



Open Charter on the Rights and Duties of the Elderly





Advisory Council for the Elderly
Department for the Promotion of Elderly People
Directorate for Childhood, Youth and Senior Citizen Services
Area for Culture, Education, Sport and Life Cycles
Barcelona City Council
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Foreword



Population ageing is forcing us to take stock of the rights we have achieved and those that are yet to be won and whose applicability is yet to be guaranteed. We are living in a new geographic situation in which older people will increasingly outnumber children and young people, with older women forming the majority and a growing proportion of centenarians. This creates a new social dynamic that calls into question the current model, which places great importance on the values of individualism and an idea of youth-based autonomy.

An ageing society challenges us to take the leap towards co-responsible citizenship inspired by the values of equality, justice, solidarity and respect for differences between people.

These values are the seeds we want to sow in the “Open Charter on the Rights and Duties of the Elderly” to help eliminate all kinds of discrimination, always with an emphasis on ageism and highlighting its impact on the ageing process in every sphere of life.

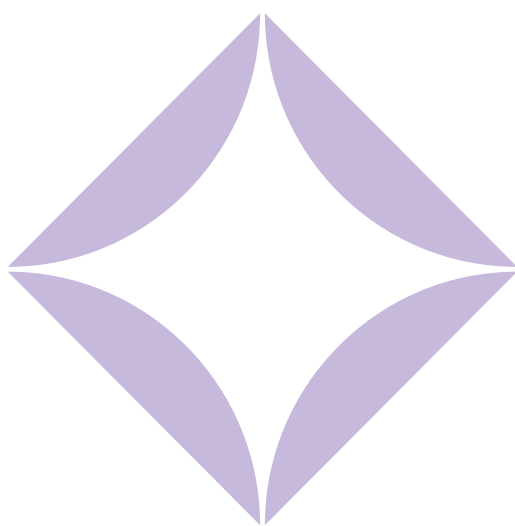
The Covid-19 crisis has put global society at a crossroads for its survival and shown the need to stand up for our rights and fight discrimination¹.

This is why **we must take action in everyday life to ensure that our decisions as older people are taken into account, promoting spaces for dialogue among equals and accessing services and resources that allow us to enjoy a decent life.** This is the concrete basis for creating together the possibilities of ageing with dignity throughout our lives.

Good treatment is the basic principle that must underlie all actions to protect older people, especially those who are dependent on others, to ensure they can exercise their rights under conditions of equality and with respect and dignity as full citizens².

Furthermore, the charter is consistent with the vision of the “Barcelona, City of Rights” programme, which seeks to prevent discrimination on the basis of respect and the protection of human rights. The 2030 Agenda for Sustainable Development is part of this initiative for the protection of rights to guarantee a dignified ageing process. Furthermore, it enables us to join the drive for a **Convention on the human rights of older people**, which has been promoted by United Nations bodies since 2011³.

Finally, we would like to highlight that this charter is the result of a participatory process that began in 2003 with the active involvement of the councils of older people in the city’s districts. That collective work led to the first Open Document on the Rights and Freedoms of Dependent Senior Citizens, which was approved at the first Voices of Senior Citizens Convention and was amended in successive editions until 2021⁴. We believe that this charter will also be reviewed on an ongoing basis to better reflect the calls to uphold older people’s rights, particularly those in a situation of dependency.



¹. In Catalonia, 65.2% of those who died were women and 42.7% were men. During this time, life expectancy dropped by 1.7 years and mortality was higher among over-85s. In the first wave of the pandemic, 30% of deaths were in care homes. In “Les defuncions per covid-19 i l’impacte en la mortalitat a Catalunya”. 2022, Government of Catalonia. Ministry of Health.

². See the document “Open Document on the Rights and Freedoms of Senior Citizens, with particular emphasis on dependent senior citizens. Good treatment at all times”. CAGG, September 2021.

³. 2011. The Rights of the Older People. CELADE-UN.

