



Strasbourg, 26 September 2012

CDDH-AGE(2012)R2

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**Drafting Group on the Human Rights of Older Persons
(CDDH-AGE)**

Meeting report

2nd meeting

Monday 24 September 2012 (9:30 a.m.) – Wednesday 26 September 2012 (1:00 p.m.)
Council of Europe
Agora, Room G06

Item 1: Opening of the meeting and adoption of the agenda

1. The Drafting Group of the CDDH on the Human Rights of Older Persons (CDDH-AGE) held its second meeting in Strasbourg on 24-26 September 2012 with Mr Jakub WOLASIEWICZ (Poland) in the Chair. The list of participants can be found in Appendix I. The agenda as adopted and the references to the working documents appear in Appendix II.

Item 2: Draft of a non-binding instrument on the promotion of the human rights of older persons

2. After a general exchange of views, the Group discussed the draft instrument prepared by the Secretariat section by section and paragraph by paragraph, considering the relevant comments provided by delegations in writing prior to the meeting. The draft instrument as discussed and revised by the Group appears in Appendix III¹.

3. The Group proceeded following the proposal of the Secretariat to draft a Recommendation, but left the question of the nature of the instrument open for time being. In accordance with the practice of the Council of Europe, the Group decided that the Recommendation should contain only a few operative principles, while a full list of substantive provisions should appear in an appendix which would be an integral part of the Recommendation. The question of good practices is presented under item 3 hereafter. The Recommendation should be accompanied by an explanatory memorandum, which would be prepared by the Secretariat before the next CDDH-AGE meeting.

4. With regard to the Preamble, the Group agreed on a number of amendments, in particular on the reference to Council of Europe and other international instruments, to the universality, indivisibility, interdependence and interrelation of human rights, and to the problem of exclusion of older persons.

5. Concerning Section I (“Scope and general principles”), the Group considered several proposals for a definition of “older persons” and decided to come back to the issue at the next meeting.

6. The Group decided to shorten Section II (“Non-discrimination”) as proposed by the Secretariat, and transfer the remainder to the explanatory memorandum.

7. As regards Section III (“Autonomy”) and Section IV (“Supported decision making”), the Group decided to merge both into a new Section entitled “Autonomy and decision-making”. It restructured the relevant provisions, in particular with regard to possible limitations to legal capacity and to possible abuses – including financial abuse – by third parties. The Group also instructed the Secretariat to include in the explanatory memorandum a reference to Committee of Ministers’ Recommendation (2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity.

8. The Group decided to join Sections V and VI into a single section entitled “Protection from violence and abuse”.

¹ Appendix III has been renumbered, while the numbers and titles referred hereinafter refer to the original version of the draft recommendation, as contained in document CDDH-AGE(2012)07.

9. Concerning Section VII on “The right to social protection”, the Group rearranged the order of provisions and added some adjustments in the light of Article 23 of the Revised European Social Charter. Moreover, it decided to include in the explanatory memorandum examples of what should be meant by adequate resources, a reference to the fact that provisions of this section should be understood taking into account the applicable national context, a specification that “health care” also relates to mental health and geriatric care, as well as a mention of the possibility to address a competent authority in case of insufficient quality of care.

10. The Group considered that several parts of the draft recommendation which were originally dealing with institutional care (notably Sections VIII, IX, X, XI, XII and XV) could also apply to older persons who receive other forms of care. It was therefore agreed to rearrange the structure to the effect that those provisions are contained in a new Section entitled “Care”, whereas provisions specifically addressed to older persons in residential or institutional care appear in a new Section entitled “Residential and institutional care”. It was also agreed to refer to specific relevant provisions of the Oviedo Convention in the explanatory memorandum.

11. In the light of the clarifications provided by the Secretariat on recent case-law by the European Court of Human Rights (notably the cases of *Stanev v. Bulgaria* [GC], judgment of 17 January 2012, and *Austin and others v. the United Kingdom* [GC], judgment of 15 March 2012), the Group decided to shorten the provisions of the Section entitled “Compulsory placement of older persons in institutional or psychiatric care” and integrate them in the new Section on “Residential and institutional care”. The Group instructed the Secretariat to illustrate the relevant case-law in the explanatory memorandum.

