

Submission to OEWGA Questionnaire

The European Union (EU) acknowledges the work of the Open-ended Working Group on Ageing (OEWGA) for the purpose of strengthening the protection of human rights of older persons and the Permanent Representations of Portugal and Brazil to the United Nations co-facilitating intergovernmental exchange prior to the 14th session of OEWGA in 2024.

The EU is committed to actively participate in this work by submitting the following information on the EU's legal and policy framework in this regard, relating to targeted and strategic actions, policies and legislation, based on research data and statistical analysis.

This submission aims to contribute to the ongoing consideration of the existing international framework and the identification of potential gaps in the protection of older persons' rights.

The EU has a **variety of legal safeguards and tools to safeguard the rights of older persons**. This framework includes a wide range of policies, legally binding and non-binding instruments, awareness raising and best-practices sharing, and financial programmes which complement and enhance EU Member States' primary responsibility for implementing EU law and for respecting, protecting, and fulfilling the rights of older persons.

EU Equality Legal Framework

The EU is based, among others, on the values of human dignity, equality and respect for human rights. Every EU citizen enjoys the same fundamental rights enshrined in **the EU Treaties**¹ and the **Charter of Fundamental Rights of the European Union**, free of discrimination on several grounds, including age².

The **Employment Equality Directive** 2000/78/EC lays down a general framework for combating discrimination with regards to employment and occupation, inter alia on the grounds of age, with a view to putting into effect in the Member States the principle of equal treatment. The Employment Equality Directive prohibits direct or indirect discrimination, including harassment and instructions to discriminate, based on any of the protected grounds. Its material scope encompasses inter alia conditions for access to employment and self-employment (including selection criteria and recruitment conditions), access to all types and to all levels of vocational guidance and training, as well as employment and working conditions (including dismissals and pay).

In 2008, the European Commission submitted to the EU legislator a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation in the areas of social protection, education and access to goods and services available to the public (**proposed Equal Treatment Directive**³). The proposal seeks to offer a comprehensive framework for combating discrimination at EU level by extending the scope of protection against discrimination beyond the area of employment and occupation.

¹ Including Article 3(3) TEU, in particular about social exclusion and solidarity between generations.

² The Charter of Fundamental Rights of the EU contains relevant provisions especially in Articles 21, 25, 34 and 35.

³ [Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) {SEC(2008) 2180} {SEC(2008) 2181}.

The Commission has also submitted to the EU legislator **legislative proposals to strengthen the role and independence of equality bodies in the EU Member States**⁴ by proposing to set minimum standards on how they operate on all grounds of discrimination and areas covered by EU equality rules. In addition, the Commission submitted to the EU legislator a proposal for a **legislative package on the protection of adults** who are in cross-border situations and in need of legal protection or legal support to handle their personal or financial interests.

EU Policy Framework

Building a **Union of Equality** is a priority for the European Commission⁵. The goal is to create the conditions for everyone to live, thrive and lead in society regardless of differences based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation. With this mandate, in 2019 the President of the European Commission appointed Helena Dalli as the first Commissioner for Equality. To further the Union of Equality, a number of strategies have been adopted that are also relevant for older persons, including the **Gender Equality Strategy**, the **LGBTIQ Equality Strategy**, the **EU Strategic Framework for Roma equality, inclusion and participation**, the **EU anti-racism action plan 2020-2025** and the **Strategy for the Rights of Persons with Disabilities 2021-2030**. The latter aims to improve the lives of persons with disabilities in the EU and beyond and support EU Member States and EU institutions in implementing the United Nations Convention on the Rights of Persons with Disabilities, including by promoting accessibility⁶ and independent living. The Union of Equality strategies stress the need to combat stereotypes, fight age-based discrimination within their respective remit, to promote diversity and inclusion in the workplace, and give everyone equal chances to contribute and thrive.

In addition, the **2022 European Care Strategy** provides a comprehensive EU agenda to improve the situation of older people receiving long-term care and of carers, by boosting access to quality, affordable and accessible care services and improving working conditions and work-life balance for carers. The strategy is supported by a **Council Recommendation on access to affordable high-quality long-term care**⁷, calling on Member States to ensure adequate social protection for long-term care, align the offer of long-term care services to long-term care needs, supporting the freedom of choice of people in need of care, and ensure high-quality criteria and standards. It also calls for improving working conditions and upskilling and reskilling for the long-term care workforce and support measures for informal carers, including for their gender balance.

