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The situation of elderly persons in Europe

Reply to Recommendation¹: Recommendation 1796 (2007)
Committee of Ministers

1. The Committee of Ministers has examined with interest Parliamentary Assembly [Recommendation 1796 \(2007\)](#) on the situation of elderly persons in Europe. It transmitted the recommendation to member states and to the Governmental Committee of the European Social Charter (ESC), to the European Committee on Social Cohesion (CDCS), to the European Health Committee (CDSP), to the European Committee on Migration (CDMG), to the Committee of Experts on Social Security (CS-SS), and to the Steering Committee for Equality between Women and Men (CDEG). The comments received are appended to this reply.

2. The Committee of Ministers shares the Parliamentary Assembly's view that, in a Europe where the population is rapidly ageing, a number of challenging issues need to be met with fair and sustainable solutions, which are not detrimental to the rights of the individual but which render beneficial changes to society as a whole, and equip it to meet the needs and expectations of all citizens. In line with the Assembly's recommendation, the Committee of Ministers is particularly aware of the importance of helping older people to remain active with a view to continue bringing to society the richness of their private and professional experiences. This will also counter, at least to some extent, the risks that an ageing population can entail for the long-term viability of social protection systems and economic prosperity. The need to review, and if necessary, reform pension systems, to improve democratic participation of elderly people, and to examine issues relating to health and care policies are amongst other wide-ranging issues that require attention. The Committee of Ministers has noted and recognises the validity of the various recommendations offered relating to these issues. Some of these are already being implemented, to a greater or lesser extent, by member states whilst others still need to be considered, against the different legislative, political and social landscapes, particular to each country.

3. In pursuing its core objectives, the Council of Europe pays particular attention to potentially vulnerable groups, including the elderly, with a view to ensuring the protection of their fundamental rights and human dignity. The appended comments, the main thrust of which the Committee of Ministers supports, brings some information as to relevant work already carried out in the Council of Europe in the fields of social cohesion, migration, health and disabilities. With regard to the latter, it would also draw attention to the work being carried out by the Committee of Experts on Ageing of People with Disabilities and Older People with Disabilities (P-RRVPH), a subordinate group of the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-15 (CAHPAH). This group is addressing the issues that occur when disabled persons grow older, as well as those concerning older people who have become disabled as a result of physically ageing (for example, reduced mobility, difficulties in hearing, etc.).

4. Mindful of the relevance of the European Convention on Human Rights, in this context, the Committee of Ministers considers Article 23, as well as the other provisions of the revised European Social Charter addressing the rights of elderly people, of particular importance, and that many of the problems identified by

1. Adopted by the Committee of Ministers on 6 February 2008, at the 1017th meeting of the Ministers' Deputies.



[Recommendation 1796 \(2007\)](#) could be resolved or alleviated through the effective implementation of these provisions. The Committee of Ministers draws the Assembly's attention to the relevant detail thereon provided by the Governmental Committee of the European Social Charter (see Appendix 1).

5. The Committee of Ministers particularly acknowledges and deplores the fact that the elderly may be more vulnerable to discrimination in various contexts such as employment, access to health care or financial services and strongly encourages member states to ensure that nondiscrimination legislation also applies on grounds of age. It would also encourage member states to intensify awareness-raising activities in this respect with relevant partners (such as employers, health or other public authorities, etc.).

6. The Parliamentary Assembly will be aware that in the framework of the follow-up to the Warsaw Summit, a High-Level Task Force on Social Cohesion in the 21st Century has recently completed its report "Towards an active, fair and socially cohesive Europe". This report which, *inter alia*, addresses several of the issues mentioned in the recommendation, such as intensifying the promotion of social rights, the effects of demographic changes, pension systems, health and care policies, assistance and support for families or intergenerational issues, is currently being examined by the Committee of Ministers and its rapporteur groups, with a view to deciding as to what concrete follow-up might be given to the recommendations contained therein.

