



AGE Platform Europe

168 avenue de Tervueren, box 2, B-1150 Brussels

Tel: +32 2 280 14 70

www.age-platform.eu



Background paper

Preparatory document ahead of Capacity Building Seminar
on tackling ageism and age discrimination against older
people

27-28 June, Berlin

Co-organised by AGE Platform & EQUINET



AGE work is co-funded by the **Rights, Equality and Citizenship Programme** of the European Union.
The contents of this document are the sole responsibility of AGE Platform Europe and cannot be taken to reflect the views of the European Commission.



Table of Contents

PART 1: General Information.....	3
Introduction.....	3
The capacity building seminar and its objectives.....	4
Practical information about the seminar	5
Meeting venue.....	5
Accommodation	5
PART 2: Agenda and Background information for each session	6
Agenda.....	6
Detailed information about the Agenda	9
Getting to know each other	9
Introduction to the topic	11
Sharing is caring	17
Interactive working groups	17
Joining forces	18
Looking ahead and planning the future	19
Useful resources	20
Contacts.....	20





PART 1: General Information

Introduction

Ageism is the most widespread form of discrimination, reported by 1 in 3 Europeans. It is so prevalent because age biases are unconsciously integrated in laws, policies and practices that include age limits or exclude older people from goods and services. Experiences of age discrimination have not always been taken as seriously as other forms of inequalities, such as racism or sexism, because age stereotypes are often considered normal, justified or even necessary. As a result, ageism as it is experienced both at structural and individual levels, leads to widespread marginalisation, poverty and abuse and has an adverse effect on our health and well-being.

“Once in our 50s we may be considered too old to present TV programs to younger audiences, to train as a doctor, to access a student loan and other financial products, to adopt or to access surrogacy, to work in airport security. 55 may be the cut off for access to funding for further education, for some disability insurance products, or premiums may dramatically rise.

- *Examples of age discrimination highlighted in the [Equinet Discussion paper: Fighting Discrimination on the Ground of Age](#).*

Even though age counts among the non-discrimination grounds that the European Union (EU) is equipped and mandated to fight based on its treaties, so far it has ranked lower in EU priorities compared to other forms of discrimination. We not only lack a comprehensive legal framework that covers age discrimination in all aspects of life, but also policy action to address age inequalities and raise awareness of ageism at EU level.

The level of protection across Member States varies, with some countries limiting coverage of age discrimination to aspects of employment, whereas others have extended their legislation to issues like health, financial services or education. Against this diverse background, national equality bodies and older people’s organisations are uniquely placed to address age discrimination and raise visibility of the existing biases and gaps. This is why this two-day seminar aims to bring together National Equality Bodies (NEBs) and non-governmental organisations (NGOs) representing older persons to identify key challenges and good practices, learn from each other and explore avenues of collaboration at EU and national levels to improve the level of protection and awareness of age discrimination.





The momentum is particularly favourable for this exchange. Global attention on age equality is increasing as the United Nations (UN) is reflecting on the adoption of a new international treaty. The UN Independent Expert on the Enjoyment of all Human Rights by Older Persons has flagged several examples of age discrimination and their negative effects to older people across the world. The Fundamental Rights Agency has recently published a report recognizing ageism as the basis for various forms of human rights abuses against the older population. The World Health Organisation has launched a global campaign against ageism. Additionally, several NGOs and Equality Bodies have published reports or taken other forms of action at national and EU levels to address age discrimination. The seminar co-organised by Equinet and AGE Platform Europe offers a unique opportunity to build on but also feed into these initiatives with the aim to improve the capacity of NEBs and NGOs to fight age discrimination in their respective work and through collaborative action.

The capacity building seminar and its objectives

The core overarching objective of the seminar is **to build the capacity of organisations of older people and national equality bodies (NEBs) to detect, prevent and address age discrimination and promote equality for older people, by:**

- **Clarifying from a practical and legal perspective the meaning and effect of ageism and age-discrimination;**

One of the main reasons why age discrimination is so widespread is its subconscious character. For example, research has shown that social workers are more likely to detect, and report abuse against young women than against older women. When an older person is denied a certain health treatment, this tends to be considered normal because of their age, despite the decision being taken without considering the actual physical abilities of the individual. Such generalisations can also be found elsewhere, such as in the banking sector where older people are denied bank loans merely on the basis of their age, without taking an individual assessment of their financial situation. For this reason, a key objective of the seminar is to identify age biases in law, policy and practice but also challenge participants' own misconceptions of ageing and how these affect their work. To achieve this aim, the seminar will come up with a working definition of ageism and age discrimination and ensure that the unique experiences of sub groups of older persons, like older women, older migrants and older persons with disabilities are also taken into account.

