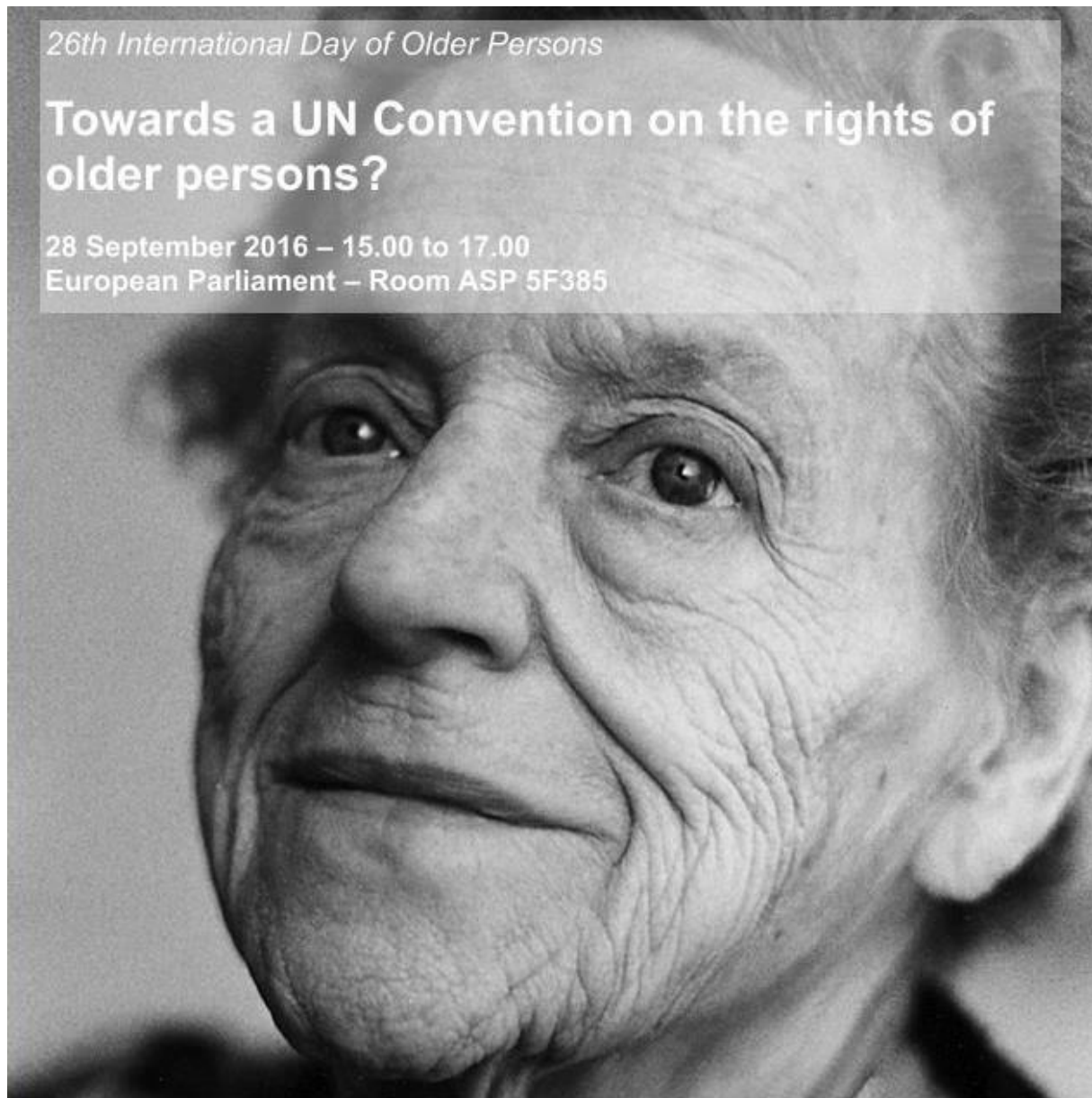




26th International Day of Older Persons: Take a stand against ageism!

Towards a UN Convention on the rights of older persons?

Event report



Where and when

28 September 2016

14:30: Meeting to enter the European Parliament : ASP entrance (for a map see last page)

15.00 – 17.00

European Parliament, Room ASP 5F385



Rationale for the event

The human rights of all individuals in Europe, including older persons, are protected in various binding international and regional human rights conventions. However, international human rights conventions do not specifically address age discrimination or refer to older persons. Regional human rights laws also do not protect older persons' rights systematically or comprehensively.