7. Finally, the Committee of Ministers encourages those member states who have not yet ratified the European Social Charter, to consider doing so, given that implementation of a number of the provisions of the Charter would largely improve the protection and assistance of the elderly. Given the importance of pensions as the essential income for elderly persons, it would also encourage member states to consider ratifying the European Code of Social Security and the revised European Code of Social Security as well as the European Convention on Social Security. The first two instruments guarantee a certain level of these benefits whilst the third allows elderly migrants to maintain their rights to an old-age pension when they return to their country of origin. Lastly, member states are encouraged to consider signing and/or ratifying Protocol No. 12 to the European Convention on Human Rights providing for a general prohibition of discrimination, including on grounds of age.

Appendix 1 – Opinion of the Governmental Committee of the European Social Charter on Parliamentary Assembly Recommendation 1796 (2007) on the situation of elderly persons in Europe

1. At the request of the Committee of Ministers (998th meeting, 13 June 2007), the Governmental Committee of the European Social Charter examined Recommendation 1796 (2007) of the Parliamentary Assembly, and adopted the following opinion.
2. The governmental committee notes the interest shown by the Parliamentary Assembly in the European Social Charter. It takes note of Recommendation 1796 (2007) of the Parliamentary Assembly, and has carefully examined it.
3. The fundamental values of our societies, such as the respect for human rights, democracy and the rule of law, are part of our common European heritage.
4. The governmental committee reaffirms its commitment to the protection of social rights and recalls the indivisible nature of human rights – civil, political, social, economic and cultural.
5. The governmental committee draws attention to the fact that many of the problems identified by the recommendation could be resolved through implementation of Article 23 as well as the various other provisions of the revised European Social Charter addressing the rights of elderly persons.
6. Article 23 of the revised European Social Charter (right of elderly persons to social protection)² is the first human rights treaty provision to specifically protect the rights of the elderly. It overlaps with other provisions of the Charter which protect elderly persons as members of the general population, such as, *inter alia*, Article 11 (right to protection of health), Article 12 (right to social security), Article 13 (right to social and medical assistance) and Article 14 (right to benefit from social welfare services).
7. Article 23 requires states to take “appropriate measures” to ensure the effective exercise of the right of elderly persons to social protection. The governmental committee points out that the concept of what is considered to be appropriate in this respect may change over time in line with a changing approach in society related to ageing and a new and progressive notion of what life should be for elderly persons. In any event, under Article 23 states are required to make focused and planned provision in accordance with the specific needs of elderly persons.
8. Under Article 23 states shall enact non-discrimination legislation (or similar legislation) at least in certain domains protecting persons against discrimination on grounds of age. Under Article 24 (right to protection in cases of termination of employment) states should take adequate measures to ensure protection for all workers against dismissal on grounds of age.
9. The governmental committee further emphasises that one of the primary objectives of Article 23 is to enable elderly persons to remain full members of society and to grant them the right to take part in society's various fields of activity. This applies irrespective of whether the elderly person is working or retired, living in an institution or not. To this end, elderly persons shall be afforded adequate resources to lead a decent life and play an active part in public, social and cultural life. They shall be granted an effective right to benefit from corresponding services and facilities as well as to be informed about their opportunities to make use of them.
10. The governmental committee further points out that under Article 23 elderly persons shall be granted a right to adequate health care and the services necessitated.
11. As regards elderly persons living in institutions, the governmental committee recalls that it has been established under Article 23 that elderly persons must be guaranteed the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning the living conditions in the institution, the protection of property, the right to maintain personal contact with persons close to the elderly person and the right to complain about treatment and care in institutions. All institutions should be licensed, subject to a declaration regime, to inspection or to any other mechanism which ensures, in particular, that the quality of care delivered is adequate.
12. Consequently, the governmental committee calls on all member states to ratify the revised European Social Charter, to accept its provisions relevant to the situation of elderly persons, in particular Article 23, and to ensure their satisfactory application in domestic law and practice.

