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Grey and Green in Europe: elderly living in urban areas



This project has received funding from the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 645706.

Scientific Paper on European policies for the protection of elderly human rights in urban areas

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GRAGE: *Grey and green in Europe: elderly living in urban areas*

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1. Introduction

The population of the 28 States of European Union was estimated at 506.8 million on January 2014 (Eurostat, 2016a). Young people made up 15.6% of the EU population, whereas persons considered being of working age (15 to 65 years old) accounted for 65.8%. Elderly people (over 65-years old) had 18.5% share. Across EU states, the highest share of persons aged 65 or older in the total population was observed in Italy (21.4%), while Ireland had the lowest proportion (12.6%).

According to Eurostat, population ageing in Europe is a long-term trend which is destined to last for many years (Eurostat, 2016a). The comparison of age pyramid for 2014 and 2080 shows that the EU population is projected to continue to age. As for the share of those aged 80 years or above is projected to more than double between 2014 and 2080. In 2080, indeed, it is expected to have in European Union countries more than 28% of persons over 65 years old. As a consequence the rate of people in working age is decreasing from almost 66% to 56% in 2080.

Recent trends of population ageing are unprecedented and unparalleled in the history of mankind. This tendency is affecting every country in the world, with consequences for the intergenerational and intra-generational equity and solidarity that are the foundations of society (*United Nations, Department of Economic and Social Affairs, Population Division, World Population Ageing: 1950–2050* 2002).

The last decade has witnessed the strongest economic crisis since the World War II. This event has both emphasized and aggravated a range of fears and insecurities about economic inequalities, threats of jobs, immigration, environment, and the cost of welfare regimes, especially the affordability of pensions and healthcare (George Magnus, 2012).

In this framework the challenge of ageing societies is affecting our lives more than we can imagine. The footprints of ageing are spread everywhere, and are emerging with a faster pace at the level of larger cities, where the impact of a greyer world is much more visible than in other parts of a country.

Statistics present important data regarding the presence of elderly people in the major European cities (Eurostat, 2016b). One hundred cities across Italy and Germany present an old-age dependency ratio (the proportion of older dependents per 100 working-age population) of at least 35%. The largest cities with a population of at least 500 thousand inhabitants and an old-age dependency rate of at least 35% included: the Italian cities of Rome, Milan, Turin and Genoa; Nice in the south-east of France (data are for 2011); the German city of Essen in the Ruhr valley; and the Portuguese capital of Lisbon.



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This situation shows how it is urgent for EU member states and EU institutions to build up a new strategy to overcome problems regarding healthcare, pensions, markets, services of general interest, and in general the life of elderly people.

On the basis of these underlying demographic assumptions and predictions, the 2015 Ageing Report of the Council, for example, assesses the impact of ageing population on expenditures covering pensions, health care, long-term care, education and unemployment benefits (European Commission, 2015).

In our view, the large presence of older people in EU cities should be deemed as a resource to guide in the direction of an active participation to the community welfare. This approach is facilitated by the fact that the elderly people of today are not the elderly people of the past. The majority of this part of the population is more educated and more capable of adapting to changes of public and private welfare, which make them more active and flexible than before. These new circumstances are such as to allow more participation by seniors in their environment and it is already clear that they can contribute actively to social and cultural activities.

In this sense, this paper will provide an overview of the main policies enacted at an International and European level, with the aim of protecting elderly's rights and empower their participation to social and economic life. In the last part of the paper the attention will be focused on cities, as the first test bed of democracy and inclusive citizenship, in order to investigate if the problem of ageing population could be turned in a resource, through a new age-friendly model of governance.

2. The International Framework of Protection of Elderly's human rights

Throughout the world, a large number of old people faces challenges such as discrimination, poverty and abuse that severely limit their human rights and their contribution to society. The frailty of elderly and their consideration as a vulnerable group, to be specifically protected, have been addressed by law since the last decades of the 20th century, the first important international document on the issue being the Vienna Action Plan, adopted by the World Assembly of Aging in 1982. The Plan had the main aim to provide a forum among governments as to guarantee "economic and social security to older persons, as well as opportunities to contribute to national development."

Since the Vienna's international forum, many other documents were adopted by international institutions in order to bring attention on the need to provide legal safeguards for the protection of elderly and for tackling the problems deriving from the demographic change of society. Among them, a paramount value has to be attributed to the "Principles of



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Older Persons,” adopted by the UN General Assembly in 1991, which constitute the most comprehensive document at an international level on the matter, although they are not binding for the States. Along the same line, ten years later, the second UN world assembly adopted in Madrid the “Plan of Action on Aging” 2002, with the key challenge of building a 21th century society for all ages.

