

CDDH comments on the Parliamentary Assembly Recommendation 2104(2017)
“ Human rights of older persons and their comprehensive care ”

88th meeting - 5/7 December 2017 - CDDH(2017)R88

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2104(2017) - “ *Human rights of older persons and their comprehensive care* ”. It considers that the Assembly addresses herewith one of the major challenges Europe faces with respect to human rights.

2. The CDDH welcomes the positive reaction of the Assembly to the Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons. It recalls that, in the terms of reference for 2018-2019, the Committee of Ministers invited the CDDH to examine the implementation of this instrument.

3. As suggested by the Assembly, the CDDH intends to examine in more detail how to proceed to this implementation, notably by closely associating to this process the civil society and the stakeholders concerned, in particular National Human Rights Institutions as they can improve the implementation of human rights by their action bridging the national local and international actors and levels.

- (i) As a first step, it envisages to ask member States, National Human Rights Institutions and other stakeholders to update the catalogue of good practices accompanying the Recommendation from 2014 and to communicate any positive developments occurred since 2014.
- (ii) On the basis of the information received, a Workshop or an intergovernmental Seminar involving civil society and National Human Rights Institutions could be organised by the CDDH in 2018 or early 2019. Within such a framework, discussions could take place, if appropriate, to explore the relevance of a specific legally binding instrument in this field. It is clear however, that the added value of such a new instrument should be carefully explored in relation to the existing major instruments of the Council of Europe, namely the European Convention on Human Rights and the (revised) European Social Charter. It should be necessary to assess whether or not an effective implementation by member States of these basic common standards is sufficient to ensure appropriate protection of human rights of older persons. These standards are reminded in the aforementioned Recommendation CM/Rec(2014)2.

4. In this context, the CDDH notes the relevance and the importance of Article 23 (the right of elderly persons to social protection) of the revised European Social Charter. The CDDH recalls that its terms of reference for 2018 and 2019 also entrust it to conduct a thorough reflection on the protection of social rights within the Council of Europe and that, in this framework, it will address, *inter alia*, the situation of older persons.

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Text of Recommendation 2104(2017)

Human rights of older persons and their comprehensive care

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2168 \(2017\)](#) on human rights of older persons and their comprehensive care.

2. The Assembly welcomes the recent work of the Committee of Ministers in this field, resulting in the adoption of [Recommendation CM/Rec\(2014\)2](#) on the promotion of human rights of older persons, which is a comprehensive instrument and an ambitious statement on the rights of older persons.

3. The Assembly notes that other regional organisations promoting human rights have recently opted for a legally binding instrument devoted to the rights of older persons, for example the Inter-American Convention on Protecting the Human Rights of Older Persons and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older

Persons

4. In the light of the foregoing, the Assembly recommends that the Committee of Ministers:

4.1. thoroughly examine the implementation of [Recommendation CM/Rec\(2014\)2](#), notably by closely involving civil society and all other relevant stakeholders in the process;

4.2. based on the conclusions drawn from this exercise, consider the necessity and feasibility of drawing up a legally binding instrument in this field;

4.3. urge those member States which have not yet done so to sign and ratify the European Social Charter (revised) (ETS No. 163) and accept, in particular, its Article 23 on the right of elderly persons to social protection.