



Summary report

The role of the European Union as a global human rights actor: What about the promotion of human rights in older age?

Side event during the 14th Session of the Open-Ended Working Group on Ageing (OEWG-A14) at the United Nations in New York

Monday, 20 May 2024, Conference Room 2, UNHQ and UN WebTV

Moderation: Dr Nena Georgantzi, AGE Platform Europe

Panellists:

- Marco La Marca, Member of Cabinet, Vice-President of the European Commission for Democracy and Demography
- HE Ambassador Ana Jiménez de la Hoz, Deputy Permanent Representative of Spain to the United Nations
- Tena Šimonović Einwalter, Ombudswoman of the Republic of Croatia
- Ken Bluestone, Policy Lead, AGE International

Opening remarks:

- Nicole Zündorf-Hinte, Head of the Delegation of the Federal Republic of Germany to the OEWG-A14
- Heidrun Mollenkopf, President of AGE Platform Europe and BAGSO board member

With the purpose of shedding light onto the role of the EU in the promotion of human rights in older age, this side event provided a platform for discussion around the following questions: 1) How does the EU promote the human rights in older age internally?, 2) How can the EU support work with third countries, and 3) What is the role of the EU as a regional actor in the UN and at the multilateral level?. The event hosted a rich exchange among participants from Member States, international organisations, civil society partners and national human rights institutions.

The role of the European Union

In the opening of the side event the co-organisers highlighted the important role of the European Union (EU), recognising its commitment to human rights and older

persons' rights. **Nicole Zündorf-Hinte**, Head of the Delegation of the Federal Republic of Germany to the OEWG-A14, emphasised that throughout the history and expansion of the EU, legal instruments have been developed to address discrimination on the basis of age and the rights of older persons. For instance, she looked back at the start of the new millennium in 2000 when Member States and the European Parliament agreed on the European Charter of Fundamental Rights. The Charter in Article 21 explicitly prohibits any form of discrimination based on age and also contains a special clause on the rights of older persons in Article 25, which is based on Article 23 of the Revised European Social Charter. The German delegate further acknowledged recent activities of the EU, in particular during the Trio-Presidency of Germany, Portugal and Slovenia in 2020-2021 when council conclusions on ageing were adopted. In concluding, Nicole Zündorf-Hinte stressed the importance of a united EU as a strong voice in multilateral processes, and hoped that to be newly elected EU authorities taking office this year will continue to build on the important work achieved in the last five years.

Dr Heidrun Mollenkopf, President of AGE Platform Europe and board member of BAGSO, reiterated the pioneering role of the EU and its Member States in the enforcement of human rights, and, in particular in outlawing age discrimination in the EU Charter for Fundamental Rights. She also mentioned the EU Action Plan on Human Rights and Democracy which calls on the EU to advocate for the enjoyment of all human rights by older persons at any time. Dr Mollenkopf especially highlighted that the important role of the EU now extends far beyond its borders, and that a lot more can be done by the EU and its Member States to equally protect human rights in old age both internally and externally. With the European elections right around the corner, she saw the side event as an important opportunity to raise awareness and stimulate a debate further exploring ways to better protect the rights of older people both within the EU and beyond its borders, with the EU as global leader of human rights and the contributions of other key stakeholders.

The promotion of human rights in older age by the EU and its Member States

Marco La Marca, Member of the Cabinet of the Vice-President of the European Commission for Democracy and Demography, started his intervention by highlighting the contributions, valuable experiences and wisdom of older persons. He considered ageism as counterproductive and anachronistic. In Marco La Marca's view, in addressing the collective issues of its citizens, the European Commission must consider the rights and needs of older persons within a wider life-cycle approach. In doing so, the EU wants to set standards.

Ambassador Ana Jiménez de la Hoz, Deputy Permanent Representative of Spain to the United Nations, recognised ageing as an important topic for the EU and the whole world. The EU is in a position to share experiences and best practices going forward.

Ambassador de la Hoz also offered insights into national measures and activities at the EU and UN to which Spain contributed. At the national level, she referred to progress made in the normative and policy framework with regards to care and autonomy, as well as the role of State Council of Older Persons in enabling key stakeholders to participate in policy design.

During the Spanish EU Council Presidency in 2023, for instance, Conclusions on long-term care were adopted, integrating a holistic, person-centred and community-based approach. At the United Nations, Spain worked together with other Member States, including Germany, to pass Resolution 77/317 of the General Assembly establishing October 29th as International Day for Care and Support. Further, at the UN Economic Commission for Europe (UNECE), Spain is working to strengthen the collaboration with other regional commissions for the implementation of the Madrid International Plan of Action on Ageing (MIPAA).