12. As regards Section XIII on “Detention of older persons” and Section XIV on “Right to a fair trial”, the Group decided to make certain editorial adjustments to the texts and to merge them into a new Section called “Justice”.

13. The group also agreed to delete Sections XV on “Consent to medical treatment” as well as XVII on “End of life situations” and to move the relevant provisions under the sections on “Autonomy and decision-making” and on “Care”. The Group discussed the need to clarify, either in the text itself or in the explanatory memorandum, that those paragraphs (notably paras. 63 and 64) which have been inserted in the Section on “Care” were not meant to refer to the issue of euthanasia, and to have the specific sections on “Consent to medical treatment” in cases of a mental disability removed from the text.

14. The Group also decided to adjust certain formulations with regard to the Section on “Palliative care” in light of comments made by observers.

15. In order not to create any imbalance in the text with regard to other vulnerable groups, it was decided to delete Section XVIII on older migrants, and instead have a reference to this group and to relevant Council of Europe instruments in the Preamble and in Section II (“Non-discrimination”).

16. The Group decided to delete from the draft several references on the right to receive information by older persons in specific contexts, and instructed the Secretariat to draft a general provision on older persons’ right to receive information in view of the next meeting. It also considered that, given that this was a work in progress, it would reconsider certain issues which have appeared on the list at the first meeting and which have not yet been sufficiently considered in the draft at its next meeting.

Item 3: Preliminary discussion on good practices, including the scope of a possible questionnaire to Governments and relevant other actors

17. The Group decided that the draft recommendation should be accompanied with a guide of good practices to be integrated in the text in boxes under each Section of the instrument. To this effect, member states and observers to CDDH and CDDH-AGE would be asked to provide relevant information and propose examples of good practices to the Secretariat, also in view of the topics referred to in para. 16 of this report. The replies would be edited by the Secretariat in view of the next CDDH-AGE meeting.

Item 4: Other business

18. The Group noted that the results of the second meeting will be discussed by the CDDH at its next meeting (27-30 November), in particular the draft recommendation which appears in Appendix III. On the basis of the discussion, the CDDH will provide new instructions to the CDDH-AGE for its third meeting.

19. The third meeting of the CDDH-AGE will be held in Strasbourg on 15-17 May 2013.

APPENDIX I

LIST OF PARTICIPANTS

MEMBER STATES/ETATS MEMBRES

AUSTRIA / AUTRICHE

Excused/Excusé

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Ms Lucie RYBOVÁ, Social Inclusion Policy Unit, Ministry of Labour and Social Affairs, Section for Social Inclusion and Equal Opportunities, Praha

DENMARK / DANEMARK

Anne-Mette KJÆR HESSELAGER, Head of Section, Ministry of Social Affairs and Integration, Kontor for Jura og International, København

FINLAND / FINLANDE

Ms Päivi ROTOLA-PUKKILA, Legal Officer, Ministry for Foreign Affairs, Unit for Human Rights Courts and Conventions, Government

FRANCE

M. Sylvain FOURNEL, Rédacteur, DJ/DHOM, sous-direction des droits de l'Homme, Direction des affaires juridiques, Ministère des Affaires Etrangères, Paris

GERMANY / ALLEMAGNE

Ms. Judith HILKER, Referentin, Federal Ministry of Justice, Berlin

GREECE / GRÈCE

Mme Athina CHANAKI, Conseiller juridique adjoint auprès du Service Juridique/Section de droit international public du Ministère grec des Affaires étrangères, Athènes.

