

Shifting perceptions: towards a rights-based approach to ageing

Conference "Safeguarding older persons' legal and human rights through active citizenship and inter-generational approach"

Nevena Peneva

Vienna, 24 April 2023

Overview

1. Who we are and what we do?
2. EU's legal framework
3. Selected EU policy instruments
4. FRA selected findings

1

Who we are and what we do?

Five interconnected priorities shape FRA's work

- **Identifying trends:** collecting and analysing data
- **Contributing to better law making and implementation:** providing independent advice
- **Supporting rights-compliant policy responses:** providing real-time assistance and expertise
- **Promoting rights, values and freedoms**
- **Strengthening cooperation** with national and local fundamental rights actors

Data collection: primary research

- Collecting **evidence** on the situation of fundamental rights in the EU using a variety of **methods**: surveys, in-depth socio-legal research & desk-research
- **Filling a knowledge gap**: we cannot rely on existing data collected by Member States and Eurostat
 - fundamental rights issues (e.g. discrimination & hate crime)
 - hard-to-reach or underrepresented groups
- **FRA fills this gap** through:
 - Quantitative EU-wide surveys
 - Qualitative research
 - In-depth socio-legal and desk research
- Research findings are typically presented as **comparative studies** and through **interactive data tools**

FRA results inform EU policies

- EU anti-racism action plan
- EU action plan on integration and inclusion
- EU Roma strategic framework on equality, inclusion and participation
- LGBTIQ equality strategy...

Provide evidence on gaps and challenges in the implementation of EU legislation

- Joint report on the application of the Racial Equality Directive and the Employment Equality Directive
- Implementation of the Victims Rights Directive ...

And translate evidence into technical assistance e.g. practical guidance

- Improving the collection and use of equality data
- Designing, implementing and monitoring NAPARs
- Encouraging reporting of hate crime, improving recording of hate crime and strengthening cooperation with CSOs

2

EU legal framework

Equality & non-discrimination: founding values of the EU

- Treaty on European Union (TEU)
 - The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. (Art. 2)
- Treaty on the Functioning of the European Union (TFEU)
 - Provides power for the EU to take appropriate action to combat discrimination based on sex, racial/ethnic origin, religion or belief, disability, age or sexual orientation (Art. 19)
 - Prohibits discrimination on grounds of nationality of all residents (Art. 18)
- EU Charter of Fundamental Rights
 - Everyone is equal before the law (Art. 20)
 - Prohibits discrimination on the ground of age (Art. 21)
 - Recognises and respects the right of older people to lead a life of dignity and independence and to participate in social and cultural life (Art. 25)
 - Recognises the right to social security and assistance, the right of access to health care and to services of general economic interest (Arts. 34, 35 and 36).

EU equality directives

- Directive 2000/43/EC against discrimination on grounds of race and ethnic origin.
- Directive 2000/78/EC against discrimination at work on grounds of religion or belief, disability, age or sexual orientation.
- Directive 2006/54/EC equal treatment for men and women in matters of employment and occupation.
- Directive 2004/113/EC equal treatment for men and women in the access to and supply of goods and services.
- Directive **Proposal** (COM(2008)462) against discrimination based on age, disability, sexual orientation and religion or belief beyond the workplace.

TABLE 7: PROTECTION GAPS IN SECONDARY UNION LAW ON EQUALITY IN CORE AREAS OF LIFE

<i>Grounds of discrimination</i>	Employment	Education	Goods and services, including housing	Social protection
Sex	2006/54/EC 2010/41/EC	No EU-level protection	2004/113/EC	79/7/EEC
Racial or ethnic origin	2000/43/EC	2000/43/EC	2000/43/EC	2000/43/EC
Religion or belief	2000/78/EC	No EU-level protection	No EU-level protection	No EU-level protection
Disability	2000/78/EC	No EU-level protection	No EU-level protection	No EU-level protection
Age	2000/78/EC	No EU-level protection	No EU-level protection	No EU-level protection
Sexual orientation	2000/78/EC	No EU-level protection	No EU-level protection	No EU-level protection

Source: FRA, 2019.

Other relevant instruments

- **Victims' Rights Directive**
- **EU directive on the accessibility of the websites and mobile applications of public sector bodies and the EU directive on the accessibility requirements for products and services**
- **Directive on work-life balance for parents and carers**
- **Proposals aimed on standards for equality bodies**
 - Directive Proposal (COM(2022)688) on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation.
 - Directive Proposal (COM(2022)689) 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.

