

AGE Special Briefing

Older people should have their rights upheld!

Older people's issues through a human rights lens

Human rights do not decrease with age or dependency. All older persons deserve to be treated with respect and dignity.

At a time of austerity, human rights provide a crucial safety net for everyone, especially for the most vulnerable groups of society.

Why protect and progress older people's rights?

150 million senior citizens live in the EU today, a number expected to rise significantly in the next decades. Some of them are healthy, active, wealthy and living with their families. Many older people however are frail, living alone, with limited resources and lack of access to basic services, face age discrimination or barriers in enjoying rights that were protected in earliest stages of their lives, like the right to access to education or health care. Alarming numbers of older people who live in poverty and experience elder abuse are denied their right to live in dignity. Some rights are more relevant in older age than at other times of life, as for instance the right to social security in terms of pensions. When older people's rights are not protected, an ever growing number of citizens are denied their human right to live and contribute as equal members of society.

"What I miss is the freedom to choose when I get up, what to have for lunch, what to wear today".

Which instruments to protect older people's rights exist at the European level?

The Lisbon Treaty proclaims a Europe of rights, where human dignity and equality count among the

fundamental EU values. The EU is bound to combat social exclusion and discrimination, promote social justice and protection, equality between women and men and solidarity between generations. The treaty also gives binding legal force to the provisions of the EU Charter of Fundamental Rights.

The Charter of Fundamental Rights of the EU (EUCF) dedicates an article (Art.25) on the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life and sets out a whole range of civil, political, economic and social rights relevant for older people, such as the rights to non-discrimination, social security, health care and education, as it will be detailed later in this briefing.

The EU anti-discrimination directives currently provide for protection on the ground of age only in the field of employment. New equal treatment legislation is needed to cover access to goods and services, such as banking, insurance, education, transport and health.

"My doctor told me I need hearing aid; I don't have the money to pay for it and my insurance covers only a small part of it, so leave it".

The Court of Justice of the EU has issued important caselaw regarding the employment and social security of older workers and has defined non-discrimination on grounds of age as a general principle of EU law.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is likely to have an important impact on the protection of older people, especially in terms of anti-discrimination, inclusion, accessibility and independent living. The EU has ratified this convention and will have to take into

account the needs of the ageing population in its application.

The Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) will become binding to the EU when the accession process is completed. Older people will be able to submit EU legal acts to the control of the European Court of Human Rights, providing judicial protection of their rights to life, liberty and security, private and family life, etc.

“When my wife died, I felt hopeless and isolated. I did not know how to cook a proper meal and I could not get down the stairs of my building to go to the shops”.

What is AGE doing to promote older people’s rights?

AGE works on a wide range of areas that impact older people’s rights, including anti-discrimination, employment of older workers and active ageing, social protection, pension reforms, social inclusion, health, accessibility of public transport and of the build environment and new technologies. It also aims to inform older people on their rights as EU citizens.

AGE is working closely with the European institutions and the Fundamental Rights Agency to ensure that older people can enjoy their rights on an equal basis with all other citizens.

In its effort to raise awareness of the rights challenges older people face, AGE has drafted a shadow report on older people’s rights as a response to the 2010 report on the application of the EU Charter Fundamental Rights and has prepared this briefing which includes a mapping of the issues that need to be addressed to uphold older people’s rights.

How to read the tables

In the following pages, you will find tables describing the situation of older people’s rights, the main challenges in a nutshell and the relevant rights corresponding to the provisions of the EU Charter

of Fundamental Rights (EUCh)¹, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)² and the European Convention on Human Rights (ECHR)³. With this exercise AGE wishes to demonstrate how these different legal instruments apply for the protection of the rights of older people⁴. In the last column you may find AGE recommendations for EU action in each field.

About AGE

AGE Platform Europe is a European network of more than 160 organizations of and for people aged 50+ representing directly over 28 million older people across in Europe. AGE aims at voicing and promoting the interests of the 150 million inhabitants aged 50+ in the European Union and at raising awareness of the issues that concern them most.

“I don’t like being treated like a piece of furniture. Can’t they talk to me instead of discussing between them? I am not dead yet!”