⁴ [Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU; proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC.](#)

⁵ See more [here](#).

⁶ In relation to access to goods and services, EU legislation such as the European Accessibility Act contains provisions requiring the accessibility of products and services, thus breaking barriers that persons with disabilities, including older persons with disabilities, face when accessing goods and services.

⁷ [Council Recommendation of 8 December 2022 on access to affordable high-quality long-term care \(2022/C 476/01\)](#).

On 25 November 2021, the Commission **adopted a package of measures to reinforce democracy and protect the integrity of elections**⁸. These initiatives update, clarify and strengthen the existing rules to address the difficulties faced by mobile EU citizens including **older persons** and persons with disabilities, with the aim to ensure broad and **inclusive participation** in elections.

Additionally, the Commission has adopted the Communication on “**Demographic change in Europe: a toolbox for action**” in October 2023. The Communication outlines that Europe needs to build a “longevity society” that values the longer lifetime spent in older age, empowers older citizens, and nurtures the welfare and well-being of present and future generations alike. A key objective is to empower older generations to remain active for longer and sustain their welfare, through reforms combined with appropriate labour market and workplace policies and the adjustment of policies to cater for the needs of longer lifespans. The Communication presents a comprehensive set of policy tools available to Member States to manage and address various dimensions of demographic change and helps to assess and further anticipate the implications of demographic trends, including how policies can be better designed to cater for the changing cohort of seniors in our societies. The Commission calls on EU Member States to develop and implement integrated policies to tackle demographic change and to mainstream demographic concerns into all policy areas.

There are more thematically specific policy frameworks that address age equality, such as the **Common Agriculture Policy (CAP) 2023-2027** which provides a policy framework for Member States to design specific interventions that address, inter alia, age inequalities in the farming sector and in rural areas.

Regarding funding, the **Common Provisions Regulation**⁹ governing the cohesion policy funds includes, as one of its horizontal principles, the prevention of discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting and evaluation of programmes.

The **European Social Fund Plus (ESF+)** is the European Union’s main instrument for investments in people and supports the implementation of the European Pillar of Social Rights. It supports investments aiming to achieve high employment levels, social inclusion and the eradication of poverty. Although age inequality is not mentioned as a direct target in the ESF+ Regulation¹⁰, the fund does contribute to reducing it by financing investments in social inclusion, employment and long-term care.¹¹

⁸ See more [here](#).

⁹ [Regulation \(EU\) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy.](#)

¹⁰ [Regulation \(EU\) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus \(ESF+\) and repealing Regulation \(EU\) No 1296/2013.](#)

¹¹ Maintaining equal access to the job market, including for more “senior” workers is notably possible through three main specific objectives in the ESF+ Regulation: 4.1. (a), 4.1 (b) and 4.1 (d). Through these Specific Objectives, ESF+ can contribute to the upskilling and reskilling of workers, ease their adaptation to a very fast changing environment (facing the green and digital transitions notably) and ensure healthy and well-adapted work environment for all. In the field of long-term care, ESF+ can be mobilised through two main Specific Objectives 4.1 (d) and 4.1 (k), on equal and timely access to quality, sustainable and affordable services, including long-term care, hence contributing to finance the expansion of the coverage for care services, the

In an effort to advance knowledge and improve the understanding around ageism, age equality and discrimination on the grounds of age, the Commission has published a number of studies, policy briefs and tools, such as the “Active Ageing Index - Monitoring active and healthy ageing in the EU¹²” tool, the “Loneliness among older adults¹³” policy brief, a study on the social dimension of the future EU transport system regarding users and passengers¹⁴, and the “Feminization, ageing and occupational change in Europe in the last 25 years¹⁵” paper published by the Joint Research Centre.