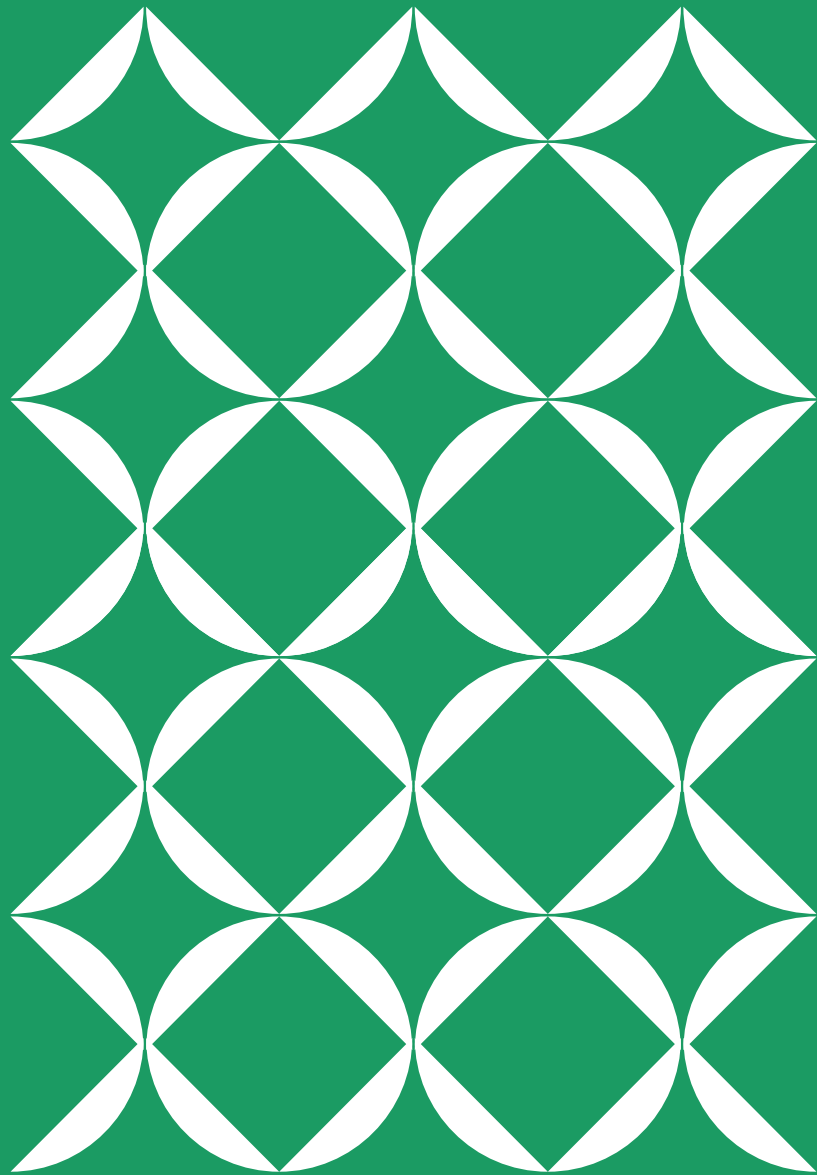
⁴. Six revised editions of the Open Document on the Rights and Freedoms of Senior Citizens were published. <https://ajuntament.barcelona.cat/personesgrans/ca/canal/drets-i-llibertats-de-les-persones-grans>

Rights



Through its committee for the review of the Open Document, which has also drawn up this charter of rights, the main aim of the Barcelona Advisory Council for the Elderly has been to set out in detail seven areas of rights that are key to giving older people the opportunity to age actively, healthily and with dignity:

- 1. The right to equality and good treatment**
- 2. Social and cultural participation rights**
- 3. Economic and property rights**
- 4. The right to decent housing**
- 5. Healthcare rights**
- 6. The right to care and self-care services and resources**
- 7. Rights relating to emergency situations**



1

The right to equality and good treatment



The culture of good treatment is the framework that promotes the treatment of older people on an equal footing with the rest of society and the possibility of building communities that welcome everyone's development throughout their lives.

