procedure

If you feel your rights or someone else's rights are being violated directly by the State in which you live then you can complain as an individual, a group or as part of an organisation. As mentioned before, some treaty bodies have introduced a complaint procedure, as a way to ensure that citizens have access to adequate remedies in case the rights in the treaties are violated.

Treaty bodies can therefore receive communications submitted by individuals, groups, or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. It is a confidential process, in order to allow cooperation with the State concerned. Although treaty bodies are not courts, they can decide whether a violation has occurred and provide guidance on how the situation could be restored in practice. The complaint procedure should be impartial, objective, efficient, victims-oriented and conducted in a timely manner. One of the advantages of this process is that decisions of human rights treaty bodies can go beyond the specifics of the case and provide guidelines to prevent a similar violation occurring in the future.

Individuals who want to submit complaints should take note of the specific requirements to do, which include the following:

- The case must be related to one of the rights included in a UN treaty that allows for individual complaints;
- The State against which the individual complaint is filed, must have accepted the possibility for complaints;
- The individual must have exhausted all available and effective domestic remedies before sending a complaint to a treaty body.

For more information on how to complain under the treaty bodies' complaint procedures, [click here](#).



Focus - Which bodies can accept individual complaints?

- The [Human Rights Committee \(CCPR\)](#) may consider individual communications alleging violations of the rights set forth in the *International Covenant on Civil and Political Rights* by States parties to the *First Optional Protocol* to the International Covenant on Civil and Political Rights;
- The [Committee on Elimination of Discrimination against Women \(CEDAW\)](#) may consider individual communications alleging violations of the *Convention on the Elimination of All Forms of Discrimination against Women* by States parties to the *Optional Protocol* to the Convention on the Elimination of Discrimination against Women;

- The [Committee against Torture \(CAT\)](#) may consider individual complaints alleging violations of the rights set out in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* by States parties who have made the necessary declaration under article 22 of the Convention;
- The [Committee on the Elimination of Racial Discrimination \(CERD\)](#) may consider individual petitions alleging violations of the *International Convention on the Elimination of All Forms of Racial Discrimination* by States parties who have made the necessary declaration under article 14 of the Convention;
- The [Committee on the Rights of Persons with Disabilities \(CRPD\)](#) may consider individual communications alleging violations of the *Convention on the Rights of Persons with Disabilities* by States parties to the *Optional Protocol* to the Convention;
- The [Committee on Enforced Disappearances \(CED\)](#) may consider individual communications alleging violations of the *International Convention for the Protection of All Persons from Enforced Disappearance* by States parties who have made the necessary declaration under article 31 of the Convention.
- The [Committee on Economic, Social and Cultural Rights \(CESCR\)](#) may consider individual communications alleging violations of the *International Covenant on Economic, Social and Cultural Rights* by States parties to the *Optional Protocol* to the International Covenant on Economic, Social and Cultural Rights.
- The [Committee on the Rights of the Child \(CRC\)](#) may consider individual communications alleging violations of the *Convention on the Rights of the Child* or its two first Optional Protocols on the sale of children, child prostitution and child pornography (OPSC), and on the involvement of children in armed conflict (OPAC) by State Parties to the Third Optional Protocol on a communications procedure (OPIC).
- For the [Committee on Migrant Workers \(CMW\)](#), the individual complaint mechanism not yet entered into force: has Article 77 of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* gives the Committee on Migrant Workers (CMW) competence to receive and consider individual communications alleging violations of the Convention by States parties who made the necessary declaration under article 77. This individual complaint mechanism will become operative when 10 states parties have made the necessary declaration under article 77.

Special procedures and the Human Rights Council may also receive and process communications about individual cases of human rights violations. For more information on how you can access these procedures you can read the relevant chapter in the [OHCHR Handbook for Civil Society – Working with the United Nations Human Rights Programme](#).

UN Open Ended Working Group on Ageing

Information on how to engage with the UN Open Ended Working Group on Ageing can be found in the previous chapter.

