

ABSTRACT

Elder rights in documents of the Council of Europe

The aim of this thesis is to describe documents of the Council of Europe concerning Elderly people. Documents of the Council of Europe do not contain a definition of an elderly person – like, for example, the Interamerican Union or African Union documents.

We have to first find the definition of the elderly where the Council of Europe documents call a person who is over 60 years of age “elderly”. The documents of the Council of Europe are a tool that is designed to help the human rights of the elderly.

The aim of the documents of the Council of Europe regarding elderly people is to protect and improve the situation of the elderly who are because of their age considered a vulnerable group.

The documents of the Council of Europe deal with problems like pensions, age discrimination and access to services. The most current issues that the Council of Europe have reported in their documents in 2020 and 2021 are digitalization and the coronavirus pandemic as well as the impact it has on the elderly. The documents of the Council can be divided into two types: binding and non-binding.

Binding Documents are Conventions - the most important is the European convention of human rights and European social charter. These documents offer direct protection. Non-binding documents have supporting characteristics - their importance lies in being inspirational for programs and action plans among the member states.

In the first chapter, I use an analytical method to find the definition of what an “elderly person” actually is for use in the context of documents of the Council of Europe.

In the second chapter, I use a descriptive method to show the reader what topics concerning elderly people are in the documents of the Council of Europe.

In the third chapter, I use a descriptive method to describe the cases of the European Court of human rights that concern the elderly. In fourth chapter I use the analytical method.

This thesis also deals with topics that were not described yet in the documents of the Council of Europe (during the year of 2020 and in May 2021).

In my opinion those topics are very important - I describe those topics in point 4.1. of this thesis. Those issues are questions that should be asked “Is it the obligation of the state to provide support for elderly people during the Covid pandemic?” and “What kind of support is the state obliged to give under the Treaties of the Council of Europe?”

The treaties bind the states to provide basic support for elderly people. The Court when deciding whether there was a breach of any article of the charter looks into the severity of the treatment.

It is possible that not providing adequate support for the elderly during the Covid pandemic could be a breach of the articles of the Human rights convention or Social charter.

Keywords: Elderly rights, Council of Europe, Documents of the Council of Europe