ITALY / ITALIE

Dr. Alfredo FERRANTE, M.A., Head of Disabilities Policies Unit, Directorate General for Inclusion and Social Policies, Ministry of Labour and Social Policies, Rome

POLAND / POLOGNE

Mr Jakub WOLASIEWICZ, [*Chair/Président*], Government Agent, Ministry of Foreign Affairs, Warsaw

Mr Jerzy CIECHAŃSKI, Ministry of Labour and Social Policy, Department of Economic Analyses and Forecasts, Warsaw

Mr Tomasz TADLA, Ministry of Foreign Affairs, Department of Proceedings before International Human Rights Protection Bodies, Warsaw

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mme Maria MOLOTSOVA, 1st Secretary, Department for International Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, Moscow

SPAIN / ESPAGNE

M. Manuel MONTERO REY, Head of International Service of IMSERSO (Institute for Older Persons and Social Services), Ministry of Health, Social Services and Equality (Spain), Madrid

SUISSE / SWITZERLAND

Mme Dominique STEIGER LEUBA, [*Vice-Présidente/Vice-Chair*], Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction Droit public, Unité Droit européen et protection des droits de l'Homme, Bern

TURKEY / TURQUIE

Ms Gönül ERÖNEN, Adjointe au Représentant permanent de la Turquie auprès du Conseil de l'Europe, Strasbourg

Mr Basrı YILDIZ, Legal Expert/Expert juridique, Représentation permanente de la Turquie auprès du Conseil de l'Europe, Strasbourg

PARTICIPANTS

European Committee on Legal Co-operation / Comité européen de coopération juridique (CDCJ)

Excused/Excusé

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe

M. Alain KOSKAS, Président du Groupe de travail « Violences à l'égard des personnes âgées et droits de l'Homme » au sein de la Commission Droits de l'Homme des OING du Conseil de l'Europe, Président du Conseil scientifique de la FIAPA (Fédération Internationale des Associations de Personnes Agées) – rapporteur de la Conférence des OING.

AGE-Platform Europe

Mrs Athina-Eleni GEORGANTZI, Bruxelles, Belgique

Conference of European Churches / Conférence des églises européennes (KEK)

Revd Richard FISCHER, Executive Secretary, Strasbourg, France

Global Alliance for the Rights of Older People

Mr Ken BLUESTONE, International Political and Policy Adviser, Age UK, London, UK

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et État de droit
Council of Europe / Conseil de l'Europe, F-67075 Strasbourg Cedex**

Mr Daniele CANGEMI, Head of Division / Chef de Division, Human Rights Law and Policy Division / Division du droit et politique des droits de l'homme

Mr Matthias KLOTH, [*CDDH-AGE Secretary-Secrétaire du CDDH-AGE*], Administrator, Human Rights Law and Policy Division / Division du droit et politique des droits de l'homme

Mme Valérie PEARD, Principal Assistant, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'homme

Mr Stefano ANGELERI, Trainee/Stagiaire, Human Rights Law and Policy Division / Division du droit et politique des droits de l'homme

Mme Frédérique BONIFAIX, Assistant / Assistante, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'homme

Bioéthique / Bioethics

M. Carlos de SOLA, Head of Bioethics Department / Chef du Service de la bioéthique

Service de la Charte Sociale européenne et du Code européen de sécurité sociale / Department of the European Social Charter and Social Security Code

Ramon PRIETO-SUAREZ, Secrétaire du Sous-Comité 2 du CEDS

INTERPRETERS / INTERPRÈTES

Chef d'équipe : Isabelle MARCHINI

Amanda BEDDOWS

Katia DI STEFANO

Reference documents

Preliminary study on the promotion of the human rights of the elderly	CDDH(2012)002
Compendium of the case-law of the European Court of Human Rights concerning the human rights of the elderly	CDDH-AGE(2012)01
Selection of relevant Council of Europe texts concerning the human rights of the elderly	CDDH-AGE(2012)02
Reports of the United Nations Open-ended Working Group on Ageing	CDDH-AGE(2012)03
Activities carried out by the Committee on Bioethics (DH-BIO) which may be of relevance with regard to the protection of fundamental rights of elderly persons	CDDH-AGE(2012)05

Item 3: Preliminary discussion on good practices, including the scope of a possible questionnaire to Governments and relevant other actors

Item 4: Other business

APPENDIX III

Draft Recommendation CM/Rec(20...)... of the Committee of Ministers to member states on the promotion of the human rights of older persons

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its member states, *inter alia*, by promoting common standards and developing actions in the field of human rights;