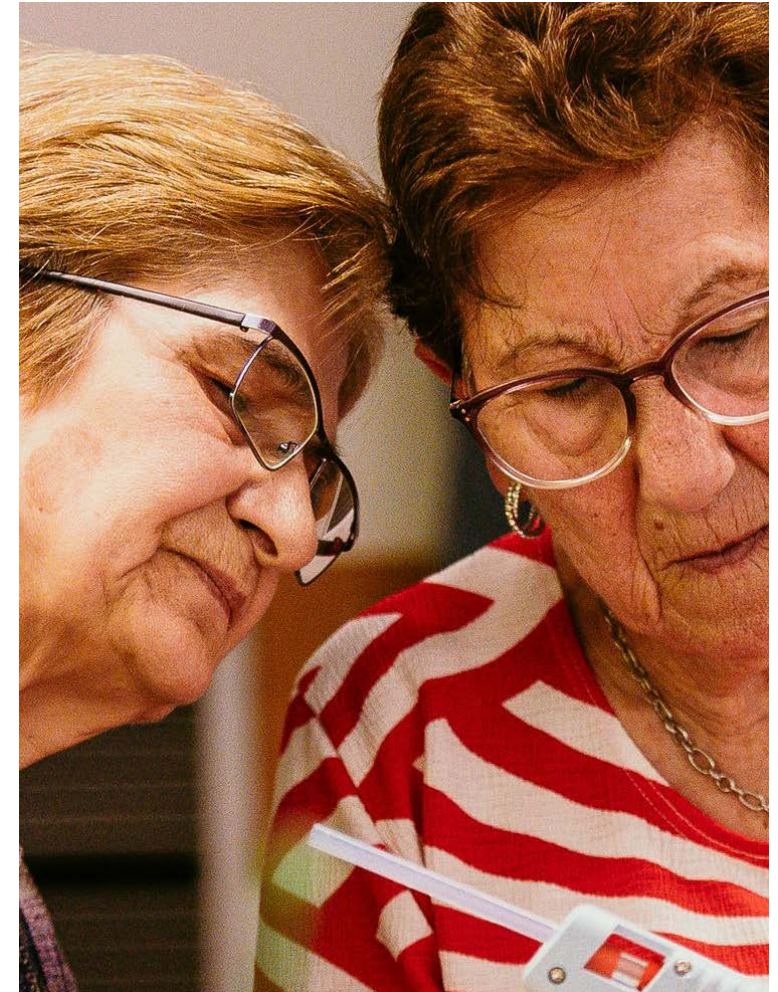
The rights set forth in this section thus seek to convey this charter's aim of emphasising the fight against discrimination, particularly ageism, in all spheres of life.

1. The right not to be discriminated against on the grounds of age or⁵:

- a. Sex or gender, sexual orientation, gender identity or gender expression.
- b. National origin, race and/or ethnic origin, language or cultural identity, political or religious beliefs or convictions.
- c. Social or economic status, administrative status, occupation or imprisonment.
- d. Physical, sensory or mental disability or learning difficulty or other types of functional diversity. Health disorders, serostatus or genetic features.
- e. Physical appearance or clothing. And based on any other kind of expression of the human condition, whether actual or perceived, recognised by international law.

2. The right to be treated with equality, equity, dignity and respect at all times and to the promotion of a culture of good treatment in the city.

3. The right to protection from any mistreatment or abuse in the affective sphere, in the public and private spheres, in the field of healthcare or by public administrations and private players.



⁵ This right has been built based on Article 1 of Act 19/2020, of 30 December, on equal treatment and non-discrimination. portaljuridic.gencat.cat/eli/es-ct/2020/12/30/19

2

Social and cultural participation rights

This set of rights seeks to highlight the need to be heard, to have a voice in society so that our needs are acknowledged. Their main focus is on **the rights to social participation, lifelong training, intergenerational relations, digital skills acquisition and face-to-face healthcare, in order to retain this voice and ensure there is dialogue in the various spheres of society.**

4. The right to encourage older people to get involved in the various aspects of social and political life.
5. The right to get involved in matters that affect older people as an age group, as well as in those that affect every member of society.
6. The right to be heard and represented in all forums of citizen dialogue, from meetings of local residents to participation councils or social movements.
7. The right to social participation for those who face more barriers when it comes to participating, particularly for dependent older people.
8. The right to intergenerational participation in order to participate on an equal footing with other segments of the population and to create intergenerational bridges.
9. The right to use older people's knowledge and experience through volunteering, mentoring and services to the community, highlighting the lessons learned and passing them on to the younger generations.
10. The right to lifelong learning.
11. The right to access cultural resources and be involved in the programming/planning of cultural initiatives.



