

**UN Open Ended Working Group on Ageing**  
**United Kingdom normative contribution**

If there is to be any international document on the rights of older persons, the UK considers that it should address the principles surrounding the issue clusters of “Equality and Non-discrimination” and “Violence, Neglect and Abuse” in the following way. This is without prejudice to the precise form or status that any document should take.

**Equality and Non-discrimination**

1. Older persons are entitled to protection from discrimination, on the basis of their age or of other grounds, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
2. Recognise that some older persons are subject to discrimination on the basis of multiple protected characteristics.
3. States should promote equality in older age, which is the full participation and inclusion of older persons in all aspects of society based on the equal respect for the dignity of older persons.
4. States should recognise that there may be legitimate and justified public policy reasons to provide for exceptions to the general principle of non-discrimination and the general requirement to promote equality, and to make it lawful to treat certain age groups either more or less favourably than other age groups in prescribed situations. Such exceptions should be proportionate and justified by evidence, and should not constitute an absolute bar on older persons accessing services.
5. States should have due regard to the differential impact of their decisions, in particular age-based policies, on older persons.
6. Protection from discrimination for older persons should be based on the question of whether a person has been treated less favourably because of their particular age group, rather than being conditional on their having crossed an artificial qualifying threshold.
7. Positive action that is related to age and is legitimately intended to address disadvantage, a need or disproportionately low participation in an activity, should be allowed.
8. When exercising their functions or considering the direct or indirect impact of public sector policy development and implementation on older persons, States should have due regard to the need to:
  - (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. States should ensure effective access to justice for older persons on an equal basis with others, subject to appropriate tests; provide information on remedies and how to access them; and in order to help to ensure effective access to justice for older persons should promote appropriate training for those working in the field of administration of justice on their legal duties and responsibilities.

### **Violence, Neglect and Abuse**

1. The state has an important role to play in minimising the instances of older persons being subjected to violence, neglect or abuse. This should include all forms of violence, neglect and abuse (including domestic abuse) against older persons.
2. States should put in place effective legislation and policies to ensure that instances of violence, neglect and abuse against older persons are identified, investigated and, where appropriate, prosecuted.
3. States should take appropriate steps to prevent violence, neglect and abuse in older age; should promote training on the legal duties and responsibilities of care providers, health care and social workers, the judiciary and law enforcement; appropriate needs assessment, monitoring, inspection and regulation of situations of care and support provision; public prevention campaigns; and research into the intersectional drivers of violence.
4. States should ensure mechanisms are in place to enable appropriate responses to be made to allegations of violence, neglect and abuse committed against older persons who are vulnerable.
5. States should afford access to support services for victims of violence, neglect and abuse as appropriate, including appropriate health and social care services; legal services; access to information about available support and services; access to appropriate victim support services; and access to effective remedies and redress.
6. Criminal justice responses and sentencing practices should be able to reflect the aggravated nature of offences committed against older persons who are vulnerable.