2. Article 23 of the revised European Social Charter is identical to Article 4 of the Additional Protocol to the European Social Charter of 1988.

Appendix 2 – Opinion of the European Committee for Social Cohesion (CDCS) on Parliamentary Recommendation 1796 (2007) on the situation of elderly persons in Europe

1. The European Committee for Social Cohesion (CDCS) welcomes Parliamentary Assembly Recommendation 1796 (2007) on the situation of elderly persons in Europe, which is a crucial issue dealt with extensively at international and national levels. In its Strategy for Social Cohesion, elderly people are highlighted among those at particular risk of becoming vulnerable, and they, as well as issues around the broader implications of ageing for sustainable social development, are focused upon in the work of the CDCS. Many items of this recommendation are already part of member states' policy for the elderly in general.
2. The CDCS developed important work in this field and, through its subordinate committees (dealing with social policies for families, social security and low income workers), presently focuses on different issues concerning ageing, which is indeed a complex phenomenon. The relevance of demographic ageing to our societies can hardly be estimated and its consequences depend on the ability to adapt policies to demographic ageing.
3. The diversity and potential of elderly people should be stressed. It is critical to focus policy on age diversity and cohesion in various environments including workplace, family, and community. Gender aspects and the specific needs of women and men should be considered.
4. The CDCS welcomes the proposal of a charter on intergenerational co-operation, aimed at establishing forums for dialogue between the generations. It is a fundamental question, how to strengthen intergenerational and social cohesion and ties between generations in the context of demographic ageing and other developments including urbanisation, migration, etc.
5. Elderly persons with lower qualifications or educational levels should have an equal chance to continue in working life in a decent/qualified employment – as those with higher qualification.
6. The committee would like to stress the significant disparities and diversity in institutional care within and between countries, which is partly attributable to different cultures or traditions in member states. For this reason, drawing up model rules on minimum standards for elderly persons in institutional care at the European level might be difficult and an exchange of standards among countries would be preferable. It is important to know what are the preferences of Europeans, elderly people and carers, regarding institutional care and what are the policies and plans of member states in this respective area. Participation of users/clients and their families in management of the institutions through self-government should be increased. In the context of demographic ageing, the key priority should be ageing in community, with support of local services and community centres providing complex services, integrating many services in one place, including leisure, cultural and social activities.
7. Member states should ensure, by introducing flexible work arrangements and social services, that carers have a free choice in their working career and that providing care to other persons does not incur the risk of economic insecurity. Well-being of carers has significant impact on quality of care, safety and well being of dependent persons, as well as their dignity and quality of life.
8. Health care systems in member states should implement age-friendly principles and focus on healthy ageing. The high costs of treatment are an unacceptable criterion: these can certainly be outweighed by profits as added years and gained quality of life.
9. Concerning the social protection systems, the CDCS encourages countries to ratify the European Code of Social Security and the revised European Code of Social Security as well as the European Convention on Social Security. Old-age pensions are indeed the essential income for elderly persons. Within this context, the two first instruments mentioned set up the European standards regarding old-age benefits and guarantee a certain level of these benefits. As for the third instrument, it allows elderly migrants to maintain their rights to old-age pension when they return to their country of origin.
10. A focused policy, such as suggested for elderly migrants, is in some countries the exception as it is considered that general policy should be sufficient for any category of citizens. The concept of a policy "culturally appropriate to the needs of elderly migrants" seems to be too generally formulated to be acceptable or even applicable in all situations.
11. In this field it would be advisable to compare and link Council of Europe initiatives in this field with those of the European Union and the United Nations.

Appendix 3 – Comments of the European Health Committee (CDSP) on Parliamentary Assembly Recommendation 1796 (2007) on the situation of elderly persons in Europe

The European Health Committee (CDSP) examined Parliamentary Assembly Recommendation 1796 (2007) and submits the following comments:

1. The CDSP welcomes the Parliamentary Assembly recommendation as a valuable and comprehensive overview of current issues concerning ageing populations and the way the situation of elderly people is tackled in the health field. The CDSP regards it as an important contribution to the Council of Europe's continuous efforts to assist member states in making their health systems more equitable, efficient and of high quality.