3

Selected EU policy instruments

European Pillar of Social Rights

- 20 key principles set out the common aspiration to move towards a strong social Europe that is fair, inclusive and full of opportunity
- Three ambitious EU targets by 2030
 - at least 78% of the population aged 20 to 64 should be in employment
 - at least 60% of all adults should be participating in training every year
 - a reduction of at least 15 million in the number of people at risk of poverty or social exclusion
- Addresses specifically older people in:
 - the right to equal treatment and opportunities regarding employment, social protection, education and access to goods and services available to the public (Principle 3);
 - the right to resources that ensure living in dignity (Principle 15);
 - the right to affordable long-term care services of good quality, in particular home-care and community-based services (Principle 18).

Conclusions on the protection of human rights, participation and well-being of older persons in the era of digitalisation

- Affirms that human rights are “applicable to older women and men in the same way as to any human being and must also be guaranteed without exception”.
- Invites Member States to “adopt an age-integrated approach including a rights-based and life cycle perspective to ageing”.
- Call for ways to involve older persons in policy and decision-making.
- Policies should account the diverse living conditions of older persons depending on various circumstances and factors.
- Digitalised public services (e.g. health, social and long-term care services) should be easily accessible, user friendly, and barrier-free, while ensuring that non-digital services are maintained

EU Green Paper on Age: Fostering solidarity and responsibility between generations

- Promoting lifelong learning to ensure a large enough workforce in the healthcare and long-term care sectors.
- Encouraging volunteering activities among older adults to facilitate social inclusion and encourage intergenerational learning.
- Combating old-age poverty by acting on older adults' pension schemes.
- Promoting healthy ageing.

EU care strategy

- Sets an agenda to improve the situation for both carers and care receivers.
- Aims to ensure quality, affordable and accessible care services with better working conditions, gender equality and work-life balance of carers.
- **Council Recommendation on access to affordable high-quality long-term** call for:
 - developing home and community-based care and closing territorial gaps;
 - rolling out accessible technology and digital solutions to support autonomy;
 - ensuring that care services are coordinated;
 - national quality framework in accordance with quality principles.

3

FRA selected findings

FRA surveys

Minorities and discrimination survey – EU-MIDIS (2008, 2016, 2022)

- 2008: 23,500 respondents (27 MSs) – immigrants and ethnic minorities (incl. Roma) – random sample/face-to-face
- 2016: 25,200 respondents (28 MSs) – immigrants and ethnic minorities (incl. Roma) – random sample/face-to-face
- 2022: EU survey on immigrants and descendants of immigrants (15 MSs) – random sample/face-to-face & push to web

Roma (and Travellers) survey (2011, 2019, 2021)

- 2011: 14,925 Roma and 7,278 non-Roma households (11 MSs) – random sample/face-to-face
- 2018/2019: 4,600 respondents (6 MSs (BE, FR, IE, NL, SE, UK) – Roma and Travellers – random sample/face-to-face
- 2021: Roma in 8 MSs + North Macedonia and Serbia) – random sample/face-to-face



FRA surveys

Survey on discrimination and hate crime against Jewish people (2012, 2018, 2023)