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1

http://www.europarl.europa.eu/charter/pdf/text_en.pdf

2

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

3

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

⁴ In the third column the most relevant articles are highlighted in blue.

Which are older people's rights?

Anti-discrimination					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
<p>Besides the existing legal framework, ageism and age discrimination is still prevalent in the labour market it is often hard to prove and to be brought to justice.</p> <p>In the private sector, companies still turn people down for financial products simply on grounds of age. Upper age limits and prohibitively expensive premiums in a variety of products, ranging from travel insurance to complementary health insurance, mortgages and loans are creating barriers which prevent older citizens from enjoying their fundamental rights to free movement in the EU, basic health and long-term care provision, equal access to goods and services and, in some cases, even the right to affordable housing⁵.</p> <p>Women face various disadvantages which impact their pension rights in particular, the prevailing gender pay gap⁶ that results in fewer earnings and less savings, part-time work, early retirement, informal work, low-paid jobs, career gaps, unpaid carer's breaks⁷. Besides, sex-based</p>	<p>Employment</p> <ul style="list-style-type: none"> ▪ Prevailing ageism ▪ Indirect age discrimination <p>Financial services</p> <ul style="list-style-type: none"> ▪ Age limits ▪ Disproportionate differential treatment ▪ High premiums ▪ Denied access to credit facilities or special rates <p>Older women</p> <ul style="list-style-type: none"> ▪ Less earnings 	<p>EUC articles</p> <p>21</p> <p>25</p> <p>23</p> <p>35</p> <p>36</p> <p>45</p> <p>7</p>	<p>UNCRPD articles</p> <p>5</p> <p>6</p> <p>8</p> <p>25</p> <p>27</p> <p>28</p>	<p>ECHR articles</p> <p>14</p>	<ul style="list-style-type: none"> ▪ Adopt a horizontal anti-discrimination directive, taking in due account the barriers old people face in access to goods and services ▪ Create an age-friendly EU by 2020 ▪ Enforce robust measures to guarantee gender equality ▪ Monitor the implementation of the Test-Achats case and ensure gender equality in complementary health insurance and insurance type pension ▪ Adopt a Carer's Leave directive¹⁰

⁵ For instance, in the Czech Republic, public housing blocks are being sold to private parties. Tenants can buy them at favorable price. Age limits in mortgages make it very difficult for people aged 55+ to buy their flat, making it necessary to rely on relatives to purchase or maintain their houses. As a result, age limits may contribute to increasing poverty rates among older people. For more information: <http://www.age-platform.eu/en/age-policy-work/anti-discrimination/latest-news/1252-age-demonstrates-age-limits-in-certain-insurance-products>

⁶ The gender pay gap still prevails today reflecting that women have to work more than two months extra to earn the equivalent of their male colleagues' yearly salary.

⁷ Women over 50, play an essential care giving role. Yet the right to paid leave for carers, but also schemes of respite care, counseling and training for informal carers are lacking in many European Member States.

¹⁰ To ensure that those taking time off to care for a dependent relative are not discriminated against in terms of income and pension rights

<p>annuity rates or occupational segregation result in women being discriminated against in private pension schemes⁸.</p> <p>The lack of legal status for same-sex couples in some of the EU countries is the main obstacle to guarantee LGBT people the same income and employment derived rights as are available for heterosexual couples. For example same sex partners are seldom eligible for survivors' benefits in state and private pension schemes; property inheritance rules do not meet atypical situations of LGBT unmarried partners.</p> <p>Older Roma are a much neglected group, many of whom face unacceptable levels of poverty, exclusion and discrimination which obstruct their ability to enjoy their fundamental rights⁹.</p> <p>Older migrants frequently face challenges including but not limited to: language difficulties, lower socio-economic status, social exclusion, lack of knowledge of their rights and responsibilities, discrimination and exploitation in various areas of their lives.</p>	<ul style="list-style-type: none"> ▪ Less work opportunities ▪ Gaps in social security coverage ▪ Discrimination in private schemes Older LGBT ▪ Limited social rights ▪ Discrimination in housing and care Older Roma ▪ Poverty ▪ Social exclusion ▪ Lack of access to basic services ▪ Lack of awareness of rights Older migrants ▪ Social exclusion ▪ Limited access to basic services ▪ Lack of awareness of rights 				
Employment & Social Protection					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
<p>The European labour market is ageing rapidly but employers seem to neglect the benefits of the older working population and often discriminate against older people.</p> <p>Social rights are being shrunk, seniors are often denied the right to work</p>	<p>Right to work</p> <ul style="list-style-type: none"> ▪ Age discrimination ▪ Forced retirement 	<p>EUCh articles 21 34</p>	<p>UNCRPD articles 27 28</p>	<p>ECHR articles 8 14</p>	<ul style="list-style-type: none"> ▪ Combat stereotypes about older workers ▪ Support solutions for active ageing, including prohibition of mandatory