The CDSP has noted with interest the wide-ranging and all-inclusive scope of the review of the situation, which spans almost all fields of the Council of Europe's areas of activity.

2. The 6th Conference of European Health Ministers on Ageing in the 21st Century: the Need for a Balanced Approach Towards Healthy Ageing, held in Athens (1999), dealt specifically with this issue.

The Secretary General's report and the policy declaration of the 6th Ministerial Conference and its explanatory note³ reinforces the full support and commitment of the Ministers of Health. It states in particular that:

"A person must be considered as a whole and not according to age. One should not forget that the older person was young and has contributed to the economy of his/her country. Society has a responsibility towards that person. He/she is still a person with the rights and responsibilities of a citizen."

3. The 8th Conference of European Health Ministers on People on the Move: Human Rights and Challenges for Health Care Systems, held in Bratislava, Slovak Republic, on 22 and 23 November 2007, discussed the specific health needs of migrants, including the most vulnerable groups like the elderly.

4. Some past Committee of Ministers recommendations offer immediate replies to the concerns raised by the Parliamentary Assembly, for example:

- Committee of Ministers' Recommendation Rec(2003)24 to member states on the organisation of palliative care, giving guidelines to the member states in organising their palliative care services;
- Committee of Ministers' Recommendation Rec(2001)12 to member states on the adaptation of health care services to the demand for health care and health care services of people in marginal situations. It calls for developing a coherent and comprehensive policy framework, based on principles of equity, human dignity and participation, avoiding stigmatisation and increasing knowledge base. The elderly people are listed amongst the vulnerable groups in this recommendation;
- Committee of Ministers' Recommendation No. R (2000) 5 to member states on the development of structures for citizen and patient participation in the decision-making process affecting health care;
- Committee of Ministers' Recommendation Rec(2006)18 to member states on health services in a multicultural society which gives a description of the organisation of health services to take into account the multicultural dimension, for every migrant people, including elderly people.

In conclusion, the CDSP fully supports the content and rationale of Parliamentary Assembly Recommendation 1796 (2007) on the situation of elderly people in Europe and will share its messages among its members.

3. All three documents are gathered in Document CM(99)90.

Appendix 4 – Comments of the European Committee on Migration (CDMG) on Parliamentary Recommendation 1796 (2007) on the situation of elderly persons in Europe (adopted by the Bureau of the CDMG on its behalf)

1. The European Committee on Migration (CDMG) welcomes the attention of the Parliamentary Assembly to the situation of elderly persons in Europe. It shares the concerns of the Parliamentary Assembly that elderly persons still encounter discrimination in accessing employment, health care, education as well as social and financial services.
2. The CDMG also welcomes the fact that the Parliamentary Assembly has specifically identified a particular vulnerability of elderly migrants. It agrees that elderly migrants might face double or even triple discrimination and that special policies and culturally sensitive services are needed to guarantee their equal enjoyment of rights.
3. In particular, the CDMG agrees that effective measures aimed at fostering inclusion and participation of elderly migrants, encouraging them to maintain links with their countries of origin and facilitating their access to social welfare, pensions and health care should be developed and implemented in the host countries.
4. The situation of elderly migrants has been part of the CDMG work for a long time. The issue has been addressed within the context of the work of the committee on integration of migrants, co-operation with the countries of origins and labour migration. Also, a mini-seminar on elderly migrants was organised by the CDMG in 2002.
5. The CDMG reiterates this interest in carrying out work focused on the situation of elderly migrants and will consider the proposal of the Parliamentary Assembly to undertake activities to facilitate the integration of elderly migrants and to improve their access to social rights and services when preparing its programme of activities for 2009-11.