In 2010, the United Nations General Assembly established an Open-Ended Working Group to identify possible gaps in the existing international framework of the human rights of older persons and how best to address them, including exploring the possibility of a new international convention on the rights of older persons. Political support for a new Convention is growing, although the EU is still opposed to this. The UN Independent Expert on the Enjoyment of All Human Rights by Older Persons in her final report called on Member States *'to consider the various proposals that have been made, notably the elaboration of a convention on the rights of older persons'*.

This event opened an EU dialogue and offered an update on recent developments at the UN Open Ended Working Group and its impact on European Member States and older persons in Europe. It moreover discussed action that can be taken at EU level to promote the rights of older persons.

Agenda

15.00 – 15.05 Welcome and introduction, **Lambert van Nistelrooij, MEP from the EPP Group, Coordinator of the Intergroup's subgroup on Active Ageing, European Parliament**

15.05 – 15.20 Setting the scene: UN discussions around a new Convention on the rights of older persons, **Bridget Sleep, Senior Rights Advisor, HelpAge International**

15.20 – 15.30 UN Convention on the rights of older persons: the view of older persons in Europe, **Anne-Sophie Parent, Secretary General, AGE Platform Europe**

15.30 – 15.40 Older persons' human rights in long term care: lessons learnt from monitoring in six European countries, **Lora Vidovic, Croatian Ombudswoman, Chair of ENNHRI**

15.40 – 15.50 UN Convention on the rights of older persons: the view of an EU Member State, **Darja Bavdaž Kuret, State Secretary, Ministry of Foreign Affairs of the Republic of Slovenia**

15.50 – 16.00 UN Convention on the rights of older persons: reactions from the European Commission, **Johan ten Geuzendam, Advisor— Directorate D. Equality. DG Justice and Consumers**

16.00 – 16.30 Debate with the audience

16.30 – 16.55 Reaction from MEPs



- **Ivo Vaigl, MEP from the ALDE Group, Vice-President of the Intergroup on Active Ageing, European Parliament**
- **Jean Lambert, MEP from the Greens, Vice-President of the Intergroup on Active Ageing, European Parliament**

16.55 – 17.00 Closing remarks, **Lambert van Nistelrooij, MEP from the EPP Group, Coordinator of the Intergroup's subgroup on Active Ageing, European Parliament**

Report

The theme of the 2016 United Nations International Day of Older Persons (UNIDOP) was: **Take a Stand Against Ageism**. It aimed to draw attention to and challenge negative stereotypes and misconceptions about older persons and ageing.

Ageism is a widely prevalent and prejudicial attitude that stems from the assumption that age discrimination, and sometimes neglect and abuse of older persons is a social norm and therefore, acceptable. It is a reality in some form in all societies, and finds expression in individuals' attitudes, institutional and policy practices, as well as media representation that devalue and exclude older persons.

To mark that day, the EPP group of the European Parliament in collaboration with AGE Platform Europe and ENNHRI (the European Network of National Human Rights Institutions) organised an event at the European Parliament on 28 September. This is the first event held at the European Parliament specifically focusing on the rights of older persons. Conceived as a working meeting, organisers aimed to increase awareness among MEPs and other European stakeholders about the ongoing international debate on older people's rights and to strengthen consultation and action at EU level on this topic.

Lambert van Nistelrooij, hosting MEP from the EPP Group (the Netherlands) and Coordinator of the Intergroup's subgroup on Active Ageing welcomed everyone and introduced the objectives of the meeting, which was about opening a dialogue on older people's rights. He further noted that this topic was gaining momentum and although it has not yet reached political consensus, he remains positive about the future. Overall, the subject matter is timely and merits close attention. He asked MEP Heinz Becker to briefly present a very interesting exhibition hosted at the time in collaboration with the Max Planck Institute, which addressed ageing and longevity and invited participants to visit it while being at the European Parliament. Mr. van Nistelrooij then gave the floor to the first speaker.

Bridget Sleaf, Senior Rights Advisor from HelpAge International provided the state-of-the-art of the debate, giving a historic overview of the debate on older people's rights and focusing on some milestones. She stressed the resolutions that established the UN Open-Ended Working Group on Ageing (OEWG), which has a mandate to explore ways to strengthen the protection of older people's rights, including the potential added value of a new UN convention. She further highlighted the recent report of the Independent Expert on the enjoyment of all human rights by older persons where she concluded that:



- Older persons face a number of particular challenges in the enjoyment of a wide range of their human rights;
- Despite several good practices, the implementation of existing law and national strategies fails to address the full spectrum of civil, political, social, economic and cultural rights of older people;
- The Madrid International Plan of Action on Ageing (MIPAA) is not sufficient to ensure the full protection of the rights of older persons;
- The UN Open Ended Working Group on Ageing (OEWG) should fulfil its mandate to present proposals on the main elements of an international legal instrument (convention) to the UN General Assembly.