Barriers and opportunities

Tena Šimonović Einwalter, Ombudswoman of the Republic of Croatia, shared her experiences as representative of the National Human Rights Institution (NHRI) of Croatia, which also serves as an Equality Body. In her role she receives complaints and works on cases from older persons with regards to human rights violations and age discrimination every day and she is responsible for raising these issues to national authorities in Croatia, as well as contributes to policy work on the European level. In her view, the EU has the potential to do much more and, given increasing longevity and its implications for health and social care, social protection and the labour market, this potential has to be used. According to the Ombudswoman, as human rights leaders and in line with EU external human rights policy, we would expect the EU to support a UN convention on the rights of older persons.

She also joined previous speakers in acknowledging the EU Charter for Fundamental Rights as an important instrument to prohibit age discrimination. It is one of the few documents that recognise the rights of older persons in many areas of society. The Ombudswoman also mentioned the EU Framework Employment Equality Directive against discrimination at work on grounds of religion or belief, disability, age or sexual orientation. However, she emphasised that more rights and more prohibitions of age discrimination are needed at the EU level, internally, but also stronger action externally. For her, a key challenge has been the lack of agreement on a prohibition of age discrimination extending to other areas beyond work and employment, such as the proposed horizontal equal treatment directive, pending approval since 2008. It would be important to ban discrimination on the grounds of religion or belief, disability, age or sexual orientation in all areas of social life to complement the current EU Employment Equality Directive. Tena Šimonović Einwalter considered that the EU election campaign has, rightly so, had an important focus on younger

generations, but that, with an ageing Europe, we need much more said and done about older persons. She concluded her intervention by asking the EU to lead on concrete next steps towards a legally binding multilateral instrument on the human rights of older persons. In her closing remarks, she stressed that there is a pressing need for this and that Europe and the world is ready for a UN Convention.

Ken Bluestone, Policy Lead of AGE International, emphasised the uniqueness and importance of the EU in the UN and worldwide as leader, donor and important partner. From his perspective, the EU's position and experience make it an obvious champion to be at the forefront at the global stage, in terms of the creation of new human rights standards for older persons in all parts of the world. He alerted that it is not sufficient to meet standards in the EU and that indeed the EU has a responsibility worldwide as further international standard setting is needed.

As donor, the EU has considerable means at its disposal. As such, the EU has huge influence on the implementation of new standards worldwide. When it comes to women's rights and those of persons with disability, legal frameworks are in place to monitor if and how international development aid is used. For older persons, on the contrary, there is no such legal framework and data is not sufficiently collected and disaggregated to assess how older persons' human rights are addressed by the EU. According to Ken Bluestone, the UN Titchfield City Group on Ageing Statistics provides an opportunity for the EU to tackle the lack of disaggregated data at international level. The policy expert concluded by highlighting the valuable experience of the EU as a partner to governments, multilateral agencies and civil society and encouraged putting the voice, contributions and agency of older persons at the heart of EU action's on promoting their human rights.

A call to action

The debate with participants evolved, among others, around the question of how to scale up the EU's engagement to support a new legally binding instrument for the human rights of older persons. As possible reason for a lack of support by more Member States, the panellists and participants mentioned institutionalised ageism within the EU. This is also linked to the fact that international and national legal frameworks do not sufficiently cover age as a ground of discrimination and lack mechanism for monitoring and redress. A key challenge which was also brought up is the fact that EU and Member States' policies and programmes related to ageing are fragmented and are not reflecting a human rights-based approach and standards.

Participants also raised concerns about approaches of national governments cutting public expenditure in the social and health sector which have a disproportionate impact on people with disabilities and older people. The lack of disaggregated data, also in relation to artificial intelligence, was considered an ageist issue, both as a cause and consequence of age discrimination. On a positive note, the European

Commission has undertaken substantial efforts to improve data collection, for instance, with the Atlas of Demography.

When speaking about the role of the European Commission to support the call for an international legally binding instrument, it became clear that the Commission in particular and the EU in general relies on a mandate from its Member States, under the principles of democracy, collegiality and subsidiarity. Therefore, further discussions between civil society organisations and Member States about their positions and influence on other EU Member States are important. Bilateral conversations are an important tool.

The discussion also resulted in a call to action to strengthening meaningful and effective participation of older persons. Member States should create space for older persons to be heard, for instance, by including older persons in Member States' delegations in UN meetings. It was also emphasised that the active role of older persons as agents of change need to be given more visibility. In addition, the importance of working with intersectional, multidimensional, and multistakeholder approaches was underlined.

Finally, on the way forward, the panel raised the fundamental need to nurture greater political leadership and stronger activism from civil society and older persons themselves to fulfil the rights of everyone in old age.

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