

Discrimination of older people and their rights

Ladies and gentlemen, dear Carmen,

Let me first thank you for inviting me to contributing to this unique and exciting conference which brings together participants from so many countries, so diverse cultures, languages, and probably also diverging experiences of ageing and of being an older person. **Sharing beyond borders**, the title of this conference, is truly a great goal to achieve.

So, the question for me is now: What can I share with you – or rather, in other words, what can we share among us?

The title of my lecture in the programme is "Discrimination of older people and their rights", and

When you read this, you may have wondered:

Don't we as older persons have the same rights as people of all ages?

Isn't the first and most important Human Right which goes ...

Article 1.

"All human beings are born free and equal in dignity and rights.

(They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.)"

... isn't this valid for all of us?

And equally the 2nd and 3rd Articles

(I shorten a bit here):

Article 2.

"Everyone is entitled to all the rights and freedoms set forth (*in this Declaration*), without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

("Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.")

Article 3.

"Everyone has the right to life, liberty and security of person."

So, well, the answer is YES. Ever since the Universal Declaration of Human Rights of 1948, human rights have been **universally applicable**. Older men and women are thus in principle legally equal to all other persons, and in that sense and beyond all physical, cultural, intellectual, or emotional borders and barriers, **we all share the same rights**.

But then there is also a BUT.

You may have noted that the list of prohibited grounds of discrimination in Article 2 does not explicitly include age, and this loophole in the law gives scope to exemptions.

Let me give you an example. Two or three years ago, my husband and I wanted to rent a car during our holiday in Greece – the place is not important, though – this can happen everywhere. Everything was well prepared, the contract and price fixed, and when we arrived at the car rental office at the airport, my husband thought that he would only have to show his driving licence to get the car keys.

But after a look at the driving licence the sales assistant said: "Oh, you are older than 72 – then you have to pay an extra insurance." Despite a valid driving licence, despite more than 40 years of driving practice without an accident, he was charged with rather high extra costs just because of his age.

This is just a minor incident. More severe discrimination may occur when you try to get a new job – even at an age of perhaps 50. Or, when you want to renovate your house, you will probably get difficulties to getting a loan ...

Age discrimination, reinforced by negative age stereotypes, exists in many ways and occurs in many fields.

A study which is currently being prepared by the **Office of the High Commissioner for Human Rights** (OHCHR) shows that - I quote -

"at the international level, the existing human rights framework continues to provide fragmented and inconsistent coverage of the human rights of older persons in law and practice, ..." quote end.

Working and professional life, for instance, are not prevented by the existing legal regulations.

In many countries, there is a **lack of social security** for older persons.

Adequate treatment for those **in need of care** is not **secured everywhere**.

Legal protection for older persons against **violence and abuse** is also inadequate in many states.

And the **issue of intersectional**, multiple, or cumulative discrimination involving **age** along with other characteristics such as sex, ethnicity, or disability has a particularly serious effect on older persons' lives.

The Covid-19 Pandemic made ageist attitudes and discriminatory practices even more obvious and visible.

Older people were regarded as "risk group", although above all they were the persons most **at risk**. They made up a disproportionately higher share among those who have died with COVID-19 than younger people.

Older people were treated as a **homogeneous group**:

From an age of 60 or 65 up, they had to stay at home – although they are even more diverse than other groups of people. Of course, certain measures were important to reduce the risk to health and life of particularly vulnerable persons, but many healthy and usually active older men and women felt discriminated as they were no longer allowed for example to care for - or even to see their grandchildren, or to pursue their various voluntary activities. This raises serious questions about potential discrimination on the grounds of age.

Moreover, Physical distancing requirements risk increasing the social isolation of older persons.

Many of them have additionally been cut off from social contacts, from relevant information and community life, as a large part of direct or personal communication has been replaced by **online communication**.

For some of those who were affected, this meant a valuable bridge to their families and friends, but not all older persons had and have the necessary technologies and the abilities to use them.

In particularly difficult circumstances were and are **residents of nursing homes**. Due to their often very old age and multimorbidity, they need a high degree of protection. The general strategy was **to put in place specific restrictive measures** or even to close the institutions completely. This **limited social contacts** between older people and their families and social networks substantially.

I assume that most of you will have experienced or heard about what such isolation means. An especially hard fate happened to a friend of ours: Peter's wife Maria suffered from dementia and after having cared for her for many years, he had to accommodate her in a nursing home. He visited her every day, prepared a healthy breakfast for her in the morning, and in the afternoon, he took her out for a walk to keep her agile.

All this had to stop when the lockdown happened. Peter was most worried about his wife, and finally, after two weeks he was allowed to come to the nursing home's garden. A nurse brought Maria to the window so that they could at least see each other. But –

during the time without the personal contact the dementia had aggravated so much that she did not recognise him anymore.

This is a heart-breaking story – however, and unfortunately, only one among many more similar stories.

And like in a nutshell, this case clearly shows the limitations to older persons' rights to life, to health, to autonomy and social relationships, alongside many other fundamental rights.

So, what is needed and what can we do?

First of all, older people should not be treated globally as a uniform group. Instead, let us always make clear that any one of us is **unique**.

At the same time, we must insist that as unique women or men, we are **all equal** in the sense that we have the same rights as all other persons.

Secondly, any rules restricting freedoms because of specific circumstances such as the Pandemic, should be proportionate, adequate, fair - and limited in time. We can and must accept them to avoid damage and harm, but they shall not jeopardise our right to live our lives in dignity.

Therefore, and this is my third and last point: Independent of where a person lives, a minimum of rights must be ensured.

For instance, a certain degree of personal contact must be maintained also in times of Covid-19 – of course, always following strict hygiene requirements.

To make this possible, Governments are obliged to ensure that protective equipment and other necessary materials are available where there is a need for protective measures.

This applies in particular to end-of-life care. Institutions must find solutions to ensure that partners and children can be with their relatives when their lives come to an end.

After all, the protection of human dignity is at stake.

So, let us share our ideas and join our strengths to counteract discriminatory practices and strengthen our rights.

Abstract

Discrimination of older people and their rights

Discrimination on grounds of age is among the most frequent reasons for complaints – mostly in the field of work. But Discrimination or – in other words – ageism is occurring in many more everyday situations. During the last weeks older persons felt quite often discriminated: they were regarded as "risk group", they had to stay at home, residents of care homes were not allowed to see their relatives and friends – all limitations to their rights of autonomy, social relationships and dignity. Which limitations to older Persons' rights can we accept – and how can we counteract such discriminatory attitudes? This presentation will reflect on such questions.