⁸ Older women still pay higher premiums in complementary health insurance and insurance type private pensions, a situation likely to change after the implementation of the Test-Achats case

⁹For more information: http://www.age-platform.eu/images/stories/EN/executive_summary-older_roma_interviews_summer_2010%20final.pdf

<p>and/or forced to retire, the working and legal environment is not adapted to their needs. The rights of older workers are seriously violated by cutting down pension rights and limiting unemployment benefits for the long term unemployed.</p> <p>The EU-wide employment rate for women¹¹ aged 55-64 is much lower than that of men of the same category while the persistence of gender stereotypes reduces work opportunities for older women.</p> <p>Many older people find it difficult to combine their work and caring responsibilities¹².</p> <p>Although the EU framework directive ensures equal rights to vocational training, the number of older worker accessing training is significantly lower than for younger colleagues.</p>	<ul style="list-style-type: none"> ▪ Few work opportunities 15 ▪ Unemployment 7 ▪ Low income 14 ▪ Low social benefits 23 ▪ Inappropriate working conditions 31 ▪ Mobile workers 33 ▪ 45 ▪ 1 <p>Right to retire</p> <ul style="list-style-type: none"> ▪ Low level of basic state pension ▪ Gaps in coverage ▪ State pension age <p>Right to care</p> <ul style="list-style-type: none"> ▪ Combine work and family obligations ▪ Lack of support and respite care solutions ▪ Absence of legal framework & compensation <p>Right to training</p>	15	7	14	23	31	33	45	1	<p>retirement, flexible working schemes, life-long learning and age-friendly working environments</p> <ul style="list-style-type: none"> ▪ Combat career and pay gaps between men and women ▪ Adopt a Carers' Leave Directive ▪ Support schemes of respite care and counseling/training for informal carers
Social Inclusion										
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS					
Older people face a higher risk of poverty ¹³ compared to the overall population in almost all Member States and they are particularly	<ul style="list-style-type: none"> ▪ Limited resources – Unemployment 	EUCh articles	UNCPRD articles	ECHR Articles	<ul style="list-style-type: none"> ▪ Set targets on poverty reduction broken down by gender and age 					

¹¹ The employment rate of women aged 55-64 was 37.8% in 2009 against 54.8% of men of the same age. For more information: Report on Progress on Equality between women and men in 2010, European Commission, p.31

¹² More than 1 in 10 adults provide care to frail elderly relatives, while 2/3 of informal carers are women over 50 years old. For more information: OECD, Help Wanted ? Providing and Paying for Long-term Care (May 2011)

