



International Expert-Conference on Human
Rights of older Persons

Conference Report



ICHRoP 2018

Conference

Report

12-13 November 2018

Ringturm - Vienna

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ICHRoP 2018 - Vienna.



2018

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Foreword

by Minister Beate Hartinger-Klein



Beate Hartinger-Klein

Austrian Minister for Labour, Social Affairs,
Health and Consumer Protection

The organisation of the International Expert Conference on Human Rights of older Persons reflects the importance to me and our Ministry that the interests and needs of older people are included in the public discourse.

The global demographic change is a major challenge. Worldwide, the number of people being older than 60 years will increase from 810 million to 2 billion by 2050. For the first time in 2050, more elderly people will live in the world than children under the age of 14. This means that issues relating to the status of older people will increasingly and further become the focus of international political activities.

Too often, older people are seen as a burden on society, the family or the social system. But the older generations are a gain for society, sharing wisdom and experience. We therefore welcome the actions and strategies of the United Nations and the European Union to strengthen social inclusion. And we recognize and support the important role of the UN-independent Expert and the civil society in doing so.

The adoption of the Vienna Declaration is an important step in the right direction to foster the rights of older people worldwide.





Introduction

2 Conference Days

5 Sessions

110 Participants / 19 Speakers

36 Nations / 50 NGOs / 7 UN + 5 EU Organizations

Government representatives, UN, EU and civil society representatives, older persons, academics and experts met in Vienna in November 2018 to exchange experiences about new challenges and opportunities regarding the human rights of older persons related to technological developments such as digitalization, robotics, automation and artificial intelligence.

This report summarizes their discussion and the conference declaration they adopted.

Human Rights of older Persons...

Human Rights of older Persons

12-13 Nov



The informal meeting was dedicated to all delegates to have the opportunity to participate in an open discussion on the current state of affairs and the different positions in the debate on the rights of older persons.

Several areas where older persons are deprived of their dignity but which are not adequately provided for under existing international human rights law were identified. These gaps in international standards exist in the areas of age discrimination, autonomy and independence, care and support for independent living, violence, abuse and neglect, palliative care, housing, health including cognitive health, employment, education and lifelong learning, ageing and dementia. The topic of this conference, new technolo-

Informal meeting on the legal Status Quo

12 November 2018 10:00 - 12:15



gies, digitalization, robotics, automation and artificial intelligence, is also an area where the rights of older persons are not adequately provided for in international human rights law.

Attention was drawn to the impact of these gaps on regional human rights law, such as the limits on age discrimination under the European Union anti-discrimination directive, and in national legislation where policies on driving tests and access to insurance, for example, dis-

criminate on the basis of age. Several reasons were given for the invisibility of older persons in the international human rights system, not least of which is the lack of clarity in existing human rights treaties that older persons are rights holders. There is a clear understanding that children, persons with disabilities and women are rights holders but, in the absence of a dedicated instrument on their rights, the same cannot be said for older persons. In addition, the discourse on ageing is often limited to social and welfare issues and, like research on ageing, does not take a sufficiently rights-based approach. Relevant standards are scattered across several instruments and as such are difficult to access. States do not adequately report on the rights of older persons in

their periodic reports to treaty bodies and recommendations to states from both treaty bodies and the Universal Periodic Review Process are limited because the rights of older persons are not clearly articulated in existing standards.

Other challenges include people not wishing to identify as an older person because of stigma attached to older age; how to define an older person within a new instrument without reinforcing negative ageist stereotypes and the limitations of a chronological age definition; how to change social perceptions of older persons and older age; and how to increase older persons' awareness of their rights and involve them in discussions on them.



...new ideas to move forward



Participants pointed to the growing understanding on the need and support for a new international instrument to address these gaps, strengthen the rights of older persons and shed light on ageism. It was acknowledged, however, that while this discussion has been going on for some time, there are still states who have yet to decide on the necessity of a new instrument.