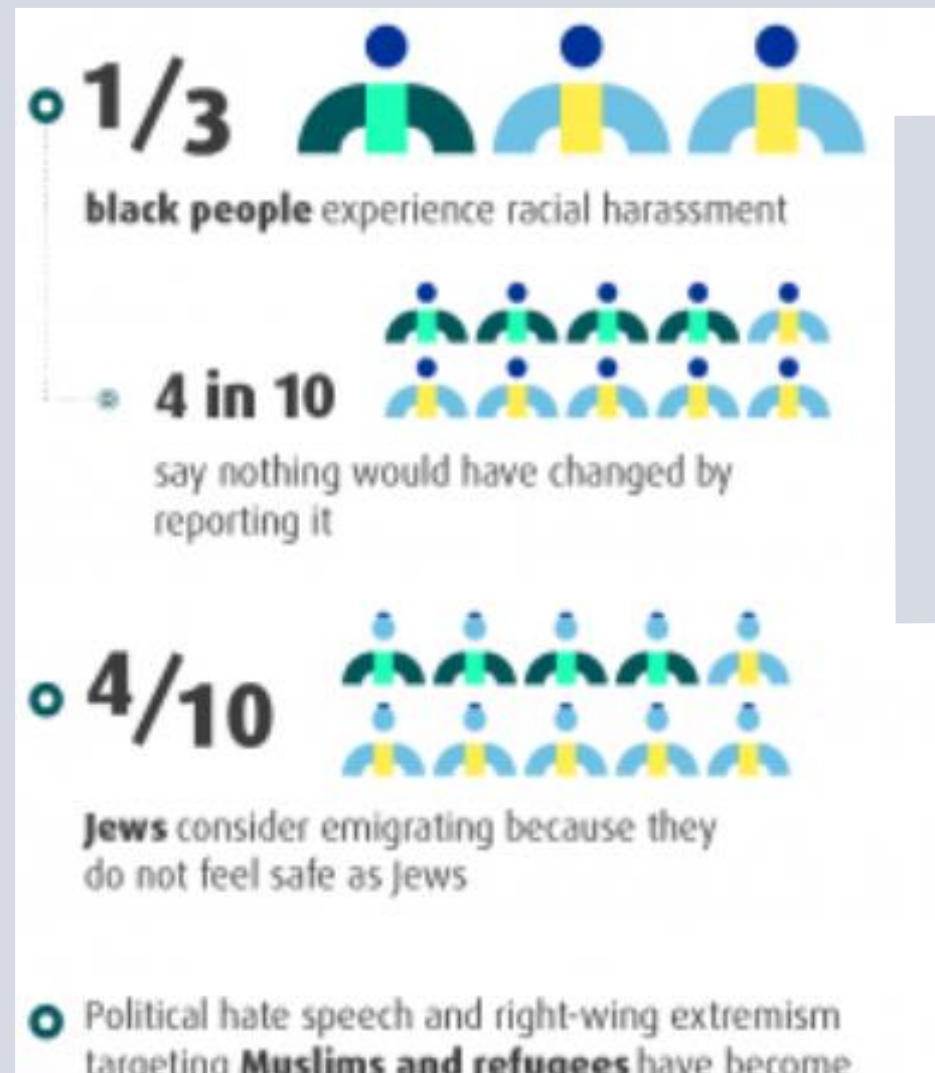
- 2012: 6,000 respondents (8 MSs) – online, opt-in
- 2018: 16,500 respondents (13 MSs) – online, opt-in
- 2022: preparatory phase, fieldwork in 2023

LGBTI Survey (2012, 2019, 2023)

- 2012: 93,500 LGBT respondents (28 MSs) – online, opt-in
- 2019: 140,000 LGBTI respondents in 28 MSs + North Macedonia and Serbia – online, opt-in
- 2022 preparatory phase, fieldwork in 2023

Fundamental rights survey (2019)

- 2019: 34,948 respondents (27 MSs + North Macedonia and the UK) – face-to-face & online