<p>exposed to material deprivation. The vulnerability of older people is in the first place related to their lack of financial resources, while other reasons include: poor health, age and/or gender-based discrimination, reduced physical or mental capacity, unemployment, isolation, abuse, and limited access to services. Women face an increased risk of poverty¹⁴ and various disadvantages including lower wages. Extreme poverty can also be a violation of the right to life, for instance when related to life-threatening diseases and conditions.¹⁵</p> <p>Older people's contribution to the social, cultural, economic and political spheres is not always recognised by society and older people often have unequal access to decision-making processes at all levels. Older migrants, older people in need of care and assistance and marginalised groups are at a higher risk of being excluded from the civil and social life.</p>	<ul style="list-style-type: none"> - Low wages - Low pensions - Inadequate social benefits ▪ Health problems (physical & mental) ▪ Appropriate accommodation ▪ Discrimination ▪ Lack of autonomy ▪ Inactivity ▪ Social exclusion ▪ Abuse ▪ Limited access to services 	<p>1</p> <p>21</p> <p>25</p> <p>23</p> <p>34</p> <p>35</p> <p>36</p> <p>2</p>	<p>19</p> <p>28</p> <p>30</p> <p>27</p> <p>29</p>		<p>groups</p> <ul style="list-style-type: none"> ▪ Adopt innovative tools to assess decent minimum income ▪ Promote social innovation to understand older people's expectations ▪ Create an age-friendly EU by 2020
Education & Life-long learning					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
<p>Lifelong learning is of key importance for individuals of all ages and holds an array of benefits for them and society. It is also fundamental for social inclusion, employability, active citizenship and personal fulfillment. Thus, it is crucial for older people active in the labour market but also for those reaching or over retirement age. Yet older people can face age discrimination at any point of the system – in access to education and training, in funding for life-long learning and in the conditions for study. Adult education can enhance older workers' knowledge and skills but may also support them in their caring activities¹⁶.</p>	<p>Barriers</p> <ul style="list-style-type: none"> ▪ Physical ▪ Emotional ▪ Psychological ▪ Socio-cultural ▪ Financial ▪ Geographical ▪ Gender dimension ▪ Digital illiteracy 	<p>EUCh</p> <p>articles</p> <p>14</p> <p>15</p> <p>21</p> <p>25</p> <p>33</p>	<p>UNCPRD</p> <p>articles</p> <p>24</p>	<p>ECHR</p> <p>articles</p>	<ul style="list-style-type: none"> ▪ Recognise at EU level the skills acquired through informal and non-formal learning at work and through volunteering activities ▪ Develop EU training modules for carers to enable cross-border recognition of qualifications and facilitate mobility of care staff, including a module on geriatric skills

¹³ For more information: http://www.euro.centre.org/data/1264603415_56681.pdf (2008 survey).

¹⁴ In 2008 the risk of poverty among elderly women stood at 22% as against 16% for elderly men. For more information: List of 100 inequalities, European Institute for Gender Equality

¹⁵ According to the National Pensioner's Convention, in the UK from December 2009 to March 2010, nine older people suffering from fuel poverty died every hour during winter due to cold-related illnesses. For more information: <http://www.npcuk.org/factsandfigures/factsandfigures.htm#p7>

Independent living & Accessibility					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
Ageing persons with disabilities, frail elderly, people experiencing age-related sensory and cognitive decline and those who are functionally restricted encounter various barriers in the built environment (for example high pavements, lack of benches, heavy doors), the public transport system, in the workplace, but also regarding access to public services (like going to the hospital or the post office and using ATMs), to public spaces (parcs, museums), to new technologies and the internet (e- and web-accessibility) and everyday activities at home (for instance cooking, open packaging and cleaning). As our environment is slow to adapt to the needs of all ages, many older people cannot live independently and fully participate in society.	<ul style="list-style-type: none"> ▪ Social exclusion ▪ Dependency ▪ Limited accessibility ▪ Denial of equal opportunities 	EUCh articles 25 26 7 21 31 36	UNCPRD articles 9 19 20 5	ECHR articles	<ul style="list-style-type: none"> ▪ Create an age-friendly EU by 2020 ▪ Invest cohesion and structural funds to support age-friendly environment initiatives ▪ Invest cohesion and structural funds to adapt housing to ageing population (including insulation) ▪ Deliver an ambitious Accessibility Act ▪ Promote and develop EU standards ▪ Propose a binding legislation for web-accessibility of public services website ▪ Promote Design for all and user involvement at EU level
Health and long-term care (LTC)					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
<p>Around Europe health and long-term care systems and services are lacking sufficient funding, coordination and person-centred care, failing to protect the most vulnerable and guarantee equal access to care and to prevent the risks of elder abuse.</p> <p>People in later life are the highest users of most health and care services but access to treatment and care and the assessment of their needs are still subject to age discrimination. It might be unintentional on the part of care professionals who do not always realise that their decision are led by the age of the patient and not by his/her health</p>	<ul style="list-style-type: none"> ▪ Quality standards <ul style="list-style-type: none"> -Adequate facilities and staff -Appropriate care plans & medication -Choice & control -Privacy 	EUCh articles 35 21 25 1 3 2 4	UNCPRD articles 25 10 15 19 22 14	ECHR articles 2 3	<ul style="list-style-type: none"> ▪ Adopt a horizontal anti-discrimination directive, taking in due account the barriers old people face in access to goods and services ▪ Monitor age discrimination in access to healthcare, including preventive services ▪ Review the Clinical Trials Directive to ensure better participation and