- **Identifying barriers and collecting best practices and blueprints on how to eliminate discrimination and promote equality for older people;**

Secondly, the seminar will map all the times and places when and where age distinctions take place and reflect on what a society without age discrimination would look like. Based on these we will discuss some concrete examples and ideas to achieve this objective, including necessary change in





attitudes, norms and policies in key areas of concern, including employment, health and long-term care, social protection and access to goods and services.

- **Agreeing concrete pathways for strengthening the cooperation of NEBs and organisations of older people.**

This seminar is a unique opportunity for both organisations of older people and equality bodies to explore avenues of cooperation on national level, and to exchange useful knowledge that can bring positive contributions to their daily work.

- **NEBs** will have an opportunity to improve their knowledge on the situation and experience of older people on the ground, and on how to best promote equality for older people in view of their experience of being discriminated;
- **Organisations of older people**, will develop a solid understanding of legal aspects of age discrimination, familiarise themselves with the work of Equality Bodies and explore the added value of additional advocacy tools, such as strategic litigation and campaigning. In these ways they will be more efficient in their work on age discrimination and improve the reporting rates of age discrimination, which are alarmingly low.

The seminar will also include a reflection on how the networks of equality bodies and older persons' NGOs can work together at EU and international level to achieve joint objectives and what kind of contributions and actions from the national organisation may facilitate the accomplishment of these aims.

Practical information about the seminar

Read the travel guide with practical information and directions [here](#).

Meeting venue

The seminar will be hosted by the German equality body, the [Federal Anti-Discrimination Agency \(FADA\)](#). The meeting will take place in the building of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. The meeting will take place in the building of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

Address of the meeting venue: **Glinkastraße 24, 10117 Berlin**

Accommodation

AGE has booked hotel rooms for all the participants in the same hotel: **Ibis Hotel Berlin Ostbahnhof**

Address of the hotel: **An der Schillingbrücke 2, 10243 Berlin**





PART 2: Agenda and Background information for each session

The agenda of the meeting is the following. The objectives, working methodology as well as relevant background information that you should be familiar with for each session is provided under separate sections below.

Agenda

Day 1 Thursday 27 June	
TIME	Session
8.00	<p><u>IMPORTANT!</u></p> <p>All participants meet AGE and Equinet staff at the hotel lobby of Ibis Hotel am Ostbahnhof at 8.00 to take the public transport to the hotel.</p>
8.30 – 9.00	Registration of participants
9.00 – 9.45	<p>Opening and Welcome</p> <p>Introduction by the facilitator of the seminar: Namir Chowdhury</p> <p>Tena Simonovic Einwalter, EQUINET, Chair of the Executive Board Maciej Kucharczyk, AGE Platform Europe, Policy Director</p> <p><i>Opening speaker: Barbara Wurster, Federal Ministry for Family Affairs, senior citizens, Women and Youth, Head of division on International Policy on Ageing and Inclusion.</i></p> <p>Szabolcs Schmidt, European Commission Head of Unit, Non-Discrimination and Roma Coordination, European Commission Directorate-General for Justice and Consumers</p>
9.45 – 10.45	<p>Getting to know each other! What are equality bodies and what do they do? What are organisations of older people and how do they work to combat ageism and discrimination against older people?</p> <ul style="list-style-type: none"> • Break the ice session: Facilitated by Namir Chowdhury





