



Strasbourg, 25 September 2013

CDDH-AGE(2013)R4

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

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

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**Meeting report**

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4<sup>th</sup> meeting

Monday 23 September (9.30 a.m.) – Wednesday 25 September 2013 (1 p.m.)  
Council of Europe, Agora – Room G06

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**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 fourth and last meeting in Strasbourg on 23-25 September 2013 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 Recommendation of the Committee of Ministers to member states on the promotion of the human rights of older persons**

2. The Group discussed the draft Recommendation section by section and paragraph by paragraph, considering the amending proposals drafted by the Secretariat according to the guidance provided by the CDDH at its last meeting in June 2013 and the comments made by delegations in writing prior to the meeting.

3. With regard to the Preamble, the Group agreed on a number of amendments. It agreed in particular on an additional paragraph providing further explanation on the rationale and the purposes of the Recommendation.

4. Concerning the body of the Recommendation, the Group agreed, in addition to the existing paragraphs, to propose that governments provide examples of good practices relevant for the implementation of the recommendation, and that they be published on a Council of Europe webpage. The Group also invited the CDDH to draw the attention of the Committee of Ministers on the desirability of a participation of non-governmental organisations and national human rights institutions in the submission of good practices and in the review of the implementation of the Recommendation. In addition, the Group invited the CDDH to consider the possibility of being charged of a periodical review of the good practices contained in the Appendix to Recommendation, with a view to their updating without necessarily waiting for the examination by the Committee of Ministers of the implementation of the Recommendation five years after its adoption.

5. As regards Section I, the Group added a new paragraph stating that older persons should be consulted through representative organisations, prior to the adoption of measures that have an impact on the enjoyment of their human rights.

6. The Group agreed on Section II with a small drafting change.

7. As regards Section III, the Group discussed the compatibility of the provisions on autonomy, decision-making and legal capacity with the UN Convention on the Rights of Persons with Disabilities, in the light of the letter of the President of the UN Committee on the Rights of Persons with Disabilities and of the proposals made by some observers. In this respect, the Group agreed on a number of amendments to the draft Recommendation and to the Explanatory Report which take into account most of the concerns expressed, while reiterating the position of principle expressed at the previous meeting on this issue. The Group also agreed to add some elements on the issue of personal relations of older persons in the explanatory report, in the part concerning the right to private life.

8. The Group accepted Section IV without further amendments. However it agreed to provide additional clarification in the Explanatory report on possible help and support older persons may receive if they have suffered from abuse.

9. As regards Section V, the Group took note of the amendments proposed on the basis of the CDDH comments and agreed on a few further drafting amendments.

10. As regards Section VI, the Group gave more prominence to the promotion and prevention aspects as regards the health of older persons in sub-section A as requested by the CDDH. It also agreed on a number of clarifications in the explanatory report in sub-section B concerning consent to care. The Group discussed the compatibility of the provisions on institutionalisation in sub-section C with the UN Convention on the Rights of Persons with Disabilities, in the light of the letter of the President of the UN Committee on the Rights of Persons with Disabilities and of the proposals made by some observers, and agreed to a number of amendments to the draft Recommendation and to the Explanatory Report which take into account most of the concerns expressed, while reiterating the position of principle expressed at the previous meeting on this issue. Finally, the Group exchanged views on proposals of amendments in sub-section D concerning palliative care, and agreed to provide additional explanation about the needs and preferences of the patient in the explanatory report.

11. Concerning Section VII, the Group agreed on the redrafting of two paragraphs as proposed by the Secretariat in the light of the CDDH instructions.

12. The Secretariat drew the attention of the Group to the revised compendium of good practices, which already appears on the Council of Europe website and which will constitute the basis for the future webpage collecting good practices. The Group discussed the examples of good practices included in the draft Recommendation, and considered that the selection made by the Secretariat corresponded to the instructions of the CDDH. It agreed nevertheless on a number of amendments by adding some examples and by modifying some examples upon request of the concerned States.

13. The Group adopted the draft Recommendation and its Appendix as they appear in document CDDH(2013)13final, and agreed to transmit it to the CDDH for consideration with a view to its possible adoption at its next meeting.

**Item 3: Draft Explanatory report to the draft Recommendation of the Committee of Ministers to member states on the promotion of the human rights of older persons**

14. The Group examined the draft Explanatory Report, as revised by the Secretariat, and agreed on a number of amendments, notably in the light of the changes made to the draft recommendation (see the relevant paragraphs above). The Group adopted the draft Explanatory report as it appears in document CDDH(2013)02final, and agreed to transmit it to the CDDH for consideration with a view to its possible adoption at its next meeting.