12. The right to gain skills and receive continuous training in the field of Information and Communication Technologies in order to reduce the digital gap.
13. The right to know how artificial intelligence affects older people's lives (in terms of health and obtaining and producing information and knowledge).
14. The right to receive personalised care from the public administration and the private sector whenever we need it.

3

Economic and property rights

The main focus of **economic and property rights** is the **protection of material wealth and financial income to cover the cost of living with dignity.**

- 15. The right to adequate legal protection both for us and for our property.
- 16. The right to decent and fair pensions that rectify gender differences, particularly for those with low or no social security contributions due to caring for a relative.
- 17. The right to continue to manage our own assets and income, particularly in cases of dependency.
- 18. The right to remain in paid work if we want to do so and where permitted by our health and by the applicable legislation before reaching the mandatory retirement age.



4

The right to decent housing

The right to decide where and how we want to live must be guaranteed, and **the resources needed to give effect to our wishes must be provided in accordance with our needs.** Everyone has a right to live in decent housing, but those in more vulnerable situations are at greater risk of having this right violated. This is why we want to highlight the risks that can arise from a lack of housing not only in old age but also throughout our lives, as well as the importance of living in housing that has been adapted to meet our needs.

- 19. The right to live in our own homes for as long as possible under decent conditions and with appropriate adaptations to meet our needs as we grow older.
- 20. The right to suitable housing when we are no longer able to stay in our own homes for reasons of health and/or accessibility.
- 21. The right to decent and adapted housing for those of us in situations of residential exclusion (people who are homeless, have been evicted from their homes or are suffering from the effects of urban planning decisions).



5

Healthcare rights

This set of rights revolves around **access to information for decision-making purposes and access to health resources**. These rights also stress the need for specialised resources in relation to old age and dying with dignity.

- 22. The right to sufficient clear and detailed information about self-care and our health so we can make advance decisions about healthcare.
- 23. The right to receive integrated care (health, social and emotional) with a person-centred care perspective, with adequate resources and services throughout the aging process and with professionals specialized in geriatrics and gerontology.
- 24. The right not to be the subject of discrimination on the grounds of age in healthcare, both in screening, testing and treatment, and particularly in health crises.
- 25. Right to emotional well-being and mental health with access to support, prevention and treatment services.
- 26. The right to die with dignity, with respect for each person's right to plan their own decisions with autonomy through advance directives, and the right to know the laws that protect these rights, so that every person can die with dignity in accordance with their own values and/or beliefs.
- 27. The right to receive services and resources that can compensate for the shortfalls that have affected our health during our lives and get worse with age.



6

The right to care and self-care services and resources

Care and self-care form part of our health, but the crisis in this area resulting from demographic changes and new family and emotional situations (loneliness, weak family and emotional support networks and migration, among other factors) has made it necessary to expressly demand them.

28. The right to have adequate care and long-term care services in place to meet the needs of older people.

29. The right to be cared for by qualified people who receive continuous training and supervision in their development.

30. The right to decide on the provision of care and to know and consider all the options.

31. The right to receive training to improve our personal skills for appropriate self-care.

32. The right to access local care resources, facilitating our participation at all times, particularly in the case of dependent older people and their carers.

7

Rights relating to emergency situations

Our rights in this area have come to the fore as a result of the climate crisis and the Covid-19 pandemic. **The right of older people who are currently vulnerable due to migration, exile, asylum and other situations to have their needs recognised is also highlighted.**

33. The right to be heard and attended to, particularly in relation to our demands in emergency situations, and especially in relation to climate change and possible health crises.