	<ul style="list-style-type: none"> • Presentations by: <ul style="list-style-type: none"> ○ Heidrun Mollenkopf, Vice-President, AGE Platform Europe and Ciaran McKinney, Age & Opportunity (10 minutes) ○ Equinet (10 minutes)
10.45 – 11.15	COFFEE BREAK
11.15 – 12.45	<p>Introduction to the topic – How do we define ageism and discrimination of older people? How is age discrimination protected under EU law? How can we address multiple discrimination?</p> <ul style="list-style-type: none"> • Defining ageism/age discrimination: Facilitated by Estelle Huchet & Namir Chowdhury • Age discrimination in EU law & addressing multiple and intersectional discrimination: Equinet
12.45 – 14.15	LUNCH
14.15 - 15.45	<p>Sharing is caring! What challenges do we face and how does the ideal, equal society look like?</p> <ul style="list-style-type: none"> • Real life examples of ageism from and older age perspective: AGE staff • Identifying forms of age discrimination: Interactive discussion facilitated by Namir Chowdhury • Towards a society for all ages: Interactive working groups facilitated by Namir Chowdhury
15.45 – 16.00	BREAK
16.00 – 17.00	<p>Interactive working groups</p> <ul style="list-style-type: none"> • Ageism in Employment • Access to goods & services (with a focus on financial services and digitalization of services and its effect on older people) • Poverty, social inclusion and older age (including housing and social protection and social security) • Health and long-term care <p><i>Intersectionality and older people as a cross cutting aspect will be discussed in all groups</i></p>
17.00 – 17.30	Reporting back to the plenary
19.00	DINNER





DAY 2 Friday 28 June	
Time	Session
8.20	<p>IMPORTANT!</p> <p>All participants meet AGE and Equinet staff at the hotel lobby of Ibis Hotel am Ostbahnhof at 8.00 to take the public transport to the hotel.</p>
9.00 – 9.30	<p style="text-align: center;">Brief overview and feedback from Day 1</p> <ul style="list-style-type: none"> • Energizer & discussion facilitated by Namir Chowdhury + AGE & Equinet staff
9.30 – 10.40	<p>Joining forces on national level! It is time to identify how equality bodies and organisations representing older people can work together on national level. For this part we split in groups and then report back to the plenary</p> <p><u>Small discussion groups divided in the following themes:</u></p> <ul style="list-style-type: none"> • Through the daily case work of NEBs related to age discrimination • Research and Policy recommendations • Exchange and cooperation in the developing of awareness-raising and communication tools
10.40 – 11.00	<p>Reporting back to the plenary</p>
11.00 – 11.30	<p>COFFEE BREAK</p>
11.30 – 13.00	<p>Looking ahead and planning the future!</p> <p>How to develop engagement strategies for strengthening the cooperation between NEBs and organisations representing older persons and what strategic objectives can we pursue at EU and international level</p>
13.00 – 13.30	<p style="text-align: center;">Closing</p> <p><i>Closing words by the organisers & facilitator: AGE Platform Europe and EQUINET</i></p>
13.30 – 16.00	<p>Lunch and meeting of members of Task Force on Human Rights & Non-Discrimination</p>





Detailed information about the Agenda

Getting to know each other

9.45 – 10.45	Getting to know each other! What are equality bodies and what do they do? What are organisations representing older people and how do they work to combat ageism and discrimination against older people? <ul style="list-style-type: none">• Break the ice session: Facilitated by Namir Chowdhury• Presentations by:<ul style="list-style-type: none">○ Heidrun Mollenkopf, Vice-President, AGE Platform Europe and Ciaran McKinney, Age & Opportunity (10 minutes)○ Equinet
---------------------	---

To kick-start our seminar, we will begin with some ice-breakers and then follow with short presentations by AGE and Equinet members in order to gain more insight about their mandates, objectives and examples of work in the field of ageism/age discrimination.

About Equality Bodies

National Equality bodies (NEBs) are independent public organisations assisting victims of discrimination, monitoring and reporting on discrimination issues, and promoting equality. The EU equal treatment legislation requires Member States to set up a NEB to combat discrimination based on race and ethnic origin¹ and gender². Luckily, many countries have gone beyond what EU law requires and established NEBs that deal with other grounds of discrimination as well, **including on the ground of age.**

NEBs have different powers to tackle age discrimination. Some NEBs have legal powers and can represent victims in front of courts and issue legally binding decisions when investigating a case. However, this is not the case for all NEBs across Europe.

Equinet, the European Network of Equality Bodies ensures that information and knowledge is shared efficiently between NEBs in the Member States. They have recently published a new chart ([read it here](#)) with a clear overview of the structure of the different NEBs and what grounds of discrimination they have the mandate to cover in the scope of their work.