**Item 4: Other business**

15. The Secretariat and representatives of member States and observers having attended the fourth working session meeting of the United Nations Open-ended Working Group on Ageing (New York, 12-15 August 2013) informed the Drafting Group about the results of the meeting.

16. The Drafting Group considered that it had fulfilled the received mandate. The Chairperson warmly thanked all participants for the constructive approach and spirit of compromise shown during the discussion on these complex and sensitive issues.

## APPENDIX I

LIST OF PARTICIPANTSMEMBER STATES/ETATS MEMBRESAUSTRIA / AUTRICHE

Mr Markus WINDEGGER (A.E.I.S.), Federal Ministry of Labour, Social Affairs and Consumer Protection, Vienna

FINLAND / FINLANDE

Katja FOKIN, Legal Officer, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs of Finland, Government

FRANCE

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

M. Alexis RINCKENBACH, Chef de Bureau, Direction générale de la cohésion sociale, Bureau des affaires européennes et internationales, 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

LATVIA/LETTONIE

Mr Emils PLAKSINS, Lawyer of the Agent's Bureau, Ministry of Foreign Affairs, Riga

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Excused/Excusé

POLAND / POLOGNE

Mr Jakub WOLASIEWICZ, *[Chair/Président]*, Consul General in Donetsk, Ukraine

Mr Jerzy CIECHANSKI, Counsellor to the Minister, Department of Economic Analyses and Forecasts, Ministry of Labour and Social Policy, Warsaw

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

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Vladislav ERMAKOV, 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

Fzt. Hatice Reyhan ÖZGÖBEK, Family and Social Policies Ministry, General Directorate of Services for Persons with Disabilities and Elderly People, Head Department of Services for the Elderly, Ankara

**UNITED KINGDOM / ROYAUME-UNI**

Excused/Excusé

**PARTICIPANTS**

**Assemblée Parlementaire du conseil de l'Europe / Parliamentary Assembly of the Council of Europe**

Excused/Excusé

**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, Legal Officer, Bruxelles

**European Network of National Human Rights Institutions (ENNHRI) / Réseau européen des institutions nationales des droits de l'homme**

Dr. Claudia MAHLER, Department Legal Research Germany/ Europe, Legal Research and Policy, German Institute for Human Rights, Berlin, Germany

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

Revd Richard FISCHER, Executive Secretary, Strasbourg, France

**Global Alliance for the Rights of Older People**

Excused/Excusé

**Mexique/Mexico**

Madame Mabel MALDONADO, Adjoint à l'Observateur Permanent, Mission Permanente du Mexique auprès du Conseil de l'Europe, Strasbourg, France

**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

Mme Severina SPASSOVA, Lawyer, Human Rights Law and Policy Division / Juriste, Division du droit et de la 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 Emil JOHANSSON, Trainee/Stagiaire, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'homme

Mlle Beatrix ROMEO, Trainee/Stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mlle Naomie FENWICK, Trainee/Stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de 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

**INTERPRETERS / INTERPRÈTES**

Chef d'équipe : Amanda BEDDOWS

Sylvie BOUX

Christopher TYCZKA

## APPENDIX II

AGENDA

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

**Item 2: Draft Recommendation of the Committee of Ministers to member states on the promotion of the human rights of older persons**

<b><u>Working Documents</u></b>	
Draft revised Recommendation of the Committee of Ministers to member states on the promotion of the human rights of older persons	CDDH-AGE(2013)13
Excerpts of the report of the 78 <sup>th</sup> meeting concerning CDDH-AGE	CDDH-AGE(2013)12
United Nations Committee on the Rights of Persons with Disabilities (CRPD committee) - Position statement concerning the CDDH-AGE	CDDH-AGE(2013)14

<b><u>Reference documents</u></b>	
Report of the 3 <sup>rd</sup> CDDH-AGE meeting	CDDH-AGE(2013)R3
Report of the 2 <sup>nd</sup> CDDH-AGE meeting	CDDH-AGE(2012)R2
Report of the 1 <sup>st</sup> CDDH-AGE meeting	CDDH-AGE(2012)R1
Compendium of member states good practices concerning the human rights of the elderly	CDDH-AGE(2013)04rev2
Compendium of the case-law of the European Court of Human Rights concerning the human rights of the elderly	CDDH-AGE(2012)01
Comments on the revised paragraphs of the draft recommendation and its draft explanatory memorandum	CDDH-AGE(2013)15
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 and Resolution A/Res/67/139	CDDH-AGE(2013)11
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: Draft explanatory memorandum to the draft Recommendation of the Committee of Ministers to member states on the promotion of the human rights of older persons**

**Working Document**

Draft explanatory memorandum to the draft Recommendation of the Committee of Ministers to member States on the promotion of the human rights of older persons

CDDH-AGE(2013)02rev

**Item 4: Other business**