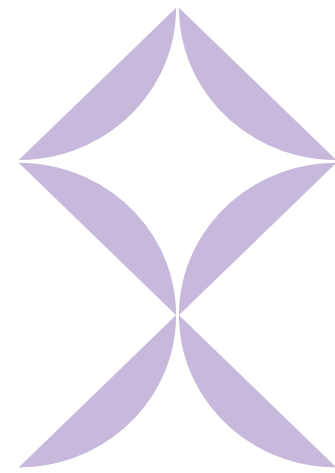
34. The right to protection from the effects of climate change and to mitigation measures to ensure healthy and comfortable living conditions.

35. The right to social protection in cases of fragility and helplessness resulting from critical socio-historical situations (refugees, people in exile, socio-economically vulnerable migrants, etc.).





Duties



This section seeks to highlight the importance of bearing in mind that **older people have the same duties as anyone else when it comes to exercising their active citizenship.** However, we would like to highlight a number of duties that are key to ensuring the best possible conditions in our lives and in our environment as citizens:

- 1. The duty to respect the general interest of our community.**
- 2. The duty to commit to leaving a more equitable, supportive and sustainable world to future generations.**
- 3. The duty to keep fighting to improve quality of life in our society, especially for the most vulnerable older people.**
- 4. The duty to respect people with all their differences and encourage good treatment as a way of life in peace and with dignity.**
- 5. The duty to take responsibility for looking after our own health and that of those closest to us whenever we can.**



Glossary

Abuse

Elder abuse is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.

(Toronto Declaration, 2002).

There is also a broader definition applicable to situations around us: *“Any act or omission suffered by an older person that violates their physical, mental, sexual or economic integrity, the principle of autonomy or a fundamental right of the individual, either perceived or objectively, and regardless of the intention behind it and of where it takes place”.*

(First National Consensus Conference on Elder Abuse – Almería Declaration, 1995). <https://ajuntament.barcelona.cat/personesgrans/ca/content/que-entenem-maltractament>

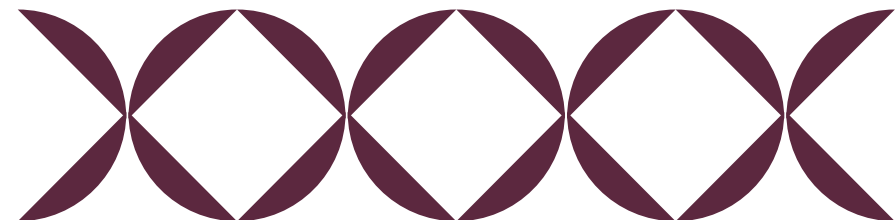
Autonomy

Personal autonomy is the perceived ability to control, cope with and make personal decisions about how one lives on a day-to-day basis, according to one’s own rules and preferences.

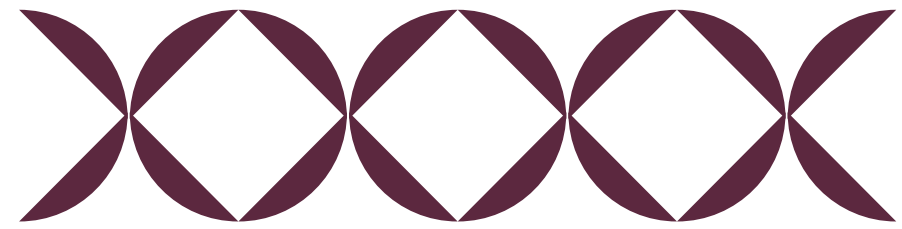
(WHO, 2002: Active Ageing: a policy framework).

The opposite of autonomy is not dependence but heteronomy. Decision-making autonomy as a right refers to ensuring that people can set their own goals based on their own personal identity and make decisions about them at all times regardless of their abilities. People who have difficulties when it comes to making decisions generally exercise this right indirectly, with other people’s help and with very specific resources to support them.

(Teresa Martínez, 2013. In: www.acpgerontologia.com).



Glossari



Ageism

Age-related stereotypes and prejudices. Age discrimination, particularly against older people.

