

# Declaration of Rights for Older People in Wales



Llywodraeth Cymru  
Welsh Government

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## **Introduction**

Wales has led the way in ageing policy in the UK and Europe by establishing the Strategy for Older People in Wales and the world's first Older People's Commissioner, both of which reflect the UN Principles for Older Persons.

The number of older people in Wales is growing and there is no dedicated set of rights for older people in the UK. Age discrimination and ageism are widely tolerated across the world and it would seem fitting that Wales should again lead the way by publishing a Declaration of Rights for Older People in Wales.

In October 2012, at the request of the First Minister for Wales, the Older People's Commissioner prepared a briefing for him outlining the case for a Declaration of the Rights for Older People in Wales, based on the UN Principles for Older Persons.

On 11 December 2012, the Deputy Minister for Children and Social Services announced the Welsh Government's commitment to exploring a Declaration of Rights for Older People in Wales.

The Deputy Minister also announced that the Commissioner would lead an Advisory Group to inform the Welsh Government on the potential content, scope and impact of such a Declaration. Details of the membership of the Advisory Group are at Annex 1 and the Group's Terms of Reference and Evidence Base are at Annex 2.

The Deputy Minister has considered the report of the Advisory Group and agreed to commence a public consultation on the content, purpose and structure of a Declaration of Rights for Older People in Wales.

## **A Declaration of Rights for Older People in Wales**

This Declaration has been amended to take account of comments received in the public consultation. The 'speech bubbles' are what real older people living in Wales have told us are important to them and illustrate in some small way how the rights of an older person may be overlooked. The Declaration is specifically drafted in the first person so that people can immediately relate it to themselves. The Declaration aims to be simple and straightforward. The legal rights quoted in the

document give a broad overview but cannot and do not cover every right in every circumstance.

### **What status would a Declaration have?**

Whilst in itself a Declaration of Rights for Older People in Wales would have no binding legal effect, it would clearly spell out the rights of older people in Wales as already underpinned by law. The Declaration refers to the relevant Human Rights and Equality legislation against each aspirational right for older people in Wales. This gives older people and public bodies in Wales a clear steer to where there is a risk that a breach of this legislation may occur.

### **How would a Declaration be used in practice?**

The proposed Declaration could help by ensuring that statutory bodies and service providers who work for, or on behalf of older people know what is expected when providing services for older people. It could also help older people to know what their rights are by clearly setting out their entitlements.

The attached document is the result of the work undertaken by the Advisory Group and sets out what older people have said they value and what rights they feel would support and protect them.

The Welsh Government will work with the Older People's Commissioner for Wales and a wide range of stakeholders to develop an Action Plan for the Declaration. We will also ensure that we build in robust evaluation at the outset and we will also explore the possibility of using existing surveys and reporting as part of the mechanism we will develop to help us but more importantly older people living in Wales, evaluate the Declaration's impact.



## **I have the right to be who I am**

Not all older people are the same. I have the right to be who I am. I am a unique person and have the right to be understood, considered and recognised as an individual. I have the right to be treated equally and without discrimination. I have the right to use the language of my choice to communicate

My faith is central to who I am

My pets are more important to me than people

I want to use my own language

The way I dress says who I am

I want my care home to welcome my same sex partner

Don't make me sing 'Daisy, Daisy'...I like Status Quo.

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 8 – Private & Family Life

Article 9 – Freedom of Religion

Article 10 – Freedom of Expression

Article 12 – Right to Marry

Article 14 – no discrimination in enjoyment of these rights

### **Equality Act 2010**



## **I have the right to be valued**

Because I am a human being I have the right to be valued. My life is significant to me and those who care about me and I have a right to live a life that has value, meaning and purpose. I matter. I am of worth – and what I contribute to society throughout my life has value

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 8 – Private & Family Life

Article 14 – no discrimination in enjoyment of these rights

I still have 'places to go' and 'people to see'

Please talk **to** me – not **at** me or **about** me

Sometimes I feel invisible...as if I don't exist

I need to be involved in decisions about my life and my community

I am happiest when I know that I 'belong'

I don't want special treatment – just to be treated with common courtesy and decency





## **I have free will and the right to make decisions about my life**

I have the right to make decisions and be supported to do so if necessary. I have the right to exercise my free will and make choices. My opinion is the most important when decisions are being made about me and my life. I have a right to be supported to live independently.

Life is for living no matter how old I am

Sometimes I just need a little bit of help so I can get on with my life

I decide when I go to bed and when I get up

Remember I take one teaspoon of sugar in my tea

Knowledge is power: please give me the information I need to make the right decision for me

I decide who I will have relationships with

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 8 – Private & Family Life

Article 9 – Freedom of Religion

Article 10 – Freedom of Expression

Article 11 – Freedom of Association

Article 12 – Right to Marry

Article 14 – no discrimination in enjoyment of these rights



## **I have the right to decide where I live, how I live and with whom I live**

I have the right to decide where I live and to choose the person or people to spend my life with. I have a right to live somewhere I can call home and with the community I love.