Ms. Sleep noted that we are now in a more optimistic state, especially thanks to a pivotal meeting held in Slovenia in 2016, which showcased an increasing understanding on the need to improve the protection of older people's rights using the available mechanisms but also discussing the potential of a new UN Convention. Other important developments include the focus on older people's rights by the Asia-Europe Meeting (ASEM) and the World Health Organisation (WHO) campaign against ageism. She argued that a new UN convention is necessary to provide standards, to challenge social norms and offer older people with tools to claim their rights. She moreover, highlighted that there is no common position among EU states against a UN convention. Slovenia is actively working for a convention, whereas an increasing number of countries are open to this idea and contributing to the debate. She finished saying that this event is very timely and that she hopes that the next OEWG session will start negotiating a new UN convention.

Anne-Sophie Parent, Secretary General of AGE Platform Europe, noted with regret that, although the UN and the WHO have recognised ageism as a major problem, the EU is lagging behind. Nevertheless, across the European Union, ageism is not a trivial issue, but is extremely prevalent in medical settings, workplaces, laws, the media, the economy and many other areas. It is however often subconscious and hard to acknowledge by policymakers and victims as well. She gave examples of discriminatory treatment and EU and national reports depicting older people as a burden. Ms. Parent welcomed an initiative by the Union's External Action Service, which is currently preparing a handbook on age discrimination but noted with concern that the principle of age equality is not consistently applied in EU's internal action. She warmly welcomed the Independent Expert's conclusions and made a case for a new UN instrument, illustrating gaps in the protection of older people by the UN Convention on the Rights of Persons with Disabilities (UNCRPD). In fact, age limits in disability benefits – to date – remain unquestioned, she affirmed. *'People spend most of their career being either too young or too old'*, further highlighted Ms. Parent, advocating for a *'global recognition that older people face specific challenges in accessing their human rights'*.

Lora Vidovic, Croatian Ombudswoman and Chair of ENNHRI, presented their project on human rights of older people seeking or receiving long-term care. This project, which is funded by the European Commission, DG Employment and Social Affairs, aspires to improve the human rights protection of older persons in long-term care, with particular emphasis on

residential care. Through desk-based research, looking at human rights standards, but also relevant monitoring work of the situation in residential settings across six European countries, the project looks at introducing a human-rights based approach to the long-term care sector while strengthening the capacity of NHRIs to monitor and support human rights based policies in this area.



Their preliminary findings show good and innovative practices but also several breaches of human rights, such as the freedom of movement, right to privacy and to autonomy, as well as the right to the highest attainable standard of health. National reports showcase that while older persons are given high priority there is lack of understanding of their human rights. The project stresses the importance of multi-stakeholder collaboration and raising awareness of the human rights of older persons amongst older persons themselves, but also care workers and policy makers. Ms. Vidovic pointed out that there is no explicit right to long-term care in human rights standards, in addition to inadequate attention to age discrimination and palliative care, among others. Moreover, the lack of explicit reference to older people in human rights treaties entails limited reporting of the situation of the older population. The project further exposes lack of understanding, resources, and attention to the rights of older people and carers. ENNHRI recommends far-reaching awareness-raising and training for carers and practitioners. The project's findings show that action is needed now to enhance the implementation of older persons' human rights, and also that a convention on the rights of older people could strengthen implementation, as well as addressing any gaps in protection.

Darja Bavdaž Kuret, State Secretary of the Ministry of Foreign Affairs of the Republic of Slovenia explained that human rights issues, in particular of the most vulnerable groups is the Ministry's priority, at national and international levels. Demonstrating their commitment, they organised in April a high-level conference debating whether we should focus on the implementation of the existing framework, or pursue a new Convention? Their objective was not to reach a consensus at this point, but discuss openly and address some of the main reservations. One of the most important concerns of some EU countries is that a new instrument would add to the already burdened UN system. They are also sceptical about the actual impact of a new treaty. On the other hand, this conference showed a common understanding that older people are active subject that can fully exercise their human rights and that there is normative gap that needs to be filled.