Dependency

This is the need for other people's help to carry out everyday tasks. The opposite of dependence is independence. Personal autonomy may be reduced in some elderly people who are frail or in a situation of dependency, but this is not always the case.

Discrimination

The United Nations Human Rights Committee defines discrimination as *"any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms"*.

Healthy ageing

The process of fostering and maintaining the functional capacity required for well-being in old age. Functional capacity is when a person has the necessary attributes to be who they want to be and do the things that are important to them.

(WHO, <https://www.who.int/initiatives/decade-of-healthy-ageing>).

Heteronomy

This is the opposite of autonomy. It refers to the idea of living according to a set of imposed rules that are obeyed by people either against their will or with a certain degree of indifference.

Integrated social and healthcare assistance

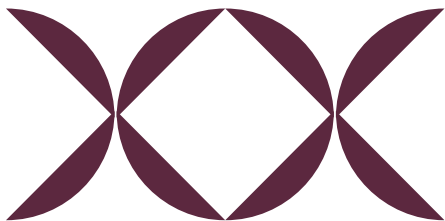
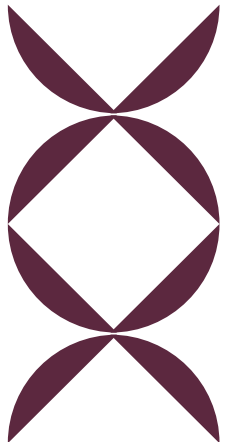
This is an assistance model based on the collaborative action of social and health services professionals and organizations, with the aim of obtaining good results in health and well-being, an adequate use of resources and a good care experience, guaranteeing integrated care and person-centered care. This model involves all agents (citizens, professionals, community agents, managers, etc.) to provide services oriented to the needs of individuals and the community.

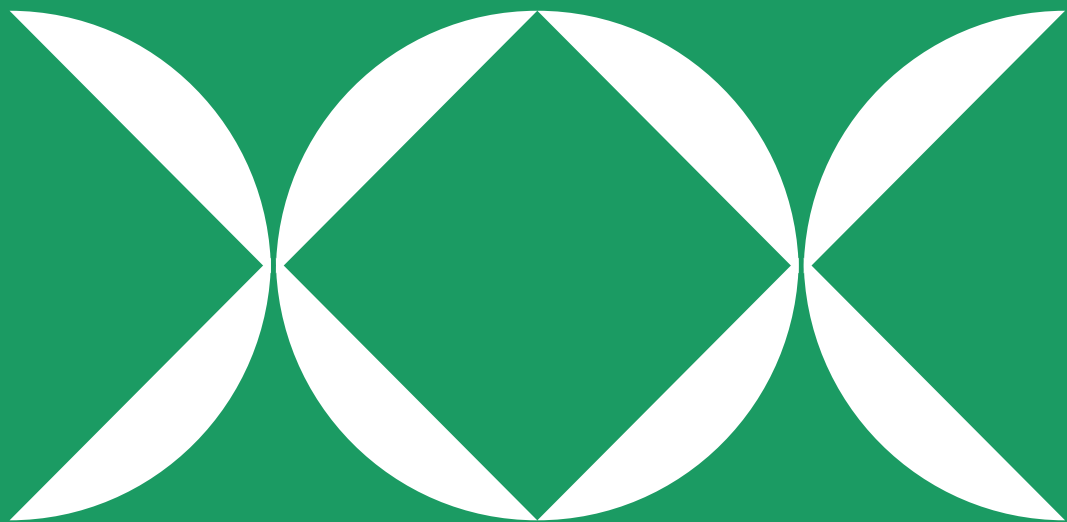
(Generalitat de Catalunya, 2022).

Person-centered care

This is an intervention approach where the elderly are at the center of actions based on the principle of promoting personal autonomy. It establishes the necessary conditions to improve the quality of life and well-being of people, respecting their dignity and their rights, interests and preferences, and counting on their effective participation.

(www.fundacionpilaes.org/red-de-buenas-practicas/la-red/modelo-de-atencion-integral-y-centrada-en-la-persona-aicp/).





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