On monitoring and reporting mechanisms attached to a new instrument, the possibility of a simplified reporting procedure was raised, whereby states would report on targeted recommendations rather than a full report for each reporting period. It was also noted, however, that a new instru-

Informal meeting on the legal Status Quo

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ment must have teeth and that the existing treaty body system can function well if properly funded and resourced.

Looking ahead, participants recognized the importance of consensus and identified several ways to move the process forward, including engaging in the substantive and normative discussions at the Open-ended Working Group on Ageing (OEWGA). More needs to be

done to link the discussion at the OEWGA in New York to discussions in capital and more opportunities need to be created for informal discussions between the OEWGA sessions. Submissions to the OEWGA consultations should be informed by older persons and older persons should be included in state delegations. A debate needs to be had on what form a new instrument should take. Work already underway includes an update by the Office of the High Commissioner for Human Rights of its 2012 report on normative gaps and discussions between the OEWGA Bureau and member states on the possibility of having a negotiated outcome document at the end of each OEWGA session.





Opening Session & Keynotes

12 November 13:30-14:30



The Federal Minister of Labour, Social Affairs, Health and Consumer Protection, Beate Hartinger Klein, the independent expert on the enjoyment of all human rights by older persons, Rosita Kornfeld-Matte and Minister at the Embassy of the Argentine Republic in Austria, Luz Melon, opened the conference with keynote speeches to frame the conference discussion.

New technologies and education have the potential to support older persons to be part of society and to live active and independent lives if they are made

accessible and older persons can make autonomous choices about their use. However, despite human rights being universal, an open discussion is necessary on the gaps identified in relation to the rights of older persons. There is no specific reference to the right to supportive technologies in international human rights law. While the greater use of technologies can support independence in older age, it, and the increased collection of data that accompanies it, will have an impact on our rights in older age. These rights must be protected.

Robotics and Automation - Implications for Human Rights

Panel 1

The potential of technology appears limitless. Various robotics, artificial intelligence, digital devices and services are already part of daily life with mobile phones, online shopping and e-banking, available for consumers and clients of different ages. Digital applications help to make decisions about service provisions. Robotics is used in health care, surgical procedures and 3-D printing for implants. Exoskeletons can support mobility, robots can perform picking up or tidying up tasks for persons with frailty or disability.

Technologies can potentially support the implementation of human rights of older persons, including their right to benefit from technological progress. They can support older persons in realizing their desire to have fulfilling social lives and continue to learn and develop. In more general terms, technologies have the potential to promote dignity, autonomy, independence and participation of people of all ages.

12 November 14:30-18:00

There are, however, various deficiencies of modern technologies, which limit their capacity to support independent and dignified living of older persons. For instance, lifting machines are too big to use them at home. Some other technologies are too expensive. Robots cannot accomplish certain tasks performed by care and support providers, such as bathing, dressing and assistance with eating. Most probably, the main role of technologies is not to replace human care and support providers but, rather, assist them.

Moreover, the use of some technologies can even prevent older persons from enjoying such human rights as the rights to privacy, equality, non-discrimination, and employment. Use of technologies can exacerbate the existent and create new forms of inequalities, isolation, segregation and ageism. Inequalities in access to products and services exist between and within countries. As technology advances, the challenge is to fill the



ROBOTICS AND AUTOMATION – IMPLICATIONS FOR HUMAN RIGHTS





Alexandre Sidorenko

Position: Chair | Organization: International Consultant on Ageing Policy

Dr. Alexandre Sidorenko is an international consultant on policy and programmes on ageing, including advisory services and training in Eastern European countries and countries of the former Soviet Union.



Sandra Huenchuan

Position: Keynote | Organization: CEPAL

Ms. Sandra Huenchuan has worked as an expert on aging issues since 2002 in the Latin American and Caribbean Demographic Center (CELADE) and the United Nations Economic Commission for Latin America and the Caribbean (CEPAL).



