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Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation Document

# Proposed Welsh Declaration of the Rights of Older People

Date of issue: **13 December 2013**

Action required: Responses by **15 March 2014**

## Overview

The Welsh Government seeks your views on the proposals in this paper for a Welsh Declaration of the Rights of Older People.

## How to respond

This consultation will run from 13 December 2013 to 15 March 2014. Please ensure that your response reaches us by that date at the postal or email address below. If you would like further copies of this document you can contact us at the address below.

Please state whether you are responding as an individual, representing the views of an organisation or both, when responding to this document. If responding on behalf of an organisation please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

The paper contains a list of references, and links to online documents where available.

## Contact details

For further information:  
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## Data protection

### How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

## **Introduction**

Wales has led the way in ageing policy by establishing the Strategy for Older People in Wales, the Older People's Well-being Monitor and the world's first Older People's Commissioner, all 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 the Rights of Older People in Wales.

In October 2012, at the request of the First Minister for Wales, the Older People's Commissioner issued a briefing to him outlining the case for a Welsh Declaration of the Rights of Older People, 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 Welsh Declaration of the Rights of Older People. Such a Declaration would send very clear signals to service providers, as well as to older people themselves, about what is expected in Wales to ensure older people receive the support and services that they need. 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 has agreed to commence a public consultation on the content, purpose and structure of a Welsh Declaration of the Rights of Older People.

### **A Draft Welsh Declaration of the Rights of Older People**

The draft Declaration is attached. The 'speech quotes' are real quotes from older people and illustrate in some small way how rights may be overlooked. The Declaration is specifically drafted in the first person so that people can immediately relate it to themselves. The draft Declaration aims to be simple and straightforward.

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

Whilst in itself a Welsh Declaration of the Rights of Older People would have no binding legal effect, it would clearly spell out the rights of older people in Wales as already underpinned by law.

### **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.

## 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.

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 human 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 - both when I contribute to society and when I no longer do so.

### 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 be in my own 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

### **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

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

## **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