Independent Expert on Older Persons

Information on how to engage with the Independent Expert on the enjoyment of all human rights by older persons can be found in the previous chapter.

In a snapshot: What did we learn in the second chapter?

The UN human rights framework

- An international convention is a piece of law agreed by governments in the United Nations, which states need to take into account when they write national laws and policies. Pieces of law that protect the rights of people all around the world are called **human rights conventions or treaties**.
- The groups of independent experts that observe how countries apply the UN Conventions, are called **committees** or **treaty bodies**. They have the job of looking into what governments do to protect the human rights included in each convention.
- Countries that have accepted a Convention are obliged to write **reports** that explain the ways in which they protect those vulnerable groups that each treaty aims to protect. Then these reports are read by the treaty bodies, which can make recommendations on what governments could do differently to better promote human rights.

The UN Open-Ended Working Group on Ageing

- **Older people** are protected by international human rights law. However, they are rarely explicitly mentioned in United Nations conventions. This is why the United Nations is currently reflecting how they can better protect older people's rights around the globe.
- The **Open Ended Working Group on Ageing** is a United Nations group that meets once a year to discuss older people's rights. Different types of people can go to these meetings including members of non-governmental organisations (NGOs) and representatives of national governments.
- The Open Ended Working Group is debating how existing laws can be applied by governments so that they take into account the experiences and challenges of older people as well as whether there is a need to adopt a new international law that will aim to protect the human rights of older people around the world.

The Independent Expert on the rights of older persons

- The **Independent Expert** on the Enjoyment of all human rights by older persons has the job of looking after older people's rights around the world. The Independent Expert can be invited by a government to visit its country and look at what they are doing to promote older people's rights. Based on these visits, the Expert has to prepare a report with conclusions and recommendations to be presented to the Human Rights Council.
- Every year the Independent Expert has to write a thematic report that talks about all the work she did over the year and focuses on a particular issue of concern, which include recommendations for the future.

- Organisations that work with older people's human rights can get in touch with the Independent Expert and let them know if they feel that their governments are doing something wrong, suggest ways to better protect older people and discuss whether the expert should visit that country.

The discussion around a UN convention of older people's human rights

- Some people believe that the United Nations should make a new piece of law that involves only older people's rights. This would be a new **convention**.
- There is a **debate** happening on whether a new convention is needed. Some think that the existing laws on older people's rights should just be made stronger and more powerful so that older people's rights will be better protected. Others think that a convention would give a different status to older people's rights and strengthen their protection.
- **AGE Platform Europe** agrees that a new convention is needed to understand how older people's rights are protected as part of the United Nations system, but at the same time governments should make better use of the existing legislation.

How you can get involved

- There are many ways that you can get involved with this campaign on older people's rights. For example, by sending us any **information** you might have on older people's rights.
- You can help to spread the word on the human rights of older people through **social media**. Twitter and Facebook are good ways of getting your message and opinions across.
- You can also get involved with another United Nations process called the **Universal Periodic Review**. This involves countries submitting reports that talk about how they are protecting human rights. NGOs can also submit reports that talk about aspects of human rights that might have been left out from the country reports. If you have something to say, you can get in touch with those that take part in this process.
- Alternatively you can submit a report to the committees of experts that oversee the implementation of treaties on women, people with disabilities and other issues that you work on. The information you gather will help **treaty bodies** take into account the rights of older people in their activities.
- If you feel that your rights have been violated and national courts did not offer you a remedy, you can submit a **complaint** to the competent UN bodies.

Quiz on chapter 2: Test your knowledge!

1. **The human rights norms that are relevant for older people are dispersed in different instruments. True or false?**

Answer: True

Explanation: Indeed, although none of the human rights treaties exclude older people from their scope of application (perhaps with the exception of the Convention on the Rights of the Child), NGOs have to look into different instruments to identify the provisions that are relevant for them. For example the International Covenant on Economic Social and Cultural Rights (ICESCR) has been interpreted as enshrining a rule against age discrimination, in most areas of older people's lives. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) talks about the right of older women to social protection. Older people with functional limitations may seek protection under the Convention on the Rights of Persons with Disabilities. To date there is no binding human rights convention that addresses specifically the rights of older people.

