



## Toward a better recognition of and respect for older people's rights in the EU

### AGE General Assembly 2015 Final Declaration

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Members of AGE Platform Europe met at the 2015 General Assembly to call on European Institutions, EU Member States, local and regional authorities to mobilise their respective capacities in order to promote and secure the rights of all older women and men residing on their territory. AGE recommendations for policy alternatives speak out against the practices that facilitate rights violations against older people and call for rights-based reforms at local, national and EU levels.

While recognising the importance of the cooperation with EU and national policy makers so far, AGE members urge them to support further open and transparent mechanisms for the engagement of civil society in policy making, in order to address the complex realities faced by older people at grass roots level, and to:

- I. Apply the existing legal framework and monitor its impact on the rights of older people;
- II. Strengthen the legal framework to better protect the rights of older people and eliminate age discrimination; and
- III. Acknowledge older people's rights and ensure they underpin the silver economy to guarantee that its innovation potential is used to meet the specific needs of Europe's ageing populations.

2015 has been a year of major political, economic and social developments in the European Union: the debate about Eurozone's future, the intensive negotiations on the Transatlantic Trade and Investment Partnership (TTIP) or the refugee and migrant emergency which contributed to the humanitarian crisis occurring primarily because of the long lasting political and economic crisis in several countries. The latter issue is urgent. Europe must champion the **rights of the most vulnerable, including refugees**. The future of the EU depends on its capacity to respect international refugee and human rights law and to apply its own values to all refugees regardless of their country of origin, ethnicity, religion, gender or age.

Looking forward, it is vital that the EU also maintains its focus on the long-term challenges we face, such as demographic ageing, climate change, economic recovery, technological evolution, migration and the fairer distribution of wealth within and among generations and countries. The realisation of everyone's rights relates to each of these challenges, and should be taken into account across all EU and national policies.





A number of binding instruments enshrine rights relevant to older people, such as the European Convention of Human Rights, the International Covenant on Economic and Social Rights and the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Yet many **national governments neglect the relevance of socio-economic policies to the fulfilment of their human rights obligations under international and European treaties**. Moreover, whereas the European Union proclaims the rights of older people in its Charter of Fundamental Rights and is bound by the UNCRPD, this normative recognition of older people's rights is far from being matched at the level of implementation. **It is time for the EU as a whole and national governments to be held accountable for the rights they put on paper but do not put into practice in relation to specific groups.**

Two key trends add to widening human rights disparities faced by older people across the EU. Firstly, **inadequate investments in goods and services of general interest** increase the pressure on older people and their families and highlight the increasing inadequacy of pensions in many countries. Secondly, **social inequalities persist among older people**, such as the concentration of poverty among older women, tenants, migrants, people with dementia or persons with disabilities – specific groups who already face structural barriers in access to adequate social protection systems. Growing long-term unemployment among older workers will also increase the risk of poverty in older age.

Moreover, **ageing populations not only pose challenges for national governments** in terms of ensuring adequate pensions or providing affordable and quality health and long-term care services, they are **also a rich resource of knowledge, experience and social support as well as offering many business sectors the opportunity to target a growing and potentially rewarding silver economy market**.

Claiming our rights as equal citizens, we are equally conscious of our responsibilities and duties. While living longer, we should anticipate an active and healthy older age by adopting healthy lifestyles, learning to keep pace with technological progress, adapting to new working environments, fulfilling our civic duties or participating actively in local communities.

When calling for the respect of older people's rights, AGE members representing parents, grandparents and citizens are equally concerned with the rights of younger generations. In the current context of economic and social crisis younger people also face challenges to study, find work, fully participate in society or live in dignity. In many cases, older people support them financially and emotionally and we wish to work and shape societies together to ensure equal rights and well-being for everyone.

**Our common vision is that of an inclusive society for all ages based on equal rights and where social and economic justice is guaranteed within and across generations.**



*For the full text of AGE General Assembly recommendations, please see following pages.*





## **I. Apply the existing legal framework and monitor its impact on the rights of older people**

The EU must be coherent in its mandate under the EU Charter of Fundamental Rights to protect older people's rights as for other age groups. All EU socio-economic initiatives and policies should be rights-based in order to empower everyone, including older people, to contribute, prosper and enjoy their economic, social, cultural and civic rights as equal citizens.