More recently, the phenomenon of ageing has gained more attention than the past in the human rights arena (C. Martin, D. Rodríguez-Pinzón, B. Brown, 2015. p.11). In 2009, the UN published a report on the “Rights of Older Person” where the international legal instruments for the protection of elderly’s rights were investigated. The report explored how fundamental human rights of older persons could be assured and deepened and it highlighted the need to consider all the international documents for the protection of human rights within a non-discriminatory framework and include a specific reference to ‘age’ as a ground of discrimination, which often was neglected by the main international legal documents. This recommendation was important considering the interpretative function played by international legal instrument, although not binding for the states. In addition, the Report highlighted an “implementation gap,” as national governments often failed to abide by the commitments that they have signed up to through human rights instruments and among the solutions to fill the gaps in domestic legislations the establishment of a comprehensive international convention for the protection of elderly’s human rights was encouraged.

In the European landscape, the UN framework for the protection of human rights finds its main counterpart in the European Social Charter (ESC).

A specific provision protecting the human rights of the elderly can be found in article 4 of the Additional Protocol to the European Social Charter of 1988. For the first time a provision guaranteeing the elders to be “full members of society,” with the implication that the States Parties should take the necessary measures, so that the elderly could play an active role in society and not be marginalized. According to what is indicated by the Explanatory Report to the Additional Protocol to the 1988, the expression "full members" implies that the elderly should not be limited in access to social life, even if retired or with reduced mental and/or physical abilities. Therefore, it is necessary that Member states implement those measures to provide for the supply of services and facilities necessary to the state of the elderly.

The rule was later incorporated into article 23 of the Revised European Social Charter, which besides guarantees the rights of the elderly already indicated in art. 4 of the Additional Protocol and it sets out important requirements in order to achieve a full inclusion of adults in society. The importance of this article lies in the fact that is emphasized a protection policy for the elderly with a radius of action on all aspects of their life in society. The Parties



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that have signed the Charter have the duty to adopt and encourage, both public and private, those actions that privilege the elder freedom to choose their own lifestyle, their independence and the possibility of participation. The article, while clearly defining its borders (living conditions and income security, guaranteed services for people with limited capacity, organization and provision of healthcare, etc.), leaves space to the states to decide which is the best way to ensure these rights according to their society and needs. Moreover, article 23 of the ESC appears to be important also for being an inspiration to the enactment of successive European provisions, which have taken up the content in terms of protection of the rights of the elderly.

Conversely, elderly's human rights are not specifically protected by the European Convention of Human Rights and Fundamental Freedoms. Indeed, neither the Convention nor its additional protocols contain a provision similar to art. 23 of the Revised European Social Charter. Nevertheless, the European Court of Human rights (ECHR), in the last years dealt with the protection of elderly's fundamental rights and delivered many judgments concerning indirectly the full enjoyment of human rights by seniors, in different matters, from healthcare to discrimination, to right to life etc. (F. Ippolito-S. Iglesias Sánchez, 2015, p. 52-53). Some scholars (B. Mikołajczyk, 2013), however, noticed that the use by the European Court of a dynamic interpretation of the articles of the Convention does not assure enough protection of elderly's rights in some spheres, which are essential to the social inclusion of older person, such as the social and economic rights and the right to participation in cultural life. Such a deficit led to suggest the adoption of a supplementary protocol to the ECHR, regarding the protection of the rights of older persons.

The absence of a specific protocol for any other vulnerable groups induces to think that the adoption of a hard law for the protection of elderly's human rights is not an easy task. Nonetheless, the urgency through which the phenomenon of demographic change of society is imposing in the European area pushes the States to assume specific measures, both to protect elderly as a whole and to realize the legal premises for an integrated and inclusive society. Along this line, in 2014, the Committee of Ministers adopted a specific Recommendation to member states on the promotion of the human rights of older persons (Recommendation on the human rights of older persons).

This Recommendation incorporates specific principles on the protection of the human rights of older persons and recommends states to comply with them in national legislation and practice, encouraging states to examine, within five years, the implementation of the principles in cooperation with the Council of Europe (CoE).

The Recommendation proclaims that all human rights and fundamental freedoms apply to older persons on an equal basis with others and aims to promote a right balance between



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the autonomy and the protection of older persons, the cohesion and active citizenship and a more participation of older person to social, economic and cultural life. Indeed, the Recommendation expressly states: “Older persons should receive appropriate resources enabling them to have an adequate standard of living and participate in public, economic, social and cultural life.” (Recommendation CM/Rec (2014) 2, V, 21)

Although it is a non-binding document, the Recommendation complements existing human rights instruments and by interpreting current state obligations in the context of ageing, it has a real potential for impact on the ground. Thus, the list of good practice included in the Recommendation shows that there’s a increasing attention by domestic legal policies on the theme of protection of older people and promotion of active ageing, understood as a process, applicable both to individual and community, with the purpose to ensure that seniors participate in social, economic, cultural and spiritual life of the city in the most inclusive as possible. The development of this concept is important because in the past decades the policies of the different governments were all concentrated exclusively in ensuring the care and assistance required at the protection of fundamental human rights. In this new perspective, however, the older person is seen as a resource, whose experience should be protected and enhanced.