2. **The Convention on the Rights of People with Disabilities (CRPD) covers human rights violations against older persons. True or false?**

Answer: True

Explanation: As explained the CRPD provides an important legal framework for older persons, as many of us are likely to acquire disabilities as we age. It is particularly useful to advocate on behalf of older people in need of care and assistance. However, the CRPD does not address all the human rights challenges for older people; for example it does not enshrine a general prohibition of age discrimination, which is the route of many human rights infringements against older persons. Another example of an issue unrelated to disability but very relevant for older women is the gender pension gap. To address this topic, NGOs should look into the CEDAW.

3. **The main function of UN treaty bodies includes supervising state compliance with the treaty in question. True or false?**

Answer: True

Explanation: Indeed treaty bodies act as monitoring committees; they receive reports by states, which they analyse alongside information provided by NGOs and other stakeholders in order to adopt *Concluding Observations*, which include guidance on what the state should do to comply with the convention in question. Treaty bodies may also receive individual complaints from victims of violations of the said treaties, although this process is optional for states. In addition, treaty bodies can deliver *General Comments*, which outline detailed

interpretations of some aspects of the treaty contents and are very useful tools, which act as compass for civil society and states guiding policy and legal change.

- 4. Once adopted UN human rights conventions are binding upon all UN member states. True or false?**

Answer: False

Explanation: To be bound by a treaty, governments have to complete a process called 'ratification', which declares the state's acceptance of the provisions of the treaty. Once a country ratifies a treaty, they are required to adapt their laws and policies to its contents. This means that conventions are binding only for those states that have ratified them. Although treaty bodies monitor state compliance with the treaties and have the power to flag when a country is not fulfilling its human rights commitments, how far a convention will have an impact on the ground will ultimately depend on the state's political will for change.

- 5. The Madrid International Plan of Action on Ageing (MIPAA) is a human rights treaty. True or false?**

Answer: False

Explanation: MIPAA is not a human rights treaty. First of all, it is not binding. Second, whereas it was drafted taking into account the rights of older people, it does not spell out specific rights of older persons that states should protect. MIPAA is a political commitment to take action to tackle ageing and cater for the needs of the older population. It does not foresee a supervising mechanism like a Committee, although states are requested to report every five years on what they do to put the plan into action. For these reasons it belongs to the family of what we call 'soft instruments'.

- 6. NGOs need a specific accreditation to be able to participate in the UN Open-Ended Working Group on Ageing (OEWGA) True or false?**

Answer: True

Explanation: Although the OEWGA is primarily a forum of states, civil society has a very important role to play in its discussions. Older people, through their representative organisations, can participate as panellists or participants. They have the opportunity to make oral statements and participate in side events. NGOs do not need ECOSOC status to take part in the OEWGA, but they need to register with the Working Group by filling in a document, which is available on the OEWGA website. This process is only done once and does not need to be repeated every year. Older people may also be invited to participate through their national delegations.

7. **The Independent Expert on the Enjoyment of All Human Rights by Older Persons was appointed by the UN General Assembly in 2014.** *True or false?*

Answer: False

Explanation: The Independent Expert was appointed by the Human Rights Council for a period of 3 years. In fact, all of the '*special procedures*', such as experts and special rapporteurs are mandated by and report to the Human Rights Council, which is the main human rights body of the UN, comprised by 47 periodically elected states. The Office of the High Commissioner for Human Rights acts as a secretariat for the Human Rights Council and supports the Independent Expert in her work.