¹⁶ For example older people with caring responsibilities may learn how to manage their workload in order to be able to combine their professional and family life.

<p>status or it might be well-known age limits like for breast cancer screening¹⁷. Age discrimination is also visible in clinical trials, where there is a lack of participation of older people to test medicines commonly used for geriatric patients.</p> <p>In many EU countries, older people face age discrimination in access to health care and complementary health insurance which nowadays plays an important role to ensure access to quality care within reasonable delays.</p> <p>The prevailing strong link between poverty and health inequalities and health status still denies the right to many poor people to age healthier, by accessing health and long-term care services.</p>	<ul style="list-style-type: none"> - Efficient system ▪ Informed consent ▪ Clinical trials ▪ Age discrimination - Limited prevention - Inadequate/ Inappropriate care assessment - Restricted access to insurance ▪ Inequalities <ul style="list-style-type: none"> - High care costs - Poverty 	<p>7</p> <p>34</p> <p>36</p> <p>38</p>		<p>involvement of older people</p> <ul style="list-style-type: none"> ▪ Support and promote the European Medicines Agency (EMA) strategy on medicines for older people ▪ Develop an EU quality framework for long-term care ▪ Invest ESF and ERDF to tackle health inequalities and enable people to age healthier ▪ Invest in skilling of healthcare professional and carers ▪ Better coordinate policies at EU level to ensure sufficient funding for LTC
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Wellbeing & Dignity

WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
<p>When people get older and lose their autonomy they are vulnerable to abuse in its various forms (physical, psychological, financial, sexual, medical) and neglect both in the public and the private sphere¹⁸.</p> <p>Examples of abuse may include: malnutrition, dehydration, ignoring calls for help, poor hygiene, excessive physical restraint, detention, bullying, patronizing and infantilizing attitudes. Elder abuse may also include the overuse of sedatives and anti-psychotic drugs when unnecessary.</p> <p>Older women are more at-risk of elder abuse, especially by their partner.¹⁹</p> <p>Until the end of their life older people should be treated with respect,</p>	<p>Types of abuse</p> <ul style="list-style-type: none"> ▪ Physical ▪ Psychological ▪ Financial ▪ Sexual ▪ Medical ▪ Neglect <p>Dying in dignity</p> <ul style="list-style-type: none"> ▪ Palliative care ▪ Symptom relief ▪ Respect their 	<p>EUCh</p> <p>articles</p> <p>1</p> <p>4</p> <p>25</p> <p>6</p> <p>7</p> <p>38</p>	<p>UNCRPD</p> <p>articles</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p>	<p>ECHR</p> <p>articles</p> <p>2</p> <p>3</p> <p>5</p>	<ul style="list-style-type: none"> ▪ Develop an EU quality framework for long-term care ▪ Use structural and cohesion funds to enhance a friendly physical environment in hospitals and palliative care ▪ Develop cooperation between the EU member states on existing measures fighting against elder abuse in the police departments and in the judicial system

¹⁷ For more information, please refer to: <http://www.age-platform.eu/en/age-policy-work/health/age-position-statements/452-age-letter-to-commissioner-vassiliou-to-tackle-age-limits-in-access-to-breast-cancer-screening>

¹⁸ The prevalence of elder maltreatment is about 3% and may be as high as 25% for older people with high support needs