Commitment and political will to engage on the topic are also showcased by the 2021 **European Parliament resolution: An old continent growing older – possibilities and challenges related to ageing policy post-2020**.¹⁶ The resolution highlights the need for care and support to maintain the autonomy, independence, and well-being of older people. It also emphasizes that demographic change requires suitable responses to specific health needs and for support services and facilities. Meanwhile, the **Council** has discussed several aspects of the protection of the rights of older people and issued conclusions in 2020 **on human rights, participation and wellbeing of older people in the era of digitalization**, and in 2021 **on mainstreaming ageing in public policies**.

Cooperation with EU Member States and Civil Society Organisations

The Commission constantly assesses the need for better protection of older persons also through dialogue with EU Member States, civil society and the exchange of good practices. For example, it coordinates the **High-Level Group on Non-Discrimination, Equality and Diversity** composed of representatives of all EU Member States. It is a platform for sharing experiences and good practices and encouraging cooperation between Member States in the area of equality and non-discrimination.

The Commission’s **European Cooperation Network on Elections** of Member State competent authorities on free and fair elections has supported exchanges of good practices that help different groups of citizens participate in elections, including younger and older persons.

The EU **works closely with civil society organisations** that advocate for the rights of older people¹⁷. The **Citizens, Equality, Rights and Values financial programme** (CERV) aims to protect and promote the rights and values enshrined in the EU Treaties and the Charter of Fundamental Rights of the EU, by inter alia, supporting civil society organisations. For example, CERV has supported the development of the #AgeingEqual campaign, a European-wide effort to raise awareness of the harmful consequences of ageism and to call for equal rights at all ages.

development of integrated health and social services, and the implementation of national active ageing strategies.

¹² See more [here](#).

¹³ See more [here](#).

¹⁴ [Study on the social dimension of the future EU transport system regarding users and passengers](#), 2022, European Commission.

¹⁵ [Feminization, ageing and occupational change in Europe in the last 25 years](#), JRC Working Papers Series on Labour, education and Technology 2023/04, 2023, European Commission.

¹⁶ [European Parliament resolution](#) of 7 July 2021 on an old continent growing older – possibilities and challenges related to ageing policy post-2020 (2020/2008(INI)).

¹⁷ This includes civil society organisations that advocate for the rights of older people from an intersectional perspective.

With a view to enhancing the available tools presented in the Demography toolbox, the Commission will **encourage regular dialogues and exchanges with Member States on all dimensions of demography through dedicated structures and resources.**

Intersectionality and mainstreaming

The EU tools on equality, notably the Union of Equality strategies, follow an intersectional approach, taking account of multiple dimensions, including age, which can exacerbate inequalities, resulting in particular experiences of discrimination.

Under the current Commission, the **Task Force on Equality** promotes mainstreaming of equality considerations across EU policies, legislation and financial programmes, from their design to their implementation and evaluation.

With a view to enhancing the available tools presented in the Demography toolbox, the Commission will further **mainstream demographic concerns** in relevant policy proposals at the EU level and their accompanying impact assessments.

Statistical data and indicators

Eurostat publishes **demographic and socioeconomic indicators**¹⁸ at national and regional levels based on age. Besides its 2020 report “Ageing Europe, looking at the lives of older people in Europe¹⁹”, it regularly publishes statistical articles such as on “Population structure and ageing²⁰” or an interactive publication “Demography of Europe²¹”. Eurostat’s recently set up equality and non-discrimination statistics task force will reinforce the work on equality data²².

With a view to enhancing the available tools presented in the Demography toolbox, the Commission will **further reinforce the data and evidence base on demography**, by transforming the Atlas of Demography into a dynamic platform for the creation and dissemination of knowledge about demography at EU level, facilitating the exchange between Member States, and further support, in the framework of the European Statistical System, Member States in enhancing their population and housing statistics and implementing innovative actions, based on the future regulatory framework for European statistics on population and housing (ESOP).

¹⁸ [Overview - Equality - Eurostat \(europa.eu\)](#)

¹⁹ [Ageing Europe — Looking at the lives of older people in the EU — 2020 edition](#), EUROSTAT - European Commission.

²⁰ [Population structure and ageing](#), 2023, Eurostat – European Commission.

²¹ [Demography of Europe, 2023 edition](#), Eurostat – European Commission.

²² See more [here](#).