The Directives on EU level does not set out specific guidelines on how these bodies should operate. This has resulted in variety of practices by NEBs in the EU Member States. The year of 2018 was therefore an important milestone as the European Commission adopted [a Recommendation on](#)

¹ Directive 2000/43/EC

² Directives 2010/41, 2006/54, 2004/113





[standards for equality bodies](#) in June 2018. The Recommendation is not a legally binding document, however, it sets minimum standards concerning the mandate of NEBs, their independence, effectiveness and also addressed the sufficient resources and appropriate powers among other aspects. Another important development on Council of Europe level during the same year, was the Revised [General Policy Recommendation No.2 on Equality Bodies to combat racism and intolerance at national level](#). This document was adopted by the European Commission against Racism and Intolerance (ECRI) which is a human rights monitoring body of the Council of Europe.

It is important to distinguish NEBs from national governments and civil society organisations. NEBs promote equality and ensure that equal treatment legislation is applied by:

- **Investing** cases of discrimination;
- **Building a culture that values equality**, diversity and non-discrimination;
- **Providing information** and in some cases **legal support** to potential victims;
- **Monitoring and reporting** on discrimination issues;
- **Conducting research** and providing **policy recommendations**;
- **Engaging** with public bodies, employers and NGOs to foster non-discriminatory practices and ensure awareness and compliance with equal treatment legislation.

About older people's organisations

Organisations of older people are non-profit organisations of and for people aged 50+, which aim to voice and promote the interests of the citizens aged 50+ in the EU, and to raise awareness on the issues that concern them most.

Organisations of older people are non-profit organisations of and for people aged 50+, which aim to voice and promote the interests of the citizens aged 50+ in the EU, and to raise awareness on the issues that concern them most. AGE Platform Europe members are either organisations that directly represent older persons (self-advocacy organisations), or organisations that provide services to older persons (service-providers) or a combination of both.

NGOs at national level have diverse remit, covering a wide range of policy areas that impact on older and retired people. These include issues of anti-discrimination, employment of older workers and active ageing, social protection, pension reforms, social inclusion, health, elder abuse, intergenerational solidarity, research, accessibility of public transport and of the build environment, and new technologies (ICT). Some activities of NGOs are oriented towards the development or reform of public policies, whereas other are about developing programmes for older people to engage, remain active, learn and to build their capacities as individuals and as advocates. Many NGOs are also involved in awareness-raising.

At EU level, AGE Platform Europe brings together more than 100 organisations from EU Member States. It aims to give a voice to older and retired people through the active participation of their





representative organisations at EU, national, regional and local levels, and provides a European platform for the exchange of experience and best practices.

Introduction to the topic

<p>11.15 – 12.45</p>	<p>Introduction to the topic – How do we define ageism and discrimination of older people? How is age discrimination protected under EU law? How can we address multiple discrimination?</p> <ul style="list-style-type: none"> • Defining ageism/age discrimination: Facilitated by Estelle Huchet & Namir Chowdhury • Age discrimination in EU law & addressing multiple and intersectional discrimination: Equinet
-----------------------------	--

During the first part of this session we will discuss different understanding of ageism/age discrimination and come up jointly with a definition that can be used for the purposes of this seminar. Then we will have a couple of presentations about legal protection of age discrimination under EU law.

Age discrimination and ageism: Definitions and examples

Ageism is usually defined as encompassing **the way we think** (stereotyping), **feel** (prejudice) and **act** (discrimination) towards age and ageing, be it someone's chronological age or the chronological age one seems to be. Defined as such, ageism can affect everyone, including younger age groups based on the assumption that "this is not of their age", "they are too young/too old to do something". It was first coined in English language by the American psychiatrist Robert Neil Butler in 1969. Back then, Butler defined³ ageism as:

"a process of systematic stereotyping or discrimination against people because they are old, just as racism and sexism accomplish with skin colour and gender. Older people are characterised as senile, rigid in thought and manner, and old-fashioned in morality and skills."

These negative characteristics are the rationale underpinning that older persons are set apart. Researchers think that they are the result of fears of diseases, disability, dependence, and death. Keeping older persons at distance could then be understood as a coping strategy to allow individuals to deny their own ageing and mortality. This segregation on the ground of age is in fact a process of 'othering' by which one distance him/herself from the 'other' ('I am different from the old').

³ Butler, R. N. (1969). "Age-ism: Another form of bigotry". *The Gerontologist*. 9 (4): 243–246.