¹⁹ AVOW study: http://www.thl.fi/en_US/web/en/research/projects/avow

dignity and humanity and receive aid in order to die without suffering. This right includes palliative care ²⁰ , freedom of choice of the place to die, respect of religious and cultural beliefs, etc.	wishes on religious service and ritual <ul style="list-style-type: none"> ▪ Die in place 				
Protection of Private life					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
The need for privacy does not decrease as people age. People in long-term care are at greater risk of lack of privacy as a result of their care needs. Camera surveillance, lack of privacy during personal care (bathing, undressing) or when using a toilet are common problems for frail elderly. This is particularly true for people in residential care but also for those who receive home (formal and informal) assistance. Sometimes they are denied the freedom to receive friends, to refuse visits or to share a room when they are a couple. Another threat for privacy is when sensitive issues are discussed when other people can overhear. Routine lack of privacy can result in infringement of the dignity of the elderly. Inadequate or unsuitable accommodation may engage the right to private and family life. Personal data, including those collected for medical or security reasons, should not be handled without the consent of the older person (or of its family).	Need for: <ul style="list-style-type: none"> ▪ Private time ▪ Appropriate accommodation ▪ Intimacy ▪ Discretion ▪ Confidentiality ▪ Sensitivity ▪ Personal relations ▪ Data protection ▪ Respect of dignity ▪ Informed consent 	EUCh articles 7 8 1 25 4	UNCRPD articles 22 14	ECHR articles 8	<ul style="list-style-type: none"> ▪ Promote an EU Strategy for the well-being and dignity of older people ▪ Develop an EU quality framework for long-term care ▪ Ensure the protection of personal data in the development of eHealth solutions
Consumers' rights					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
From product safety and mechanisms of protection, to informed decisions on pension plans and transparency of banking services, consumer rights have a very significant impact on older people's lives. Nevertheless, older people count among the most vulnerable consumers. It is quite common that elderly are abused and lose money because they feel recognized through offers made by people coming to their homes or sending personalized mailings which promise money or urge them to order miraculous medicines. Lack of access to the internet and other barriers put older people in a disadvantaged position ²¹ while their needs are not well met ²² .	<ul style="list-style-type: none"> ▪ Financial abuse ▪ Limited Information ▪ Restricted freedom of choice ▪ Financial exclusion ▪ Insecurity ▪ Lack of accessibility 	EUCh articles 38 21 25 35 36 45 7 11	UNCRPD articles 9 5 20 25 13 21 22 30	ECHR articles	<ul style="list-style-type: none"> ▪ Adopt a horizontal anti-discrimination directive, taking in due account the barriers old people face in access to goods and services ▪ Promote transparency of the financial services market ▪ Raise awareness of consumers' rights ▪ Adopt a directive on collective redress²⁴

²⁰ A specific attention is brought to the promotion of compassionate palliative care, looking not only the strict issue of care but at the whole environment of the person in palliative care (see the work done by the Irish Hospice Foundation <http://www.hospicefriendlyhospitals.net/>).

Although the Services Directive has opened up new opportunities for older people who can buy services from cross-border providers, some of them still struggle to understand the choices they are faced with and are unaware of their rights. In addition, older people in the EU often lack information on how to begin judicial remedy in cross-border cases and whether it is possible to join an action with consumers living in other Member States ²³ .	<ul style="list-style-type: none"> ▪ Inadequate redress 	47			
Access to Information					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
Older people lag behind other age-groups in access to information, which impacts greatly on their right to make informed decisions about their lives, including about health and care, but also on knowing their rights and making complaints. When older people are misinformed their individual needs and preferences are not taken into account, they do not have the freedom of choice (for ex. on nutrition, mobility or private pension plans), they rarely claim their rights in court and they are unable to refuse painful or intrusive medical treatment. In addition, lack of digital literacy among the elderly, deters them from taking advantage of the Information Society and makes them vulnerable users of new technologies.	<ul style="list-style-type: none"> ▪ Lack of support for decision-making ▪ Restricted freedom of choice ▪ Inadequate awareness of rights ▪ Unequal access ▪ Limited autonomy 	EUC articles 11 25	UNCRPD articles 21	ECHR articles	<ul style="list-style-type: none"> ▪ Promote an EU Strategy for the well-being and dignity of older people ▪ Raise awareness of consumers' rights ▪ Promote Design for all and user involvement at EU level
Citizens' Rights					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
Lack of accessibility in elections which prohibits some older people from realising their fundamental right to vote in European and municipal elections in the country of their residence. As more and more public databases are digitalized, many older citizens are indirectly denied their right to have equal access to public documents, due to lack of digital	<ul style="list-style-type: none"> ▪ Ageism ▪ Social and political exclusion ▪ Lack of accessibility of 	EUC articles 39 40 42	UNCRPD articles 29 18 19	ECHR articles	<ul style="list-style-type: none"> ▪ Deliver an ambitious Accessibility Act ▪ Propose a binding legislation for web-accessibility of public services website