Ms. Bavdaž Kuret clarified that Slovenia does not aim at increasing new rights for this group, nor at increasing the reporting obligations of states, but to enable older people to claim the rights that they are already entitled to. She stressed that in most human rights mechanisms older people are overlooked. For example, the Universal Periodic Review including only 27 out of a total of 50.000 recommendations about older people. The situation is similar when it comes to Special Procedures. We need global recognition that older people face specific

human rights challenges and the existing system does not address that. We need sufficient



international standards in addition to national measures. Older people are seen as a burden, which obscures their contributions and impact in social and political environment. EU values need to be implemented and lived, the fight against ageism must become one of EU's priorities, she concluded.

Johan ten Geuzendam, Advisor in

Directorate D. Equality, DG Justice and Consumers of the European Commission, took the opportunity to clarify EU's position in this debate. The EU firmly believes that more can be achieved through the existing mechanisms. He further explained that there is not sufficient support among EU Member States for the EU to consider a new treaty. The timing of this event is excellent in order to take stock of the findings of the Independent Expert and continue the discussion. Mr. ten Geuzendam stressed that the primary competence for older people's rights lies with the Member States as they are related to national social security systems. The EU Charter of Fundamental Rights has its limits and cannot be invoked to give the EU new competences. In fact he noted that national governments strongly defend these prerogatives, and do not want external interference. Nevertheless, the EU has achieved some important progress providing for a minimum level of protection from discrimination in employment. They also proposed a new horizontal directive covering access to goods and services but progress is slow. He also admitted that although age is among the most frequently perceived forms of discrimination, there is severe under-reporting of cases.

In terms of future steps, Mr. ten Geuzendam suggested waiting for the results of the 2017 review of the MIPAA and explore the feasibility of a two-track approach. On the one hand we should make better use of existing instruments, which offer unexplored potential. On the other hand, he underlined that while the EU is not opposed to a new treaty, they remain open to further assessment of the pros and cons of a UN Convention. 'We need more vocal national advocates for a convention on older people's rights', he stated. Concerns about the burden and the resources needed for the implementation of a new convention are not unrealistic, in his opinion. The current Commission is selective in items of its work priorities and there needs to be more political pressure at the level of Member States for the EU to change its stand.

Ivo Vaigl, MEP from the ALDE Group (Slovenia) and Jean Lambert, MEP from the Greens (United Kingdom), Vice-Presidents of the Intergroup on Active Ageing, also expressed their views. Mr. Vaigl suggested that the EU should not stress the costs of some projects when it is at the expense of human rights and the benefit of society as a whole. He declared his support for a new UN Convention, which he finds a necessary and urgent. The EU can also take action for older people's rights, without breaching the principle of subsidiarity, he explained. Ms. Lambert, welcomed the idea of a twin-track approach, but further stressed that we should look not only into what exists on paper, but how older



people can actually access them. She highlighted cases of intersectional discrimination and suggested looking at the potential impact of a new convention globally.

A general consensus prevailed among participants that the rights of older persons need to be strengthened. The audience suggested not looking at human rights reporting as a burden, but as an obligation and requirement, which is necessary in order to uphold rights for everyone. They further wondered until when will it be ok to consider age limits and the exclusion of older people as normal. A representative of the Polish Ombudsperson made reference to their ongoing campaign on older people's rights and their support for a new UN convention. The host, Mr. Van Nistelrooij underlined the added value of UN conventions to enable, empower, and improve communication at international level and noted that there was no strong objection shown during the event. He therefore called for a written declaration of the European Parliament on older persons' rights, including the potential of a new UN convention. Participating MEPs agreed to explore this possibility internally, as well as take advantage of other occasions to promote the rights of older people in EU action.

The organisers concluded with a hope that this will be one of many EU-level events discussing how to apply article 25 of the EU Charter of Fundamental Rights on the Rights of the Elderly and how to achieve progress including by considering the added value of a new UN treaty.

Resources

- AGE Platform Europe (2015) [Older Persons' Self Advocacy Handbook – An online to engaging in processes in the Human Rights of Older Persons](#)
- AGE Platform Europe (2016) [Position Paper on Structural Ageism](#)
- ENNHRI (European Network on National Human Rights Institutions) [project on the human rights of older people in long-term care](#)
- World Health Organization (WHO) [Global Strategy and Action Plan on Ageing and Health](#) (2016-2020) on leading a [Global Campaign to Combat Ageism](#), to support local and international partners in their efforts to change policies and practices
- [UN Open-Ended Working Group on Ageing](#)
- UN Independent Expert on the enjoyment of all human rights by older persons <http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx>

For more information

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