Categorization on the ground of age **hinder our capacity to debunk stereotypes** around certain age groups due to the lack of intergenerational contacts. By thinking of other age groups as different from one another, we deny ageing as a continuous and normal process that concerns everyone. This denial perpetuates our misunderstanding of older people as one homogeneous group having similar expectations, lifestyles and support needs.

Ageism has **tremendous impacts on individuals and society** at large. By depicting older adults as a burden to society and the younger generations, it fuels ideas that older people are not worth being part of this society and should withdraw. This has consequences on our self-esteem, our wellbeing, and our health in older age. Research has shown that individuals can gain on average 7.5 years of life by holding positive attitudes towards older age. On the opposite side of the spectrum, ageism is the underlying cause of elder abuse, that is experienced by 1 in 6 older persons worldwide.

The consequences of ageism are even harsher for individuals subject to **multiple discrimination** – be it on the ground of gender, race, sexual orientation, beliefs, health status, property. For instance, older women still earn, on average, 40% less in the European Union than men. Black minority ethnic people are diagnosed with dementia 4.5 years younger than their white counterparts, and Roma people will die between 10 to 15 years earlier than most Europeans.

Because we tend to internalize stereotypes about older adults, we prevent ourselves to participate in certain spheres of society when we grow old, thus missing the opportunity to make society benefit from the growing pool of its older members.

Despite a growing understanding of ageism, we still lack a general awareness of the phenomenon that would help us act collectively. As highlighted by Rosa Kornfeld Matte, the United Nations Independent Expert on the Enjoyment of all Human Rights by Older Persons in her statement of 1st October 2018: *“Unlike other forms of discrimination, ageism is socially accepted and usually unchallenged, because of the subconscious internalisation of ageist prejudices.”*

Legal aspects of age discrimination

EU law

The Charter of Fundamental Rights

The Charter of Fundamental Rights (“the Charter”) of the EU expresses the fundamental rights that are protected in the EU and became legally binding for all Member States with the entry into force of the Treaty of Lisbon in December 2009. Although the Charter is legally binding, it is important to clarify that Member States only are compelled to comply with the charter when EU law is being implemented.





The general principle of equality and non-discrimination are clearly expressed in the Charter (Article 20 and 21). The principle of non-discrimination takes a broad and inclusive approach by prohibiting any discrimination in the implementation of EU law, including on the ground of age. According to the Charter, limitations may be made only if they are necessary and genuinely meet the objectives of general interests recognised by the EU, or the need to protect the rights and freedoms of others (Article 52(1))

The Employment Equality Framework Directive

Directive 2000/78/EC (the Employment Equality Framework Directive) is an important source that was adopted with the aim to combat discrimination on the grounds of disability, sexual orientation, religious beliefs and age, in the areas of employment and occupation, vocational training and in membership of employer and employee organisations. All EU Member States have transposed this Directive in national law.

The Directive regulates the prohibition of direct and indirect discrimination (Article 2) and makes the following definitions:

Direct discrimination: Where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

Examples of direct age discrimination:

- Termination of employment when reaching pension age;
- Maximum age limit when recruiting to fire and for police officers;
- Default retirement ages.

Indirect discrimination: Where an apparently neutral practice, provision or criteria would put persons having a particular age at a particular disadvantage compared with other persons.

Examples of indirect age discrimination:

- If an employer only offers a training opportunity to recent graduates (this could exclude older employees)
- The practice of not collecting data on HIV infection in women and men over 49

Age is the only ground of discrimination for which wide exceptions are authorised in relation to both direct and indirect discrimination. The directive provides that discrimination on the ground of age can be justified (Article 6). As a result of this existing exception, many unjustified cases of age discrimination have continued to be accepted as legitimate on the basis of stereotypes and general assumptions of older people. However, it is important to stress that the case law from the CJEU confirm that the application of such limitations must be read narrowly and be carefully scrutinised by national courts.





Article 6 clarifies that different treatment on the grounds of age can be justified if:

- The treatment is **objectively** and **reasonably justified** by a **legitimate aim**, and;
- The means of achieving this aim must be **appropriate** and **necessary**.

What does this mean in practice?

1. An employer must **objectively justify a discriminatory practice**, and must show that there is a **legitimate aim** to this practice;
2. The second step is that the employer must fulfil a **proportionality test** in order to show that the different treatment on the basis of age was **“appropriate and necessary”**.