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 8 – Private & Family Life

Article 12 – Right to Marry

Article 14 – no discrimination in enjoyment of these rights

Protocol 1, Article 1 – enjoyment of possessions & property

Don't wrap me in cotton wool

This village is my community and I want to stay here – even if I need to go into a care home

My partner and I have decided we are going to live together, but people say we can't. Yes we can.

I chose this house and it is part of me now

I often prefer my own company

I am not the tidiest person and they all think I've 'lost it'. I haven't – I just have too many other interesting things to do!



## **I have the right to work, develop, participate and contribute**

My life does not come to an end because I have reached a certain age. I have a right to work. I have a right to full involvement in my own community. I have a right to thrive and to continue learning, developing and growing. I have a right to support so I can continue contributing. I have a right to explore new things.

I like being around young people – it keeps me young

I still have skills and want to use them

Looking after my grandchildren is great fun, but it is not the only thing I can do

I was a book keeper. I asked a local charity if I could keep their books – they said it would be too much for me at my age. I told them to write down twenty random numbers – I added them up in my head faster than they did on the calculator. They took me on.

I have just enrolled for a computer course. People say 'why bother at your age?' Simple - I am hungry to learn and am not going to miss out on something new and exciting.

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 8 – Private & Family

Life

Article 9 – Freedom of

Religion

Article 10 – Freedom of

Expression

Article 11 – Freedom of

Association

Article 14 – no

discrimination in enjoyment

of these rights



## **I have a right to safety, security and justice**

I have a right to be taken seriously when I am afraid. I have a right to information and advice that addresses my worries and uncertainties. If I need the law to protect me I should not be treated differently because I am older. I also have the right to take risks if I want to.

My life has been made so 'safe' that it is boring.

It doesn't take a lot to make my street feel safe – good street lighting and seeing the police now and again

I would make a perfectly good witness

I don't want special protection, but I do want the same protection from the law as anyone else

Why is it that when an older person is abused or neglected nothing seems to be done? That makes me really angry. Are we not important?

I get most worried when I don't know what is happening

### **European Convention on Human Rights and Human Rights Act 1998:**

Article 3 – Freedom from Inhuman and Degrading Treatment

Article 8 – Right to Private Life

Article 5 – Right to Liberty & Security

Article 6 – Right to a Fair Hearing

Article 14 – no discrimination in enjoyment of these rights



## **Annex 1**

### **Membership of the Advisory Group**

The National Partnership Forum regional representatives

The Welsh Senate for Older People

Age Alliance Wales

John Williams, Aberystwyth University

Welsh Government

The Advisory Group was chaired by the Older People's  
Commissioner

## **Annex 2**

### **Terms of Reference of the Advisory Group**

1. Following consideration and analysis of relevant evidence, to advise on the potential content of a Welsh Declaration of Rights for Older People.
2. To outline clearly how older people would be made aware of the Declaration, its benefit to them and how they can make use of it to claim their rights.
3. To outline clearly how the Declaration should be used in practice by service providers and how it might impact their policies and practices.
4. To define parameters for the Declaration and identify potential legal implications.

### **Evidence Base**

“An anatomy of economic inequality in Wales”, Equality & Human Rights Commission, 2011

“Close to home: An inquiry into older people and human rights in home care”, Equality & Human Rights Commission, 2011

“A Framework for the Law as it Affects Older Adults: Advancing Substantive Equality for Older Persons through Law, Policy and Practice”, Law Commission of Ontario, 2012

“How fair is Wales?”, Equality & Human Rights Commission, 2011

“Human rights issues arising from the treatment of older persons in hospital and residential care”, Alzheimer’s Society, 2007

“The Human Rights of Older People in Healthcare”, House of Lords & House of Commons Joint Committee on Human Rights, 2007

“In Defence of Dignity: The Human Rights of Older People in Nursing Homes”, Northern Ireland Human Rights Commission, 2012

“Older People and Human Rights”, Age Concern and the British Institute of Human Rights, 2009

“Older People and Human Rights: A reference guide for professionals working with older people”, Age UK and the British Institute of Human Rights, 2011

“Protection of Older People in Wales: A Guide to the Law”, Older People’s Commissioner for Wales, 2011

“Report of the United Nations High Commissioner for Human Rights;  
Older People”, United Nations Economic and Social Council, 2012  
United Nations Principles for Older Persons, 1991  
“Your Human Rights: A guide for older people (Second edition)”, British  
Institute of Human Rights, 2010