Bearing in mind notably the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) in the light of the relevant case law of the European Court of Human Rights, the European Social Charter (ETS No. 35), opened for signature in 1961 and revised in 1996 (ETS No. 163), in particular its Article 23 (Right of elderly persons to social protection), in the light of its interpretation by the European Committee of Social Rights, as well as the relevant provisions of the Convention on Human Rights and Biomedicine (ETS No. 164);

Taking into account the Committee of Ministers' Recommendations CM/Rec(2011)5 on reducing the risk of vulnerability of elderly migrants and improving their welfare, CM/Rec(2009)6 on ageing and disability in the 21st century, and No. R(94)9 concerning elderly people;

Having regard to the Parliamentary Assembly's Resolution 1793 (2011) on promoting active ageing: capitalising on older people's working potential, Recommendation 1796 (2007) on the situation of elderly persons in Europe, Recommendation 1749 (2006) and Resolution 1502 (2006) on demographic challenges for social cohesion, Recommendation 1619 (2003) on the rights of elderly migrants, Recommendation 1591 (2003) on challenges of social policy in Europe's ageing societies, as well as Recommendation 1418 (1999) on the protection of the human rights and dignity of the terminally ill and the dying;

Recalling the provisions relevant to older persons in the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015;

Having regard to the relevant instruments and the ongoing work of United Nations, notably the United Nations Principles for Older Persons (1991) and the International Plan of Action on Ageing (MIPAA) and the Regional Implementation Strategy for Europe;

Conscious of the demographic changes in Europe and the ever-increasing number of older persons in our societies;

Stressing that the great increase in life expectancy which has taken place in the past century should not be perceived as a burden for society but as a positive trend;

Recalling that older persons form an important human, social and economic asset within society;

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, and their full enjoyment, without any discrimination, by older persons needs to be guaranteed;

[Recognising that older persons are// particularly vulnerable to abuse and neglect, and they therefore need special protection// often ignored and denied their full human rights, and stressing therefore that because of their vulnerability they need special protection];

Recognising that solidarity and respect between generations is of great importance and should be encouraged, both in the family and on the individual level, as well as on the private and public institutional level;

Considering that all older persons, including those who live in institutional care, should be able to live their lives in dignity, equality, security, free from social exclusion and isolation, neglect and abuse, and as autonomously as possible;

Recommends that the governments of the member states:

1. ensure that the principles set out in the appendix to this recommendation are complied with in national legislation and practice relating to older persons[, and evaluate regularly the measures taken // collect and analyse relevant data to that effect];
2. ensure, by appropriate means and action - including, where appropriate, translation - a wide dissemination of this recommendation among competent authorities and stakeholders, with a view to raising awareness of the human rights and fundamental freedoms of older persons;
3. examine within the Committee of Ministers the implementation of this recommendation three years after its adoption.

I. Scope and general principles

1. This recommendation concerns the enjoyment of human rights and fundamental freedoms by older persons.

2. [*Alternative 1*: This recommendation recognises that Council of Europe Member States have identified chronological ages at national level whereby persons enjoy specific rights for being older.

For the purpose of this recommendation, older persons include those who by reason of their older age, the perception and attitudes of society, and other factors related to older age, suffer barriers to the full enjoyment of their human rights and effective participation in society on an equal basis with others.

Alternative 2: The present recommendation aims to protect persons whose older age constitutes, alone or with other factors, in particular perceptions and attitudes, a barrier to the full enjoyment of their human rights and fundamental freedoms and their full and effective participation in society on an equal basis with others.]

3. Older persons shall fully enjoy the rights guaranteed in the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: “European Convention on Human Rights”), the European Social Charter opened for signature in 1961 and revised in 1996, as well as other relevant human rights instruments, to the extent that member states are bound by them.

II. Non-discrimination

4. Older persons shall enjoy their rights and freedoms without any discrimination on grounds of age, in particular in areas such as employment, health care, life-long learning, housing, social and financial services.

5. Member states shall take effective measures to avoid multiple discrimination of older persons. They should recognise that older women are in particular subject to multiple discrimination, and be conscious of the fact that such discrimination may equally arise where an older person has, for instance, a disability or a different sexual orientation. In this respect, member states should also be particularly aware of and sensitive to the specific problems of older migrants.