Case law has for instance confirmed that it is a legitimate to force older workers to retire to encourage the promotion of younger workforce, and to prevent future disputes on employees' fitness to work. Case law has also confirmed that such legitimate aims must be to the interest of the public and cannot be based on individual reasons that is specific to an employer's situation.

An important aspect of the Employment Equality Framework Directive is also the possibility for Member States to adopt specific measures to prevent or compensate for disadvantages that is linked to age, so called **“positive action”** (Article 7). In practice, this could mean that an employer can state in a specific recruitment adverts that “older people are welcome to apply”, if he believes that older people in particular are underrepresented in their workplace.

Although the implementation of this Directive has contributed to raised awareness about the ageist attitudes and cautious mindsets about potential age discriminatory behaviours, we need to keep in mind that the Employment Equality Framework Directive only is limited to the area of work. In 2008, the European Commission tabled a legislative proposal (**the Equal Treatment Directive**) that would harmonise equality protection and cover prohibition of discrimination on the ground of age, religion or belief, disability and sexual orientation in public and private sectors in respect of social protection, social advantage, education and access to goods and services. This would mean that the prohibition of age discrimination would be strengthened on EU level and be extended to areas outside of employment. 10 years have now passed since this Directive was proposed by the European Commission, and the proposed Directive has been blocked by the Council of the EU since 2008. AGE Platform, together with other equality networks in Brussels have expressed their concerns about this lack of action and call for the adoption of a strong legal framework on EU level that protect all people against discrimination in all areas of life.

The lack of a stronger legal protection that goes beyond employment results in uneven protection against age discrimination in Europe. Some Member States have implemented national legislation that extends protection against age discrimination in sectors beyond employment. However, this is not the case for all countries. This leads to a clear gap in the legal protection of age discrimination on EU level.





International Law

Unlike for other grounds of discrimination, there are very few explicit references to age as an impermissible ground of discrimination in international⁴ or regional human rights treaties⁵, thus rendering protection against age discrimination less visible. Neither do the UN Principles for Older Persons refer to age discrimination. The MIPAA refers to the elimination of age discrimination, but it primarily concentrates on work-related discrimination. Lacking a clear and comprehensive prohibition, several discriminatory treatments against older people -such as age limits in access to health care, education, social protection and financial services – may be considered acceptable and therefore remain unaddressed by the international human rights mechanisms.

The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), which are the two main UN human rights treaties, as well as the European Convention on Human Rights (ECHR), and the revised European Social Charter of the Council of Europe all contain reference to “other status”. This means that the lists of prohibited grounds of discrimination included in these instruments are illustrative, not exhaustive, and therefore the open-ended category of “other status” may also be interpreted to include age-related discrimination.

The UN Committee on Economic, Social and Cultural Rights (CESCR) issued in 1996 General Comment No.6 on the economic, social and cultural rights of older persons, where it stated that it is “... *not yet be possible to conclude that discrimination on the grounds of age is comprehensively prohibited.*” It is noteworthy that two years earlier the same committee had already defined, and prohibited discrimination based on disability in 1994 in General Comment 5. In 2009 the same committee clarified that age is a prohibited ground of discrimination, albeit ‘*in several contexts*’⁶. The choice of this wording reveals that protection from age discrimination is far from being absolute and clear, but rather it can be accepted. So, age enjoys a lower level of protection, whereby in certain areas or circumstances discrimination on the basis of age can be allowed.

The lack of explicit prohibition of age discrimination has several drawbacks. First, due to this gap the bodies that are responsible for monitoring the implementation of the international conventions (i.e. treaty bodies) have a wide margin of discretion and in practice fail to consistently address age discrimination in their work. Additionally, entrenched attitudes and prejudices against older persons and the fact that distinctions on the basis of age have traditionally been accepted in various areas, entail that the differential treatment on the basis of age might be easily justified as reasonable.

⁴ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 7; CRPD Article 25 (b) Article 28 (2) (b) Article 13, Article 16; CEDAW, Article 11.1 (e).

⁵ EU Charter of Fundamental Rights, Article 21 and the Employment Equality Directive (2007)/78/EC prohibit age discrimination but only applies in areas of competence of the EU.

⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, E/C.12/GC/2.