Matthias von Schwanenflügel

Position: Speaker | Organization: BMFSF - Germany

Dr. Matthias von Schwanenflügel is the Director General of the Division of Demographic Change, Older People and Welfare in the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth.



Markus Vincze

Position: Speaker | Organization: Vienna University of Technology

Professor Vincze teaches at the Vienna University of Technology and presently leads the „Vision for Robotics“(V4R) laboratory at the A.C.I.N. Institute, with the vision to make robots see.

Robotics and Automation - Implications for Human Rights

Panel 1

existing gaps and limit the number of people left behind, as envisaged by the Sustainable Development Goals. Policies should redistribute the gains from automation in order to prevent further exacerbation of income inequality owing to skills polarization in ageing labour force.

For technologies to enhance human rights, the above threats must be mitigated. Legal guarantees must be in place to ensure non-discrimination in availability, accessibility and affordability of technological tools and services. Policies must be rights-enabling and not technology led. Technologies must be harmless and dependable. Designers, engineers, scientists, researchers and project managers must be aware of the potential of technologies to affect human rights and take this into account while designing technological innovations.

Human rights principles, such as the inviolability of human dignity, fairness and justice must be used as

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criteria for assessing the impact of new technological tools and services and rejecting those which do not comply with these principles.

The diversity of older people and their requirements must be considered. Older persons must be included in every stage of design. human rights treaties that older persons are rights holders. There is a clear understanding that children, persons with disabilities and women are rights holders but, in the absence of a dedicated instrument on their rights, the same cannot be said for older persons. In addition, the discourse on ageing is often limited but technological devices and services should not exceed the range and level of intended assistance. Client's consent to the use of technologies must be informed, including the right to choose and the right to refuse. Issues of producer's accountability and procedures for reimbursement when something goes wrong must also be addressed.





Pang Tao

Position: Speaker | Organization: China National Committee on Ageing

Mr. Pang Tao was Deputy Director of the Administrative Department of the China National Committee on Ageing (CNCA) and Policy Research Department. His current position is Director of Program Development Department of CNCA and vice mayor of Chenzou, in the Hunan Province.



Lorna McGregor

Position: Speaker | Organization: Human Rights Centre

Lorna McGregor is a Professor in the Law School and Director of the Human Rights Centre (on study leave 2017). She researches and teaches in the areas of public international law, particularly international human rights law, international criminal law and transitional justice.



Michelle Johnson

Position: Speaker | Organization: Perelman School of Medicine

Michelle Jillian Johnson is Assistant Professor of Physical Medicine and Rehabilitation. Her research is mainly in the area of robot-mediated rehabilitation. She is focused on the investigation and rehabilitation of dysfunction due to aging, neural disease, and neural injury.



Amal Abou Rafeh

Position: Speaker | Organization: UNDESA

Amal Abou Rafeh is Chief of Programme on Ageing Unit at the United Nations Department of Economic and Social Affairs in New York. She serves on the Secretariat of the General Assembly's Open-ended Working Group on Ageing and is a member of the Steering Committee of the Titchfield City Group on Ageing-related Statistics and Age-disaggregated Data.

A Lifelong Learning Process Digitalization & Education

Panel 2

Education, of which lifelong learning is a component, is both a human right in itself and a right that leads to the enjoyment of other rights. The benefits to older persons of lifelong learning and education are well established, with positive benefits on older persons' participation in social and political activities and health-care seeking behaviour. Lifelong learning is a resource for countering the risk of poverty, for improving equal opportunities and challenging negative images of ageing. It can also bring great pleasure and self-fulfillment to older persons' lives.