To ensure an effective application of older people's rights, AGE members call on national governments and European institutions to:

- Always assess the impact of proposed economic reforms, at national and EU level, on older people's fundamental rights to maintain adequate social protection, paying due attention to the multifaceted social realities faced by some groups of older people, such as older women facing age and/or gender-based discrimination, those with low or eroding income, poor health status, reduced physical or mental capacity, long term unemployment, isolation and depression, limited access to goods and/or services, and older persons at risk of elder abuse;
- Adopt economy recovery measures to ensure sustainable growth without inhibiting the capacity of national welfare systems to ensure adequate social protection for all in ageing societies, in line with Europe 2020 social objectives;
- Set up an EU multi-stakeholder high-level dialogue group on the rights of older people to operationalise article 25 of the EU Charter and monitor the implementation of EU policies with regard to older persons.

### ***Active ageing***

- Develop national policies to create inclusive labour markets fostering the professional mobility of older workers and facilitating transfer of knowledge and competences between generations;
- Support older workers, particularly long-term unemployed, to reintegrate into the labour market, and if the return to employment is not possible due to justified reasons, ensure adequate income support including minimum pension;
- Develop national strategies on life-long learning in support of inclusive labour markets and sustainable economic growth, where young and older people cooperate and learn from each other;
- Recognise the value of volunteering and promote the image of older people as active actors with full rights and responsibilities in the process of innovation as well as social and economic development;

### ***Adequate income***

- Take socio-economic measures to guarantee the adequacy of pensions on the long-term and recognize individual pension rights for all to ensure a dignified life in old age, including those with justified career breaks – mainly women – who have caring responsibilities for family members all along their working life;
- Apply innovative tools to establish and preserve decent standards of living and dignity for the most vulnerable amongst older persons, for instance national reference budgets for an adequate minimum income including pension;





### **Health and wellbeing**

- Recognize the positive role of health and long-term care as a support to active and healthy ageing by re-orienting health services to adequately deal with potential multi-morbidity of older people and be fully accessible at the primary care level, thus reducing unnecessary use of hospitals and reducing healthcare costs. This in turn will help older people remain active for longer. Increase the supply of quality long-term care services for older persons and supervise and control their delivery, whilst providing incentives for public, NGO and private investment for such services;
- Acknowledge the major contribution of informal family carers (many of whom are older people, often women) to long-term care provision and provide support through needs assessments, training, respite care, in-kind and financial support and social protection, including pension rights for working carers;
- Ensure the enforcement of policies to prevent abuse of all older persons.

### **II. Strengthen the legal framework to better protect the rights of older people and eliminate age discrimination**

National and local governments in the EU, while struggling to restore balance in their public finances and boost their economies, often overlook the impact that austerity measures have on older people. By restricting universal access to quality social protection, governments put at risk older people's rights to age independently and with dignity and hinder social cohesion within countries and across the European Union.

#### **EU legal framework**

Extending the EU legal framework to combat persistent age discrimination in access to goods and services has to remain a high priority for the EU and Member States. AGE members call on Member States to:

- Accelerate the adoption of an ambitious EU directive for equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation and avoid broad exemptions to age discrimination that risk invalidating the principle of age equality.

To improve the EU gender equality framework and combat discrimination faced by workers with informal caring duties toward older dependent relatives, AGE members call on the European Commission and Member States to:

- Adopt an ambitious directive to support all workers with informal care duties, including those who provide informal care to an older dependent relative.

#### **International legal framework**

Older people's rights are gaining momentum as there is an ongoing international debate on how to improve their protection on the ground. United Nations and other international organisations, including the Council of Europe and the European Union have elaborated human rights policy documents and established bodies and processes to monitor their implementation by national governments. AGE Members strongly welcome these developments; however there is a need for improved coordination of the existing provisions and for an analysis of how existing human rights instruments apply to older





people and impact on their lives. This will contribute to the debate on the added value of a future convention on the rights of older persons.

While we acknowledge the need for a new binding instrument to highlight the specific barriers that older people face in respect of their human rights, we are conscious that such a convention cannot solve every problem. In order to have a real impact, it will have to be accompanied by targeted actions.