6. Member states should consider the ratification of Protocol No. 12 to the European Convention on Human Rights providing for a general prohibition of discrimination, including on grounds of age.

III. Autonomy and decision-making

7. Older persons are entitled to lead their life in a self-determined and autonomous manner as their physical and mental capacities permit. They should be able to lead independent lives in their familiar surroundings for as long as they wish and are able.

8. Older persons have the right, including when they live in residences or institutions, to private correspondence, such as writing and receiving letters, making phone calls or communicating and receiving information via electronic means, as well as to maintain social contacts.

9. Such autonomy encompasses the taking of independent decisions with regard to all issues which concern older persons, including those regarding their property, income, finances, place of residence, health, medical treatment or care. Older persons should be given sufficient time to reflect before making any decision and to consult persons of their confidence.

10. Older persons should be able to receive support in exercising their legal capacity, including appointing a trusted third party of their own choice to assist with their decisions. Such appointed party should act in the best interest of that older person, taking into account his or her wishes. Member states should provide for legislation which allows older persons to regulate their affairs in the event that they are incapable to express their instructions at a later stage.

11. Any decisions to restrict an older persons' legal capacity should be strictly limited to the purpose of the measure. Such decisions should apply for the shortest time possible, and subject to regular review by a competent, independent and impartial authority or judicial body. Any representative appointed through such measures should be obliged by law to strictly act in the best interest of that older person and be free of conflict of interest.

12. Sufficient safeguards should be in place to protect older persons from abusive conduct, including financial abuse, by their representatives to influence their will, such as coercion or conflicting interests.

13. Older persons have the right to make arrangements or give instructions for a funeral in accordance with their wishes and beliefs.

IV. Protection from violence and abuse

14. As for all other persons, no older person shall be subjected to torture and inhuman or degrading treatment or punishment.

15. [In particular,] No older person shall be subjected to violence and abuse, including physical, psychological or emotional abuse, harassment, humiliation, sexual abuse, inappropriate medical (including pharmaceutical) treatment, or neglect.

16. Member states shall protect older persons from violence and abuse irrespective of whether such maltreatment occurs at home, within an institution or elsewhere.

17. Such protective measures should include action to prevent maltreatment. Member states should also take measures to protect persons reporting such abuse to the authorities from any form of retaliation.

18. Member states shall carry out an effective investigation into credible claims that an older person has been abused or maltreated, or when the authorities have reasonable grounds to suspect that such treatment has occurred.

19. Older persons who have suffered from abuse should receive appropriate help and support. Should member states have failed to meet their positive obligation to protect those persons, they are entitled to an effective remedy before a national authority and to receive prompt and adequate redress for the harm suffered.

V. Right to social protection

20. Older persons should receive adequate resources enabling them to lead a decent life and play an active part in public, economic, social and cultural life.

21. Member states should provide adequate measures of support to enable older persons to adapt their housing to their needs and their state of health.

22. In order to maintain and improve the health and well-being of older persons, member states should provide appropriate health and long-term care.

23. Member states should organise, either by public institutions or in co-operation with non-governmental organisations, sufficient supplementary services such as day care, nursing care or preparation of meals.

24. Member states which have not yet ratified the European Social Charter (revised) and the Additional Protocol to the European Social Charter providing for a system of collective complaints (ETS No. 158) should consider doing so. Those which have already ratified the revised Charter, but are not yet bound by Article 23 (Right to social protection of older persons), should contemplate declaring that they consider themselves to be bound by that provision.

VI. Care

25. Older persons should be guaranteed the right to appropriate care and adequate services.

26. Older persons have the right to dignity and respect for their private and family life, including respect for their sexual intimacy, to the fullest extent taking account of the level of care and assistance which they require.

27. Care providers should treat any sensitive data of older persons confidentially and carefully.

[28. Older persons who are placed in institutional care have the right to freedom of movement. Any restrictions must be lawful, necessary and proportionate and in accordance with international law. There should be adequate safeguards for review of such decisions.]

29. Care should be affordable for older persons and programmes should be in place to assist older persons, if necessary, with covering the costs.