Digital education including blended learning, e-textbooks, mobile learning, online learning and technology-enhanced learning offers possibilities for educational access that can have

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profound implications for older persons. In France, where there is a national plan for inclusive digitalization, 'digital buses' provide access to online services in rural communities and vouchers can be exchanged for digital services, like lunch vouchers. In Canada virtual reality is being used to improve the human experience of dementia by training people to interact more appropriately with people with dementia. In the Republic of Korea education tailored for older persons is included in the 2018 4th Basic Plan for the Promotion of Lifelong Education.

Despite examples of good initiatives, older persons are at risk of being left behind. In France only 28 per cent of employees over the age of 60 have access to training compared to 51 percent of





Klemen Ponikvar

Position: Chair | Organization: Permanent Mission of Slovenia to the UN

Klemen Ponikvar, a career diplomat, currently serving at the Permanent Mission of Slovenia to the UN Office in Geneva, where he co-chairs the Group of Friends for Rights of Older Persons.



Ken Bluestone

Position: Keynote | Organization: GAROP & Age International

Mr. Ken Bluestone is the Chair of the Global Alliance for the Rights of Older People. He is also Head of Policy and Influencing for Age International, a UK-based NGO working to help older people in low and middle-income countries.



Linda Garcia

Position: Speaker | Organization: Life Research Institute

Linda Garcia, PhD., is a Professor in the Interdisciplinary School of Health Sciences and Founding Director of the Life Research Institute (LRI) at the University of Ottawa.



Franz Kolland

Position: Speaker | Organization: University of Vienna

Professor Franz Kolland is an expert in elderly education, culture of old age and use of new technologies. Ao. Univ.-Prof. Dr. Franz Kolland researches and teaches at the Institute of Sociology of the University of Vienna.

A Lifelong Learning Process

Digitalization & Education

Panel 2

employees under the age of 30. In the Republic of Korea ownership of computers dramatically decreases with age from 82 percent for those over the age of 50 compared to 32 per cent for those over the age of 70. Where tailored opportunities for digital education for older persons are not available, discriminatory outcomes result, leaving older persons less empowered to participate in society than others, and diminishing their capacities to pursue their human rights.

The failure to provide interfaces that allow for difference in vision, hearing and dexterity excludes some older persons. Unaffordable technologies exclude older persons living on fixed or limited incomes. Digitalization also poses other threats to the rights of older persons. Artificial intelligence may



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magnify ageist biases in society. Personal data is available to governments and others to profit from and exploit. Surveillance threatens the right to privacy and the internet is a powerful tool for con-men, bullies and abusers.

If new technological developments are to advance, rather than undercut, the human rights of older persons, appropriate legal, regulatory and policy frameworks need to be put into place. We need a human rights framework that is fit for a digital world which ensures older persons have the same rights online as they do offline. Digital access must be recognized as a necessity and not a luxury with equal access and availability for all, without discrimination based on age. Discrimination, ageism and other biases must be addressed, and older persons must participate in, and their needs must be factored into, the design of digital technologies. Safeguards need to be in place to protect against breaches of rights along with accountability mechanisms that provide for remedies and redress for victims. Tech companies have a responsibility of due diligence, in keeping with the UN Guiding Principles on Business and Human Rights, with ongoing risk identification, assessment, monitoring, and prevention, as well as reporting and remedial action.



Alexis Rinckenbach

Position: Speaker | Organization: Ministry of Social Affairs in France

Mr Alexis Rinckenbach is Head of the European and International Affairs Unit of the Social Cohesion General Directorate in the Ministry of Social Affairs, Health and Women's Rights of France, and has been working with international issues in different ministries, in France and Asia.



Hong Jae Im

Position: Speaker | Organization: ASEM Global Ageing Centre

Ambassador (retired) IM Hong Jae is currently serving as Executive Director of ASEM Global Ageing Centre since its inception in June 2018. The AGAC aims to address issues regarding human rights of older persons in Asia and Europe.



Dirk Jarré

Position: Speaker | Organization: EURAG

Mr Jarré is the president of EURAG – the European Federation of Older Persons and delegate in the "Consultative Committee on Industrial Change" of the European Union.