8. **During the Universal Periodic Review (UPR) governments monitor each other's compliance with human rights based solely on reports submitted by governments.** *True or false?*

Answer: False

Explanation: The UPR is an inter-governmental process, whereby states of the Human Rights Council periodically examine how UN states fulfil their human rights obligations. This makes states accountable to one another and ensures fairness and transparency as the same criteria are used to evaluate all states. Whereas the basis for the evaluation of state compliance is a report drafted by the government in question, the UPR also takes into account information provided by other stakeholders, like NGOs and National Human Rights Institutions, as well as reports and outcomes of treaty bodies, special procedures and other UN organs. This ensures that the information processed is not biased and provides as far as possible a comprehensive overview of the human rights situation on the ground.

Chapter 3: How does the Council of Europe provide for older people's rights?

(This section be finalized in late 2016)



The Council of Europe provides protection of older people's rights through the European Convention on Human Rights (ECHR) and the European Court of Human Rights. It moreover adopted in 1961 the European Social Charter, which was revised in 1996, and guarantees social and economic human rights. Article 23 of the [revised charter](#) – the first binding human rights provision for the protection of older people – enshrines the right of elderly persons to social protection including access to information about services and facilities available for older persons, provision of housing suited to their needs and their state of health or of adequate support for adapting their housing and access to health care and services.

In addition, in 2014 the Committee of Ministers of the Council of Europe adopted [Recommendation 2](#) which aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons, and to promote respect for their inherent dignity. Although non-binding, this recommendation is the first and only European human rights instrument that specifically addresses the rights of older persons. Other *soft provisions* by the Council of Europe regarding old age and older people include the following.

Recommendations of Committee of Ministers of Council of Europe	
1994	Recommendation No. R(94)9 concerning elderly people;
1999	Recommendation No. R(99)4 on principles concerning the legal protection of incapable adults;
2009	CM/Rec(2009)6 on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society;
2011	CM/Rec(2011)5 on reducing the risk of vulnerability of elderly migrants and improving their welfare;
2014	CM/Rec(2014)2 on the promotion of human rights of older persons
Recommendations/Resolutions of the Parliamentary Assembly of the Council of Europe	
1970	Resolution No. R(70)16 on social and medico-social policy for old age
1987	Recommendation No. R(87)22 on the screening and surveillance of elderly persons;

1988	Resolution No. R(74)31 on health care and social work for old people living at home;
1993	Resolution 1008 (1993): on social policies for elderly persons and their self-reliance
1994	Recommendation 1254 (1994): on the medical and welfare rights of the elderly: ethics and policies
1999	Recommendation 1418 (1999) on the protection of the human rights and dignity of the terminally ill and the dying
1999	Recommendation 1428 (1999): The future of senior citizens: protection, participation and promotion
2003	Recommendation 1619 (2003): Rights of elderly migrants
2003	Recommendation 1591 (2003): Challenges of social policy in Europe's ageing societies
2006	Resolution 1502 (2006): Demographic challenges for social cohesion
2006	Recommendation 1749 (2006): Demographic challenges for social cohesion
2007	Recommendation 1796 (2007): The situation of elderly persons in Europe
2011	Resolution 1793 (2011): Promoting active ageing: capitalising on older people's working potential

This chapter of the handbook will be developed in 2016. Until then we provide you with a list of the most relevant resources.

- [CoE Working Group on the rights of older persons \(CDDH-AGE\)](#)
- [European Convention on Human Rights](#)
- [Webpage of the European Social Charter](#)
- [European Court of Human Rights](#)
- [Factsheet of the European Court of Human Rights on Elderly people and the European Convention on Human Rights](#)

Chapter 4: How does the European Union provide for older people's rights?



(This section be finalized in 2017)

The EU Charter of Fundamental Rights lists the civil, political, social and economic rights, which are recognized by the European Union. The Treaty of Lisbon gives the Charter the same legal value as the other main EU treaties. Under the heading of equality, the rights of older people are covered: *“The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life”* (Article 25). The Treaty of Lisbon moreover allows for the EU to accede to European Convention on Human Rights.

