



**AGE Platform Europe Written Statement at United Nations General Assembly Open-Ended Working Group for the purpose of strengthening the protection of human rights of older persons**

**“Focus Area: Access to justice”**

**31 March 2021**

Other speakers have already exposed the multiple challenges faced by older persons in access to justice. In this statement I want to focus on law, or the absence of law as barrier to access justice. For instance, at EU level, the lack of legal prohibition of age discrimination beyond the field of employment entails that in many countries it is impossible to challenge decisions denying older people insurance or a loan<sup>1</sup>. Additionally, sometimes there are ageist provisions in law. For instance, whereas under the UNCRPD institutionalisation is prohibited<sup>2</sup>, international norms merely allow older persons to live at home ‘for as long as possible’<sup>3</sup>. Given this caveat, it is more difficult for older persons to access justice in cases of forced placement, coercion or breaches of autonomy. Judgements reproduce the biases embedded in law. For example, in our paper submitted to this session<sup>4</sup>, we demonstrate that because more exemptions and justifications apply to age discrimination in the EU employment directive, national and EU courts tend to consider age discrimination as less severe compared to other grounds and reflect biases about the ability of older people to work. Ageist norms also inform and educate legal professionals and therefore it can be extremely hard to avoid prejudicial assumptions in caselaw, prosecution policies and investigation.

Moreover, these biased standards impact the ability of older persons and their representative organisations to claim rights and seek justice. I have conducted research in Ireland, France and Greece, which showed that older self-advocates and the organisations that represent them lack the capacity, language, awareness and consciousness to link individual experiences, but also

---

<sup>1</sup> The 2000 EU Employment Framework Directive only covers age discrimination in employment

<sup>2</sup> See article 19 UNCRPD

<sup>3</sup> See among others, UN principles, General Comment 6 of the Committee on Economic, Social and Cultural Rights and Madrid International Plan of Action on Ageing, para 95

<sup>4</sup> [https://social.un.org/ageing-working-group/documents/AGE%20Platform%20Europe\\_The%20right%20to%20work%20in%20old%20age.pdf](https://social.un.org/ageing-working-group/documents/AGE%20Platform%20Europe_The%20right%20to%20work%20in%20old%20age.pdf)



structural issues, like lack of funding or age limits with human rights breaches. One participant in my study mentioned:

*The fact that you put age limits in law sends a signal to the rest of society and I think that is the cultural signal that then makes the lady in the nursing home think that she has to remain in the institution despite her will.*

Ageism in law also reduces the likelihood that others will stand up for the human rights of older persons, since issues like losing your job when you are over 60, being coerced, being financially or emotionally abused when you are older, are not understood as breaches or are not perceived as important. There is research showing that social workers are much less likely to report abuse against older than younger women for instance<sup>5</sup>.

My question to Bill Mitchell is the following: What is the potential of a new UN convention to create space for rights holders to participate and demand their rights? How will self-advocates be able to use the UN system more broadly and to improve access to effective and enforceable remedies when they experience age discrimination and other rights violations at national level?

**For more information you may contact:**

Nena Georgantzi  
Policy Coordinator on Human Rights & Non-Discrimination  
AGE Platform Europe  
[Nena.georgantzi@age-platform.eu](mailto:Nena.georgantzi@age-platform.eu)

---

<sup>5</sup> Yechezkel, Rachely and Ayalon, Liat (2013) : 'Social Workers' Attitudes towards Intimate Partner Abuse in Younger vs. Older Women'. In: Journal of Family Violence No. 28, pp. 381-391.  
<https://link.springer.com/article/10.1007/s10896-013-9506-0>