



AGE Platform Europe input to OHCHR call for input on ‘Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons’

About AGE Platform Europe

This answer is submitted by [AGE Platform Europe](https://www.age20.eu), the largest EU network of non-profit organisations of and for people aged 50+, which aims to voice and promote the interests of the 200 million citizens aged 50+ in the European Union (Eurostat, 2018) and to raise awareness on the issues that concern them most. Our work focuses on a wide range of [policy areas](#) that impact on older and retired people. These include issues of anti-discrimination, employment of older workers and active ageing, social protection, pension reforms, social inclusion, health, elder abuse, intergenerational solidarity, research, accessibility of public transport and of the build environment, and digital technologies (ICT).

We seek to give a voice to older and retired people in the EU policy debates, through the active participation of their representative organisations at EU, national, regional and local levels, and provides a European platform for the exchange of experience and best practices. We furthermore inform older people on their rights as EU citizen or resident and on EU policy making processes and recent EU policy development.

Through our involvement in several [EU projects](#), we also seek to promote older people's participation in the development of projects and devices intended for them ('user involvement').

Contribution

AGE welcomes the adoption of the Human Rights Council resolution 48/3 entitled “Human rights of older persons”, which calls for the preparation of a report on normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons, and to submit the report to the Human Rights Council at its forty-ninth session. We believe that the Working paper prepared by the Office of the High Commissioner for Human Rights and submitted to the 11th session of the UN Open-Ended Working Group on Ageing (OEWG) entitled “[Update to the 2012 Analytical Outcome Study on the normative standards in international human rights law in relation to older persons](#)” provides an excellent analysis of the normative standards on the rights of older persons and should become the basis for the development of the report to be submitted to the HRC. We also request that the report be formally presented and discussed as part of the official agenda of the 12th session of the OEWG. We would also like to refer to the reports of the UN Independent Expert on the rights of older persons, which provide critical evidence about the existing legal and policy framework. All the material submitted to the



OEWG should also be considered for this report as they provide a wealth of information on the adequacy of the existing normative framework.

In addition, we would like to bring to the attention of the OHCHR the following resources that provide a critical analysis of the European standards as they relate to older persons.

- The [report](#) prepared in the frame of our EU Leads the Rally campaign critically analyses normative standards and whether they advance the protection of the human rights of older persons.
- A recent [report](#), authored by Elaine Dewhurst from the European network of legal experts on non-discrimination and gender equality, examines the state of the art in protection against age discrimination beyond employment at European and national level. This report concludes that alone, the Charter of Fundamental Rights – which includes a provision prohibiting age discrimination – is not sufficient to protect individuals beyond the labour market context. Therefore, legal protection needs to be extended, for example through the adoption of the so-called horizontal non-discrimination directive is considered essential to fill this gap.
- A [report](#) by the European Network of Equality Bodies, Equinet demonstrates that Courts tend to consider age discrimination as a ‘less severe’ form of discrimination.
- This demonstrates that the existing framework fails to protect older persons to the same extent as other protected grounds of discrimination. More needs to be done to rectify this injustice
- In our recent [report](#) on the implementation of the EU Employment Framework Directive, we also demonstrate that the directive permits a wide range of practices that restrict older people’s right to access or remain in the labour market. National and EU courts still consider age discrimination as less severe compared to other grounds and reflect biases about the ability of older people to work.
- In 2018, together with the Regional Office of OHCHR for Europe in Brussels, we organised a seminar, which developed [recommendations](#) on the content to equality and non-discrimination in old age drawing from existing standards.
- Our [assessment](#) of the 2014 Council of Europe recommendation demonstrates that this instrument remains largely unknown and has not triggered any serious governmental action to fight age discrimination and drive policy change on the ground.
- The [“We have the same rights” The Human Rights of Older Persons in Long-term Care in Europe](#) report of the European Network of National Human Rights Institutions analyses the normative framework from the perspective of the right to long-term care

For more information you may contact Nena Georgantzi, Policy Coordinator: nenageorgantzi@age-platform.eu



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