AGE identified 12 main areas where the EU is acting to promote seniors' rights and support Member states²⁶. These include:

- Active citizenship
- Anti-discrimination
- Employment
- Education and life-long learning
- Coordination of social protection systems
- Pensions
- Social inclusion and participation
- Volunteering
- Health promotion and coordination of health care systems
- Research and innovation
- Accessibility of goods and services
- Consumers' rights

In some of these areas the EU can adopt legislation. For example, in 2000, the EU adopted a legislation (called directive) to combat discrimination in employment, prohibiting discrimination of older workers in the labour market. According to this directive, Member States can apply exceptions to this rule, for example setting age limits to enter a specific occupation (for instance to become a fireman). The Court of Justice of the EU plays an important role in monitoring whether these exceptions can be justified or they are violating the principle of non-discrimination on the basis of age and the Charter of Fundamental rights.

In other areas the EU supports cooperation between countries, as for instance in education, pensions or volunteering. The EU also helps Member States to agree on common targets in the areas of poverty reduction and climate change. It also protects seniors' rights through its funding programmes, for example in the fields of research and development, regional

²⁶ <http://www.age-platform.eu/images/366-ASCE-leaflet-draft7.pdf>

development, or social policies. Such policies and projects set up by the EU make a large impact on the situation of older people in Europe.

This part of the handbook will be developed in 2017. Until then you may read AGE publication '[Active Senior Citizens for Europe](#)' explains in details how the EU impacts older people's rights in each of the 12 areas. You may also look into the outcomes of the project '[Active Senior Citizens for Europe](#)' project, which include a set of train-the-trainer modules aiming to explain and clarify to older people what the European Union is, understand its decision-making processes and how they and civil society organisations can engage with them.

List of abbreviations

CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CoE	Council of Europe
CRPD	Convention on the Rights of Persons with Disabilities
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
ECtHR	European Court of Human Rights
EU	European Union
EUSR	European Union Special Representative
FRA	Fundamental Rights Agency
GA	General Assembly of the United Nations
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on Migrant Workers and Members of their Families
ILO	International Labour Organisation
MIPAA	Madrid International Plan of Action on Ageing
OEWGA	Open Ended Working Group on Ageing
OHCHR	Office of the High Commissioner for Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN DESA	United Nations Department for Social Affairs
UNECE	United Nations Economic Commission for Europe
UPR	Universal Periodic Review
VIPAA	Vienna International Plan of Action on Ageing

Glossary of terms

Concluding observations	A report where the committee gives guidance on what the state should do to comply with the convention, based on examination of information submitted by the state and other stakeholders.
Economic and Social Council (ECOSOC)	One of the main UN organs in charge of economic, social and environmental issues, as well as the implementation of the internationally agreed development goals.
European Convention on Human Rights	The main human rights treaty of the Council of Europe, which is binding for all 47 Member States of the organisation.
European Court of Human Rights	A body of the Council of Europe (CoE) based in Strasbourg that rules on the application of the European Convention of Human Rights by the 47 Member States of the CoE.
General Comment or Recommendation	Includes interpretation of specific provisions of a treaty and guidance on how states should apply specific rights.
Hard law	Includes binding treaties.
Human Rights Council	An inter-governmental committee made up of 47 periodically elected UN states that is responsible for the promotion and protection of all human rights on a global scale.
Independent Expert on the Enjoyment of All Human Rights by Older Persons	Human rights expert of the UN system with the mission to look into how states protect and promote the rights of older people.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	One of the main binding UN human rights treaties that has its roots in the Universal Declaration of Human Rights and deals with economic, social and cultural rights, such as labour rights, right to health, education and adequate standard of living.
International human rights law	The body of international law based on states' agreement to promote and protect human rights.
Madrid International Plan of Action on Ageing (MIPAA)	Political declaration signed by UN member states in 2002 showing their commitment to build a society for all ages.
Office of the High Commissioner for Human Rights (OHCHR)	Part of the UN secretariat led by the High Commissioner for Human Rights, the principal UN official that works to mainstream human rights throughout all UN programmes.
Organisation of American States (OAS)	The OAS is a regional intergovernmental organisation bringing together 35 states of the Americas and constitutes the main political, juridical, and social governmental forum in that region.