²¹ For more information: http://ec.europa.eu/public_opinion/archives/ebs/ebs_342_en.pdf

²² The Golden Economy: The consumer marketplace in an ageing society, Age UK, December 2010

²⁴ Such an instrument should have a wide scope and be available in areas outside consumer law such as anti-discrimination, data protection and pension rights as it would considerably contribute to protecting older people's fundamental rights in a variety of areas

²³ For more information on challenges faced by older consumers: <http://www.age-platform.eu/en/age-policy-work/anti-discrimination/consumers-rights>

literacy.	elections ▪ Limited access to digital documents				
Access to Justice					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
Many older people are not aware of their legal rights and this is in itself a barrier to accessing justice ²⁵ . They may be victims of age discrimination or may want to take legal action to claim pension rights and other benefits they are entitled to but they lack sufficient information and/or legal aid. Most cases of elder abuse are not reported by the victim, among other reasons, due to the close relationship with and dependency of the abuser (who is often their caregiver), fear of consequences (for example that they may be evicted from care homes) but also lack of support and easily accessible mechanisms for complaints. For many older people, the high legal costs count among the main barriers to access to justice, especially in the case of low value individual claims. Additional barriers may be encountered in cross-border cases, due to language difficulties, lack of information on the available options as well as the complexity and length of the proceedings. ²⁶	<ul style="list-style-type: none"> ▪ Lack of awareness of rights and of legal ways ▪ Lack of support ▪ High legal costs ▪ Difficulties in cross-border claims 	EUCh articles 47 25	UNCPRD articles 12 13	ECHR articles 6 13	<ul style="list-style-type: none"> ▪ Adopt a directive on collective redress ▪ Develop cooperation between the EU member states on existing measures of support for victims of abuse
Freedom of Expression, Religion & Conscience					
WHY ?	IN A NUTSHELL	WHICH RIGHTS?			RECOMMENDATIONS
Older people have fewer possibilities to express themselves because they are considered less significant or their needs and expectations less relevant and less deserving than others. Older people often feel excluded from societal debates. Sometimes care homes staff talks over older people and about them rather than to them, in the mistaken belief that they are unable to talk for themselves. Lack of access to	<ul style="list-style-type: none"> ▪ Social and political exclusion ▪ Absence of cultural & religious participation ▪ Limited users' and 	EUCh articles 10 11 22 25	UNCPRD articles 21	ECHR articles 9 10	<ul style="list-style-type: none"> ▪ Promote an EU Strategy for the well-being and dignity of older people ▪ Promote Design for all and user involvement at EU level

²⁵ As an example see the Special Eurobarometer published in July 2011, according to which 85% of respondents lack sufficient information about the Charter of Fundamental rights. For more information:

<http://europa.eu/rapid/pressReleasesAction.do?reference=EO/11/14&format=HTML&aged=0&language=EN&guiLanguage=en>

²⁶For more information on AGE's view on collective redress:

http://www.age-platform.eu/images/stories/FINAL_AGE_response_Collective_Redress_20_04_11.pdf

<p>digital media (blogs, social networks, etc.) can also influence their ability to express their opinions. Older people may also be refused the right to attend places of worship, or lack access to them due to mobility problems. As people become frail and dependent, expressing their convictions and following their cultural traditions is more and more challenging.</p>	<p>citizens' involvement</p> <ul style="list-style-type: none"> ▪ Digital exclusion 				
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