30. Member states should operate a system through which care delivery is regulated and assessed. Care givers should receive sufficient training and support to adequately ensure the quality of the services provided.

31. Member states should provide for complaint mechanisms and redress about any deficiencies in the quality of the service.

32. Older persons should receive medical care only upon their free and informed consent, and may freely withdraw consent at any time.

[33. Older persons should have the right to determine whether and to what extent treatment, including life-prolonging measures, should be initiated or continued.]

34. Their instructions should, in accordance with national law, be respected in case older persons are no longer legally capable to take such decisions.]

[35. Where an older person does not have the capacity to consent to an intervention, in particular because of a mental disability or a disease, the intervention may only be carried out with the authorisation of his or her representative or an authority or a person or body provided for by law. The older person concerned shall as far as possible take part in the authorisation procedure.]

36. In exceptional circumstances, when an older person is suffering from a mental disorder, healthcare staff may, within the meaning of Article 7 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (ETS. No. 164), treat his or her mental disorder only where, without such treatment, serious harm is likely to result to his or her health. This exception must be

subject to protective conditions prescribed by law, including supervisory, control and appeal procedures.

37. When because of an emergency situation the appropriate consent cannot be obtained, any medically necessary intervention may be carried out immediately for the benefit of the health of the older person concerned.]

VII. Residential and institutional care

38. For those older persons who are no longer able or do not wish to reside in their own homes, member states should provide for sufficient and adequate residential services.

39. Member states should take necessary legislative or other measures to protect and encourage employees in institutional care to report when they are aware of any deficiencies in the quality of care or any occurrence of abuse.

40. Where an employee reports deficiencies in the quality of care or any occurrence of abuse externally to an authority (“whistle-blowing”), member states should take legislative or other measures to protect that person from dismissal or other reprisals if that person had previously informed without effect the superior authority of the institution, the information disclosed is accurate, and the person reporting acted in good faith.

41. Older persons in principle should only be placed in residential, institutional or psychiatric care with their consent. Any exception to this principle must fulfill the requirements of Article 5 of the European Convention on Human Rights.

[42. Member states shall take measures providing effective protection of older persons from unlawful placement in institutions of which the authorities have or ought to have knowledge.]

IX. Palliative care

43. Member states should offer palliative care for older persons who suffer from a life-threatening or life-limiting illness to ensure their wellbeing and allow them to die with dignity.

44. Any older person who is in need of palliative care should be entitled to access it without undue delay, in a setting which is, as far as possible, consistent with his or her needs and preferences, including in long-term care settings.

45. Family members and friends should be encouraged to accompany older persons who are terminally ill or dying. They should receive professional support, for example by ambulatory palliative care services.

46. Health care providers involved in palliative care should fully respect patients' rights, comply with professional obligations and standards, and, in that context, act in the best interest of the patients.

47. Programmes of palliative care education should be incorporated into the training of all concerned health and social care workers.

48. In the organisation of their national palliative care systems, member states should take into account the Committee of Ministers' recommendation Rec(2003)24 to member states on the organisation of palliative care.

X. Justice

49. Member states must ensure that detention of older persons does not amount to inhuman and degrading treatment contrary to Article 3 of the European Convention on Human Rights. In this respect, member states must duly take into account that the minimum level of severity for inhuman and degrading treatment depends on several factors, notably the age and health of a person.

50. Member states must adopt measures to safeguard the well-being and dignity of an older person deprived of his or her liberty. In particular, they should ensure that the health of older persons is monitored at regular intervals and that they receive appropriate medical and mental health care. Moreover, member states should provide older persons in detention with conditions appropriate to their age, including appropriate access to sanitary, sports and leisure facilities.

51. In the determination of their civil rights and obligations or of any criminal charge against them, older persons are entitled to a fair trial within a reasonable time within the meaning of Article 6 of the European Convention on Human Rights.

52. Member states should take appropriate measures to accommodate the course of the judicial proceedings to the needs of older persons, including where necessary the granting of free legal assistance and legal aid.

53. The competent judicial authorities should display particular diligence in handling cases in which older persons are involved. In particular, they should duly take into account their age and health.