Post-2015 development agenda	UN-led process that aims to define the future global development goals
Ratification	Formal process which declares the state's acceptance of the provisions of the treaty and obligation to apply it.
Second World Assembly on Ageing	To begin addressing ageing issues, the UN General Assembly convened the first World Assembly on Ageing in 1982. The second World Assembly on Ageing took place in 2002 in Madrid.
Security Council	A UN organ comprised by 15 Member States with primary responsibility the maintenance of international peace and security.
Soft law or soft instruments	Includes non-binding instruments.
Special Procedures	Independent Experts, Special Rapporteurs and members of Working Groups are part of the so-called 'Special Procedures', the human rights experts that undertake independent fact-finding and monitoring missions to address human rights issues across the world.
Treaty	Agreement under international law signed by states and international organisations. They are also referred as conventions, covenants and pacts among other terms.
Treaty body	Committees of independent experts that monitor the implementation of the UN conventions by States parties.
UN General Assembly (GA)	The main decision-making and representative organ of the UN, comprised by all its Member States.
The United Nations Economic Commission for Europe (UNECE)	The United Nations Economic Commission for Europe (UNECE) is one of five regional commissions of the United Nations.
Universal Declaration of Human Rights (UDHR)	Agreed by the UN General Assembly in 1948, it represents the first global expression of rights to which all human beings are inherently entitled.
Universal Periodic Review (UPR)	An inter-governmental process, whereby states of the Human Rights Council periodically examine how UN states fulfil their human rights obligations.

Resources

INTERNATIONAL HUMAN RIGHTS LAW AND OLDER PERSONS

- Human Rights of Older Persons in the United Nations:
<http://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>
- Human Rights of Older Persons in the Council of Europe:
http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/cddh-age/default_EN.asp?
- International standards on the rights of older people:
<http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/InternationalStandards.aspx>
- European Convention on Human Rights:
<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>
- European Court of Human Rights:
<http://www.echr.coe.int/Pages/home.aspx?p=home&c=>
- Factsheet of the European Court of Human Rights on Elderly people and the European Convention on Human Rights:
http://www.echr.coe.int/Documents/FS_Elderly_ENG.pdf
- European Social Charter: <http://www.coe.int/T/DGHL/Monitoring/SocialCharter/>
- EU Charter of Fundamental Rights: http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm
- Madrid International Plan of Action on Ageing (MIPAA):
<http://undesadspd.org/Ageing/MadridPlanofActionanditsImplementation.aspx>
- UN Principles for Older Persons:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OlderPersons.aspx>
- OHCHR factsheets on human rights issues:
<http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>

UN PROCESSES ON THE RIGHTS OF OLDER PERSONS

- UN Open-Ended Working Group on Ageing: <http://social.un.org/ageing-working-group/index.shtml>
- UN Independent Expert on the Enjoyment of All Human Rights by Older Persons:
<http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx>

CIVIL SOCIETY AND THE UN HUMAN RIGHTS SYSTEM

- OHCHR, Working with the United Nations Human Rights Programme - A Handbook for Civil Society:
http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

ONLINE TRAININGS ON HUMAN RIGHTS

- Olivier de Schutter, 'International Human Rights':
<https://www.edx.org/course/international-human-rights-louvainx-louv2x>
- Allversity, 'Introduction to Human Rights':
<http://www.allversity.org/courses/introduction-to-human-rights>
- *History of International Law*: <https://www.youtube.com/watch?v=zEstWpA-HMg>

- The Elders, *Do you actually know your human rights?*
<http://theelders.org/article/human-rights-quiz>

NGOs DEALING WITH THE RIGHTS OF OLDER PEOPLE

- AGE Platform Europe: <http://www.age-platform.eu/en>
- Helpage International: <http://www.helpage.org>
- Global Alliance on the Rights of Older People: <http://www.rightsofolderpeople.org>