Additionally, whereas governments have an obligation to collect and analyse relevant data disaggregated by grounds of discrimination, since age is not explicitly a forbidden ground, governments often fail to collect adequate data in relation to older persons. But age-disaggregated data are instrumental in providing evidence of the inequalities faced by older persons in various spheres of life. For instance, elder abuse remains one of the most neglected forms of violence both in terms of data gathering and policy responses⁷. National and comparative surveys often have age limits or include serious gaps around ageing, failing to capture older people's experience of abuse.⁸ Notably, one of the Sustainable Development Goals (SDG) indicators aims to measure violence against women until the age of 49, ignoring the experiences of abuse in older age⁹. Additionally, data sets may still reflect out-dated, biased or incomplete views about older age. Typically older people are represented as a single group, such as 50+, or 60+, lacking appropriate distinctions to reflect the heterogeneity of the target group. It is even more complicated to reflect intersecting characteristics, such as being an older woman, an older migrant or an older person with a disability. Under these circumstances older people can literally be invisible in the monitoring of human rights. This is confirmed by the fact that in the period between 2000 and 2008 only 3 out of the 124 state reports submitted to the Human Rights Committee referred to age discrimination¹⁰.

Furthermore, due to the absence of a prohibition of age discrimination, states do not have a concrete positive obligation to prevent age discrimination and eliminate structural patterns of disadvantage, whereas such duties exist for discrimination on the basis of gender, race and disability for instance. Especially in the context of scarce resources unless there is such clear obligation, it is unlikely that states will invest additional resources or adopt tailored measures to ensure the equal treatment of older people in practice. For example, there is no obligation to provide reasonable accommodation to older persons, which includes taking measures so that they are able to participate fully in the labour market among others. Besides, in order to combat ageism and prevent elder abuse states must not only refrain from intentional acts of discrimination but also to work towards the elimination of stereotypes and stigmatisation of older people. This is particularly important bearing in mind the unconscious and culturally embedded character of ageism.

Overall, the protection from age discrimination under international human rights law remains fragmented and incomplete. This is one of the main reasons why there are ongoing discussions

⁷ Marijke de Pauw, M. (2017) 'Global Population Aging from a Human Rights Perspective: The Need for a UN Convention on the Rights of Older Persons', *Global Europe–Basel Papers on Europe in a Global Perspective*, (114), Yon, Y., Mikton, C. R., Gassoumis, Z. D. and Wilber, K. H. (2017) 'Elder abuse prevalence in community settings: a systematic review and meta-analysis', *The Lancet Global Health*, 5(2), pp. e147-e156.

⁸ Mihnovits, A. (2017) *Income, health and abuse data is inadequate and risks leaving older people behind*. Available at: <http://www.helpage.org/global-agewatch/blogs/alex-mihnovits-21956/income-health-and-abuse-data-is-inadequate-and-risks-leaving-older-people-behind-1034/>. and Marijke.

⁹ Horstead, K. (2015) *Importance of the Sustainable Development Goals for older people*. Available at: <https://ageukblog.org.uk/2015/12/02/importance-of-the-sustainable-development-goals-for-older-people/>.

¹⁰ Judge, L. 2008. The rights of older people: International law, human rights mechanisms and the case for new normative standards. Dec.





about strengthening the protection of the human rights of older persons in a new dedicated treaty. These discussions are primarily taking place at the UN Open-Ended Working Group on Ageing, which meets annually in at the UN headquarters in New York.

Sharing is caring

14.15 - 15.45	<p>Sharing is caring! What challenges do we face and how does the ideal, equal society look like?</p> <ul style="list-style-type: none"> • Real life examples of ageism from and older age perspective: AGE staff/member • Identifying forms of age discrimination: Interactive discussion facilitated by Namir Chowdhury • Towards a society for all ages: Interactive discussion facilitated by Namir Chowdhury
----------------------	---

Here we will have an interactive discussion attempting to make a list of all the places or times where we think older people are treated differently because of their age. We will also answer questions like: Who is the discrimination most likely to come from? Why do you think this happens? What do you think the consequences of this might be for the older person? Answering these questions will allow us to get insights about the most common forms, causes and impact of age discrimination. This discussion will be complemented by a presentation with real-life examples of age discrimination identified by NGOs in order to reflect the pervasiveness and diverse types of discrimination that have not yet been addressed through law. Finally, this part will include a discussion about what a world without ageism would look like. Here we will attempt to shutter our own biases and misconceptions and start creating a roadmap for change.

