

Brussels, 19th March 2018

***Assessment of the implementation of the Committee of Ministers' Recommendation
CM/Rec(2014)2
on the promotion of human rights of older persons***

Introduction

AGE Platform Europe (AGE) is a European network of more than 120 organisations of people aged 50+ representing directly more than 40 million older people in Europe. AGE aims to voice and promote the interests of the 190 million inhabitants aged 50+ in the European Union and to raise awareness of the issues that concern them most. Our vision is that of an inclusive society for all ages, based on solidarity and cooperation between generations, where everyone is empowered to participate fully and enjoy life in full respect of human rights while fulfilling their duties and responsibilities.

AGE submits this paper in response to the Council of Europe request for information on the implementation of the Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons five years after its adoption. Due to the limited deadline for contributions, AGE has not managed to extensively consult all its members. Our input builds on answers received by representatives of our network in several EU member states and an overall assessment based on our engagement in European and international affairs on the rights of older persons.

Impact and dissemination assessment

Available information from AGE national member organisations illustrates that the so far efforts to put the 2014 Recommendation into effect have been largely insufficient. Older people's organisations report an overall lack of information about implementation efforts related to the Council of Europe instrument.

AGE has dedicated a whole chapter on the Council of Europe in its online [Older People's Self Advocacy Handbook](#), which includes several references to the recommendation. In addition, AGE Platform Europe and the Council of Europe-Brussels office disseminated the recommendation in a series of joint events¹. However, the consultation with our members elucidates that, if it were not for these efforts, most national older people's organisations would probably lack any familiarity with this instrument. In fact, answers received by AGE members bring no evidence of concrete national attempts to raise awareness about the recommendation. Consulted organisations do not even know whether the recommendation has been translated in their national language. Similarly, the vast

¹ See joint events to mark the Elder Abuse Awareness Day on the AGE website: <http://age-platform.eu/policy-work/news/age-co-organises-workshop-mark-2017-world-elder-abuse-awareness-day>



majority of NGOs are unaware about whether a (and if so which) national authority has been assigned to disseminate and implement this instrument. Based on the responses received, no national meetings or consultations have been arranged with regard to the implementation of this instrument by national governments or about the ongoing review of the recommendation by the Council of Europe. These findings concur with the experience of AGE Platform Europe working at EU level. No action has been undertaken by EU institutions to disseminate it or to discuss ways to operationalise its implementation.

In addition, some answers exemplify the lack of concerted governmental efforts to promote and protect the rights of older persons. It seems tempting to conclude that, just because some policy developments relating to the improvement of the living conditions of older people have taken place in several countries (for example on pensions, long-term care and work-life balance), the recommendation has positively influenced governmental action. However, the received answers have not provided evidence of any *specific* measures taken for the promotion and protection of the human rights of older persons. Even in cases where additional policies and laws on ageing issues have been adopted since 2014 (see for instance Germany, Netherlands and France among others), these developments do not include any reference to the recommendations' provisions neither are they necessarily framed from a perspective of rights. It could for instance be presumed that policy efforts are rather associated with the implementation of the Madrid International Plan of Action on Ageing (MIPAA)² or pre-existing national priorities and not with the recommendation. It is therefore far from being clear whether these instruments have been informed by the recommendations' human rights provisions or they are rather driven by concerns about public expenditure and other macroeconomic issues related to the ageing of the population.

Either way, bearing in mind the recent mobilisation of pensioners in several countries to claim their basic rights (see Spain and France in particular), but also increased consciousness of human rights violations against older people³, it could be suggested that national measures are far from being appropriate and adequate to respond to older people's challenges. As one of our members highlights: 'Older people are not considered a priority within limited budgets'. So, regardless of the actual impact of ongoing reforms on the rights of older persons, our findings showcase that the recommendation has failed to consolidate older people's rights in national agendas, at least not any more than these issues were already being considered by policymakers before the adoption of the recommendation. Neither has the adoption of the recommendation pushed older people's rights within the work of the EU institutions. It is particularly emblematic that age continues to be the only ground of discrimination that has not been identified as a working priority for the European Commission. Neither have discussions on an EU directive that would cover age discrimination in access to goods and services (among other grounds) moved forward since 2014. In sum, the non-binding nature of the recommendation paired with very limited public awareness has not triggered

² See AGE assessment of MIPAA: <http://age-platform.eu/policy-work/news/age-publishes-its-review-madrid-international-plan-action-ageing-mipaa>

³ See among others findings of ENNHRI on the rights of older persons in long-term care: <http://www.ennhri.org/Publications> and CoE commissioner for human rights comment: <https://www.coe.int/en/web/commissioner/-/the-right-of-older-persons-to-dignity-and-autonomy-in-care?inheritRedirect=true>



any serious governmental action to implement its provisions.

Implementation of good practices

Due to time constraints it was not possible to do a comprehensive review of the good practices that accompany the recommendation. Still, anecdotal evidence from AGE members illustrates that some of these measures are either out of date or face implementation challenges. For example, in France the practice of ‘contrats de générations’ has not proven to be effective and has ceased. The Greek programme ‘Care at Home’ has been seriously underfunded creating a lot of insecurity both for care recipients and professionals involved and may be discontinued in 2019. These examples showcase that there is a need to regularly and critically evaluate national practices, avoiding the assumption that - just because they have been proposed by government officials – they actually work in practice. Good practices are for the time being conflated with measures that either do not work or face serious problems, which may create false assumptions about necessary state action to protect the rights of older persons. In addition, some of these measures may give the impression that older people’s rights can be promoted by ad hoc interventions, whereas in reality a human rights based approach requires mainstreaming older people’s rights across all government action and addressing the systemic prejudices and structural injustice faced by the older population.

Follow up

These findings clearly demonstrate the inadequacy of efforts to disseminate and implement the recommendation. There is no evidence of human and financial resources attributed to the application of this instrument, which probably explains the lack of public awareness about the recommendation and older people’s rights more generally. At the very least governments should translate the recommendation and organize meetings with civil society and other relevant stakeholders to discuss concrete measures that could be adopted as a follow-up to its provisions. However, to the extent that the recommendation has not so far stimulated such action, it seems quite unlikely that governments will advance on their own initiative. A more regular (i.e. yearly) monitoring process, including the use of indicators and benchmarks could help make tangible progress. Still, budgetary constraints and growing ageism perpetuate images of older people as a cost and a burden, reinforce and deepen inequalities and disadvantage against the older population. The recommendation lacks the legal strength and political teeth to drive change. This is why it is worthwhile considering the suggestion made by PACE regarding the adoption of a binding instrument, following the example of the African Union and the Organisation of American States. A binding framework could also more appropriately make links with other instruments (such as the MIPAA) and provide for comprehensive and efficient monitoring. These discussions should recognize the potential of older people and their contributions to society and not merely problematize them as objects of welfare who need protection. Enabling older people to participate fully in their communities, translates into true gains for societies as a whole.

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