Craig Mokhiber

Position: Speaker | Organization: OHCHR - NY

Craig Mokhiber is Director of the New York Office of the High Commissioner for Human Rights. An international lawyer and specialist in human rights law, policy, and methodology.

Final Discussion & Adoption of the Conference Declaration

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The final discussion combined the results of the two panels and identified common denominators for the adoption of the Conference Declaration.

At the end of the conference, participants adopted a Conference Declaration acknowledging the work to date on the rights of older persons and the potential benefits and threats to these rights from technological developments such as digitalization, robotics, automation and artificial intelligence.

In the declaration participants agreed to forward the outcomes of the conference to the OEWGA to inform the discussions at its 10th session in 2019. They stressed that a human rights-based and participatory approach needs to be embedded in the research, design and implementation of technolo-

gies and that older persons must be involved in each of these stages. They emphasized that providers of technologies must take responsibility for the privacy and protection of data and for the safeguarding of older users against any misuse, abuse or harm, and that older persons must have access to information about, and give their informed consent to, how their personal data will be used. They also emphasized that measures must be taken to ensure all older persons have access to, and are involved in, the development of, appropriate, acceptable and affordable education and lifelong learning opportunities. They stressed that steps must be taken to eliminate the barriers that older persons face in accessing educational and lifelong learning programs.

The declaration concludes with participants inviting all stakeholders to strengthen the dialogue on the protection of the human rights of older persons at regional and national level during the OEWGA inter-sessional period and standing together in reaffirming their commitment to ensure the involvement of civil society and of older persons themselves in discussions and decisions about their human rights at all levels.



Declaration adopted
during the ICHRoP
2018, held on 12 -13
November 2018 in
Vienna, Austria

The participants gathered at the International Expert-Conference on the Human Rights of Older Persons from 12 to 13 November 2018 in Vienna, Austria, which was organized by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection of the Republic of Austria with the objective to exchange experiences about the new challenges and opportunities regarding the human rights of older persons, including their right to education and lifelong learning, related to technological developments such as digitalization, robotics, automation and artificial intelligence.

Vienna Declaration: www.ageing.at



Closing Session

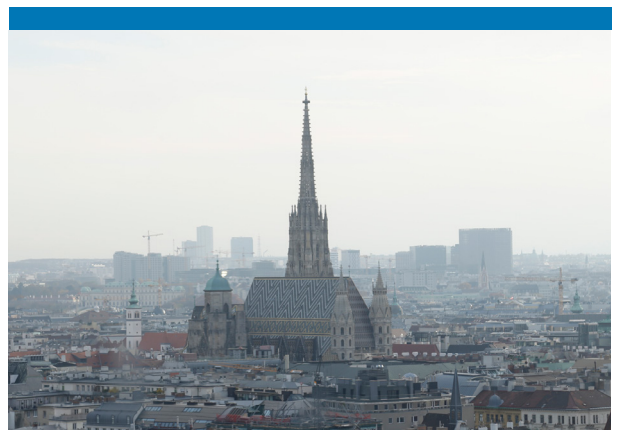
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After the adoption of the Vienna Declaration, Ms. Ulrike Neufang closed the Conference, emphasizing the vital and fruitful discussion and contributions from the panelists and participants. For the Austrian Federal Ministry of Labour, Social Affairs, Health and Consumer Protection the outcome of the Conference as well as the forged connections confirm the increasing interest in the political representation, and legal discussion on human rights of older persons.

The view through technological glasses revealed new synergies that deserve further attention. The diversity of panelists and participants also shows that the field of human rights of older persons is indeed of global scale. The Ministry therefore looks forward to the ongoing discussion in the Open Ended Working Group on Ageing, where the Outcome of the ICHRoP 2018 will be presented to all Member states.



ICHRoP 2018 - Impressions







Human Rights of Older Persons

Thank
you.

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