Discrimination in employment on the grounds of age

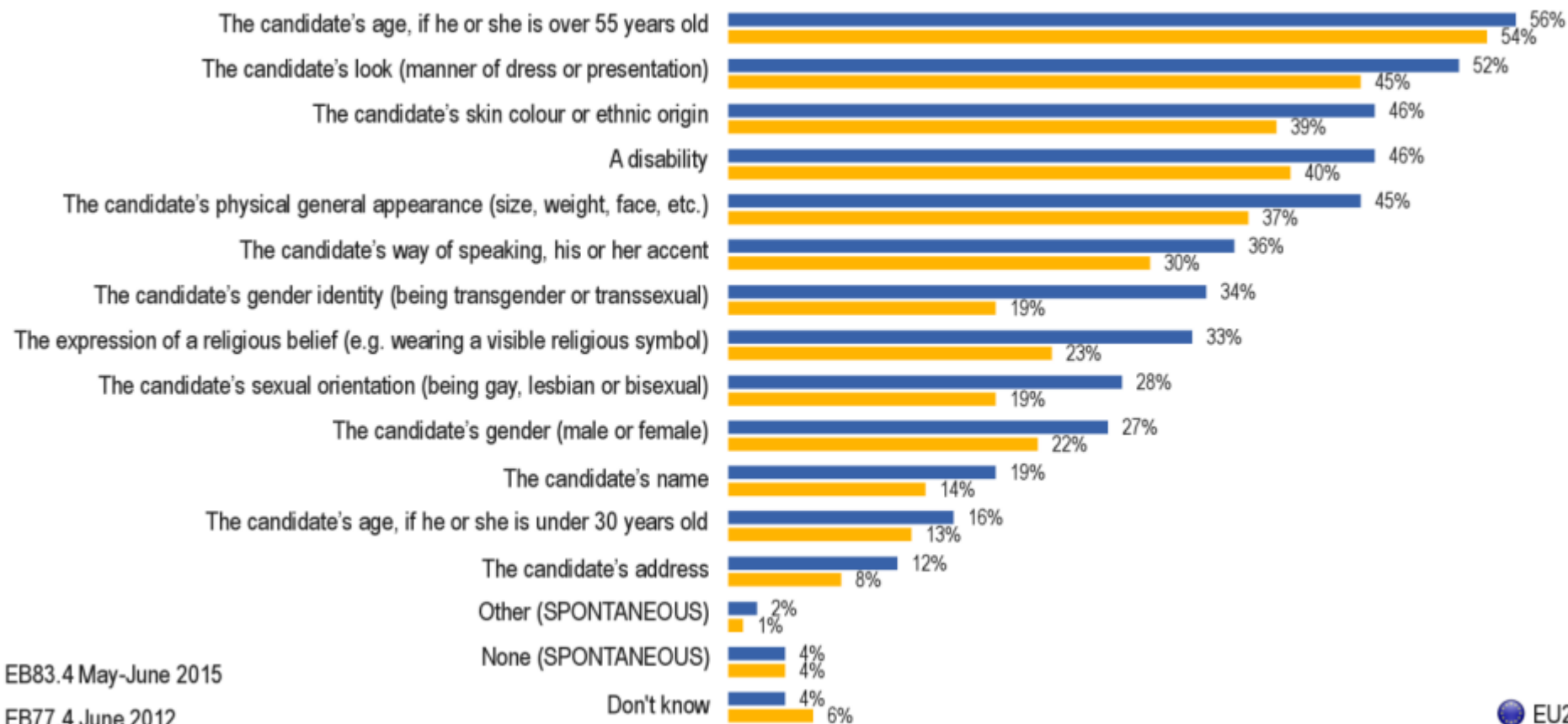
TABLE 5: DISCRIMINATION BASED ON AGE IN EMPLOYMENT IN THE 12 MONTHS AND FIVE YEARS BEFORE THE SURVEY, IN DIFFERENT FRA SURVEYS (%)

Survey	Group	Discrimination because of age in employment	
		Past 5 years	Past 12 months
EU MIDIS II (2016)	Muslims (in 15 countries)	7	N.A. ^a
Fundamental Rights Survey (2019)	General population (EU-27)	15	N.A.
EU LGBTI Survey II (2019)	LGB people (EU-28)	N.A.	10 ^b

Sources: FRA, EU-MIDIS II 2016, Fundamental Rights Survey 2019, EU LGBTI Survey II 2019.

Eurobarometer – public opinion survey

QC3. In (OUR COUNTRY) when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, which of the following criteria may, in your opinion, put one candidate at a disadvantage? (MULTIPLE ANSWERS POSSIBLE)



Selected findings on age and digitalisation from FRA's Fundamental Rights Survey

- One in five people (20 %) aged 75 years and older in the survey uses the internet at least occasionally, in comparison with 98 % of 16-29-year olds.
- No strong and systematic differences in the gender distribution for internet users and non-internet users, when people's age is also taken into account.
- Among non-internet users, at all ages, there are slightly more people who experience limitations in daily activities than among internet users.
- Education plays an important role for the use of the internet among people of all ages, but in particular for older age groups – the higher levels of education the greater internet use.
- Main obstacles for using the internet - lack of necessary skills, lack of interest (when the same things can be done without using the internet), and having no access to the internet.

Thank you!

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Schwarzenbergplatz 11 – 1040 Vienna – Austria

T +43 158030-0 – F +43 158030-699

 facebook.com/fundamentalrights

 twitter.com/EURightsAgency

 linkedin.com/company/eu-fundamental-rights-agency

fra.europa.eu