Interactive working groups

16.00 – 17.00	<p>Interactive working groups</p> <ul style="list-style-type: none"> • Ageism in Employment • Access to goods & services (with a focus on financial services and digitalization of services and its effect on older people • Poverty, social inclusion and older age (including housing and social protection and social security) • Health and long-term care <p><i>Intersectionality and older people as a cross cutting aspect will be discussed in all groups</i></p>
----------------------	---





17.00 – 17.30	Reporting back to the plenary
----------------------	--------------------------------------

During this session we will split up in groups and discuss key areas where age discrimination takes place in more details. We will aim to define what is the nature of challenges in those areas and how we can address them.

Each workshop will have “discussion leads” (NEBs and AGE member) that will introduce the topic from their own perspectives or experience. The group will then continue to discuss the topics with the assistance of Equinet and AGE Secretariat staff that will provide specific questions.

By the end of the discussion, each workshop will have a list of recommendations on how to tackle ageism and discrimination of older people in their specific area/them which they have discussed. Each group will have to identify and write down their main conclusions and recommendations that later will be shared with the rest of a groups.

Joining forces

9.30 – 10.40	Joining forces on national level! It is time to identify potential avenues of collaboration and how equality bodies and organisations representing older people can work together on national level. For this part we split in groups and then report back to the plenary
10.40 – 11.00	Reporting back to plenary

Potential avenues of collaboration

Organisations of older people and NEBs are both important actors that bring the voice of older people to the attention of national and international policy makers across Europe. They hold valuable knowledge and experience that can complement and strengthen each other’s daily work on national level to tackle discrimination of older people and promote age-inclusive societies.

During this session, the participants will be divided in smaller groups to discuss the sub-category listed below. For each category, there will be an organisation (NEB or AGE member) starting the discussion by sharing a good practice or example of cooperating with another organisation that relates to the specific category. By starting with concrete examples, the discussions can continue to focus on *how* a potential cooperation between EBs and organisations of older people could look like. *What* are the necessary steps that must be taken on both sides? This will also be an opportunity for the participants to reflect *why* these avenues of collaboration is important.





The groups will be divided in the following categories:

- **Through the daily case work of EBs related to age discrimination.**

One of the main responsibilities of EBs across Europe is to assist victims of discrimination through their case work. Individuals can bring cases of discrimination to an EB, who can investigate a specific situation and conclude if a practice, provision or criteria is discriminatory, or not.

One of the major challenges that EBs face is underreporting of cases. The position of older people's organisations is therefore vital in this category. They can bring the real-life experience of older people in different fields of life and make sure to report on instances of discrimination to their respective EB on national level.

- **Research and policy recommendations**

AGE members and EBs can learn and benefit from each other. The knowledge and awareness that older people's organisations have about the challenges that older people face in society is valuable knowledge for the work of EBs in many ways.

- **Exchange and cooperation in the development of awareness-raising and communication tools**

Both organisations have experience of developing different campaigns and initiatives, and this will be an opportunity for you to share how do you communicate your work and explore what can you learn from each other. What tools do you use to address ageism and how do we effectively tackle ageist attitudes?

Looking ahead and planning the future

11.30 – 13.00	Looking ahead and planning the future! How to develop engagement strategies for strengthening the cooperation between NEBs and organisations representing older persons and what strategic objectives can we pursue at EU and international level
----------------------	---

This part will discuss concrete ideas for collaboration and engagement of Equinet and AGE Platform Europe at EU and international level





AGE Platform Europe

168 avenue de Tervueren, box 2, B-1150 Brussels

Tel: +32 2 280 14 70

www.age-platform.eu



Useful resources

- [Age paper on structural ageism](#)
- [Older Persons' Self-Advocacy Handbook](#)
- [Equinet Discussion paper: Fighting Discrimination on the ground of age](#)
- [Annex to Equinet Discussion paper with national case law from equality bodies on age discrimination](#)
- [Focus chapter of the European Union Agency for Fundamental Rights \(FRA\) Fundamental Rights Report 2018, *Shifting perceptions: towards a rights-based approach to ageing.*](#)

Contacts

For more information about the seminar, contact Tanja Sheikhi from the AGE Secretariat:

tanja.sheikhi@age-platform.eu



AGE work is co-funded by the **Rights, Equality and Citizenship Programme** of the European Union.
The contents of this document are the sole responsibility of AGE Platform Europe and cannot be taken to reflect the views of the European Commission.