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Human rights of older persons and their comprehensive care

Reply to Recommendation¹: Recommendation 2104 (2017)

Committee of Ministers

1. The Committee of Ministers has carefully considered [Recommendation 2104 \(2017\)](#) – “Human rights of older persons and their comprehensive care”. It transmitted it to the Steering Committee for Human Rights (CDDH), to the European Committee on Social Rights (ECSR), to the Governmental Committee of the European Social Charter and the European Code of Social Security and to the European Social Cohesion Platform (PECS) for information and possible comments.

2. The Committee of Ministers considers that ensuring the protection of human rights and care of older persons is a major challenge in Europe today and in the years to come. It welcomes the positive reaction of the Assembly to its Recommendation [CM/Rec\(2014\)2](#) on the promotion of human rights of older persons which it considers to be a useful tool for member States.

3. In paragraph 4.1 of its recommendation, the Assembly recommends that the Committee of Ministers thoroughly examine the implementation of Recommendation [CM/Rec\(2014\)2](#). In this respect, the Committee of Ministers would inform the Assembly that it has invited the CDDH to carry out this specific task in 2018-2019. As suggested, civil society and all other relevant stakeholders will be closely associated in this process. The Committee of Ministers has also taken note of the readiness of the ECSR to participate in this work and of the preliminary comparison already carried out between the principles guaranteed in the Committee of Ministers’ Recommendation [CM/Rec\(2014\)2](#) and those enshrined in Article 23 of the revised European Social Charter (the right of elderly persons to social protection).

4. As a first step in this work, member States, national human rights institutions and other stakeholders will be invited to update the catalogue of good practices accompanying the recommendation from 2014 and to communicate any positive developments occurred since 2014. On the basis of the information received, a workshop or an intergovernmental seminar involving civil society and national human rights institutions will be organised by the CDDH in June 2018. Within such a framework, discussions could take place, if appropriate, to explore the relevance of a specific legally binding instrument in this field as suggested by the Assembly in paragraph 4.2.

5. It is clear, however, that the added value of such a new instrument should be considered in the light of the existing instruments of the Council of Europe, namely the European Convention on Human Rights and the revised European Social Charter. In this respect, the Committee of Ministers would underline the particular relevance of Article 23 (the right of elderly persons to social protection) of the revised European Social Charter. It further recalls that the Charter contains a number of other provisions that protect older persons in areas not covered by Article 23. It would therefore be necessary to assess whether or not an effective implementation by member States of these standards is sufficient to ensure appropriate protection.

6. Moreover, with a view to strengthening the treaty system of the European Social Charter within the Council of Europe through the ratification of the revised European Social Charter and the acceptance of the collective complaints procedure, the Turin Process was launched by the Secretary General at the High-level Conference on the European Social Charter held in Turin on 17 and 18 October 2014. Furthermore, the

1. Adopted at the 1306th meeting of the Ministers’ Deputies (7 February 2018).



CDDH has also been entrusted in 2018-19 to conduct a thorough reflection on the protection of social rights within the Council of Europe and, in this framework, it will also address, inter alia, the situation of older persons.

7. Finally, in response to paragraph 4.3 of the recommendation, and in view of the importance it attaches to the protection of human rights of older persons, the Committee of Ministers would invite those member States which have not yet done so to consider signing and ratifying the revised European Social Charter and accepting, in particular, its Article 23.