This is why AGE calls for further engagement and actions at the EU level, building on the outcomes from the current UN debate on the rights of older people, in particular to:

- Improve policy coherence and strengthen the consistency of EU's internal and external human rights policy in line with the EU Action Plan on Human Rights and Democracy;
- Accede to the European Convention on Human Rights as required by the Treaty of Lisbon. When such a fulfilment is met, the EU will fall under the scrutiny of the European Court of Human Rights. AGE Members call for EU efforts to be intensified to see progress in EU-Council of Europe deliberations in order to make this operational;
- Broaden the European Commission's work priorities across all policy areas with actions on the rights of older people, in order to monitor the application of article 25 of the EU Charter of Fundamental Rights and promote the rights of older people in policy implementation and in view of informing the upcoming mid-term review of the Madrid International Plan of Action on Ageing (MIPAA) in 2017;
- Adopt a positive stand in the UN Open Ended Working Group on Ageing, which is a unique forum to discuss and plan concrete action to advance the rights for older people on the ground, and ensure that EU's position in the UN Open Ended Working Group is informed by the views of older people;
- Build political support for a United Nations instrument on the rights of older persons through multi-stakeholder consultation;
- Ensure that EU's implementation of the UN Convention on the Rights of Persons with Disabilities is undertaken in consultation with organisations of older persons, taking due account of the specific challenges faced by older people with disabilities.
- Coordinate proposals by EU Member States to contribute to the work of the UN Independent Expert on the enjoyment of all human rights by older persons.
- Raise public awareness of the Council of Europe recommendation as a tool to promote older people's rights transversally across in all areas.
- Give adequate attention to older people in refugee camps in EU development policy and support. Large numbers of refugees are now coming to Europe and many of them are older persons. It is important that all the refugees are welcomed in a decent and humanitarian way.

### **III. Acknowledge older people's rights and ensure they underpin the silver economy to guarantee that its innovation potential is used to meet the specific needs of Europe's ageing populations**

While boosting the silver economy can stimulate national economies, it should however not be only a way of promoting growth, creating employment and raising prosperity but also of creating a just and equal society for all ages.





As leaders of ageing populations, AGE members call for the silver economy to support the challenge of creating age-friendly environments which enable people to remain healthy, independent and autonomous long into their old age and thus cover a wide range of areas from transport to social participation. Ultimately, age-friendly environments secure older persons' fundamental rights.

The emerging EU silver economy strategy as announced by the European Commission<sup>1</sup> is a positive first step towards such a holistic approach and should lead to better coordination of EU level policies and initiatives led by different EC Directorate Generals. The EU strategy should address new market opportunities arising from public and consumer expenditure related to the rights, needs and expectations of the growing population aged 50 and over.

In order to make the silver economy both a factor of economic growth and prosperity and a support tool for older people's empowerment to participate in society, AGE members call on the EU and Member States to:

- Support the Covenant on Demographic Change set up to gather local, regional and national authorities, and other stakeholders, that commit to cooperate and implement evidence-based solutions to support active and healthy ageing as a comprehensive answer to Europe's demographic challenge;
- Adopt EU and national strategies on demographic change, with a strong emphasis on the potential of the silver economy and its spill-over effect onto wider strategies for economic growth, for example by stimulating innovation investments and solutions for age-friendly housing and smart living while ensuring that new technologies will not replace direct human contacts;
- Develop policy guidelines, set priorities and address recommendations on promoting the silver economy based on the concept of inclusive design to ensure it does not create any new barriers and will benefit all population groups and support active ageing;
- Mainstream the creation of age-friendly environments into the development of the silver economy to support longer healthy and independent life years;
- Support the engagement of older people as co-producers and beneficiaries of the silver economy at all levels including strategic policy making and final implementation, whilst ensuring adequate consumer protection;
- Promote a positive image of age and move beyond stereotypes, recognising the diversity across different age population groups;
- Improve communication through public-awareness campaigns, to show older people's contribution in supporting the competitiveness of companies and businesses. This will help promote a positive image of older people as active citizens and fight age-related stereotypes.

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<sup>1</sup> "Growing the European Silver Economy", European Commission, 23 February 2015,  
<http://ec.europa.eu/research/innovation-union/pdf/active-healthy-ageing/silvereco.pdf#view=fit&pagemode=none>