3. Social policy for Elders in EU Law

The history of EU’s social policy for older persons is a longer one. The recognition of the rights of the elderly to lead a life of dignity and independence arises from their right to social protection, which is one of the fundamental social rights. The EU law has been providing legal instruments for the protection of older people in different ambits of social life since the early 1980s. However, these measures were random and sectorial and a coherent legislative framework within which the condition of older people was addressed in a holistic way was absent. Again, although both the UE Parliament and the Commission focused attention of the issue and the importance to deal with the phenomenon of ageing as a whole, these suggestions have not been transposed into European Union legislation.

This trend has changed in the last fifteen years: a decisive turning point was the adoption of the Charter of Fundamental Rights of the EU in 2000.

Article 21 of the Charter of Fundamental Rights of the EU (legally binding on EU bodies and on Member States when implementing EU law) refers explicitly to age as a ground of discrimination. Article 25 of the Charter also recognizes the “right of the elderly to lead a life of dignity and independence and to participate in social and cultural life.” This article provides not only the protection of the right of older persons as individuals but also the recognition of the special needs of elderly as a group, grounding the principle for a new approach to the issue.



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The application of the article is not restricted to EU citizens, but it is extended to all the old persons who may be subjected by EU law, even if they have not the EU citizenship or the residence into the territory of EU member states (C. O' Cinneide, 2014, p. 693).

Article 25 must be read in a coordinated manner with other provisions of the Charter, especially with reference to rights of the integrity of the person (art. 3), non-discrimination (art. 21) and integration of persons with disabilities (art. 26).

In particular art. 26, although not specifically aimed at the elderly, provides protection to people with disabilities. It is stating that the EU recognizes and respects their independence and participation in society through the promotion of measures to ensure the removal of architectural barriers.

These items were included in Chapter III of the paper, referred to equality and not in Chapter IV on solidarity. This shows that the approach that the European Union wants to hold against the elderly, and more generally with people who have disabilities, is a positive type unwilling to keep a mere protective attitude and assistance but rather ensuring equal opportunities involvement in social life to those people who have difficulty in mobility.

The EU constitutional framework was then completed by the adoption of the Treaty of Lisbon, which stated the recognition of binding effects to the Charter of Fundamental Rights of EU and the accede to the European Convention of Human Rights and Fundamental Freedoms by the European Union (art 6 TUE). So, the Treaty of Lisbon established that human rights, as stated in the European Convention and derived by the common constitutional traditions of Member states, constitute general principle of the Union's law (art 6 TUE). The Treaty did not enrich the EU of new legislative competence, however, the focus of the Treaty on the centrality of human dignity and the respect of human rights paved the way for a shift of the European Union action from the market to citizenship and put the person and his fundamental rights at the top of the European policy's agenda. This change of perspective encouraged a more incisive action of the European Union in many ambits related with the protection of social rights. Indeed, even if the protection of social rights is a matter of state competence, the protection of these rights encountered a vast number of EU powers related not only to the creation of a single market. The main example is constituted by the EU's competence on discriminatory law: article 19 of the TFUE (former article 13 TEC) empowers the EU to legislate against discrimination in terms of age as well as sex, racial or ethnic origin, religion, disability and sexual orientation.

Under the former art. 13 TEC, the Employment Directive was enacted in 2000. Recital 14 states: "This Directive shall be without prejudice to national provisions laying down retirement ages." Then, age is expressly considered as a ground of discrimination by art. 1 of the Directive. Art. 6, however, states: "Member States may provide that differences of



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treatment on grounds of age shall not constitute discrimination [...].” The article introduces the possibility of a difference among citizens on the base of age, based on an objective criterion. Scholars (cfr. O’ Cinneide, 2009, p. 253) have been long debating on the coordination between articles 1 and 6 of the Directive and on the value of age as a ground of discrimination, compared with the other criteria provided by art 1. The case law of the European Court of Justice on the point has been considered controversial by some scholars (H. Meenan, 2012, p. 57): on one hand, the Court made a rigorous application of the objective justification test and recognized more than one time a margin of appreciation of Member states in using age-based distinction, when they are reasonable and objectively justified; on the other hand, the Court established a clear link between the prohibition of discrimination on the base of age and the principle of equal treatment, which after the Treaty of Lisbon was recognized a fundamental principle of EU law. The last interpretation paves the way for a wider and more comprehensive protection of elderly behind the matter of employment. In fact, the Treaty of Lisbon draw a wider constitutional framework of protection of elderly’s human rights and the prohibition of discrimination on the basis of age, however the potential of these fundamental principles has not yet fully developed into legislation. In this perspective, the European Union action for the promotion of elderly rights and active ageing seems less incisive than other non – European systems, such as the Us, Canada or Australia, where the elder people are considered as a group and protected as a whole by legislation. Moreover, the phenomenon of inter-sectorial and multiple discrimination of older people seems still underpinned into the European Union and it is not addressed specifically by legislation, with a gap in the protection of many cases, where age is only a sort of collector of different discriminatory actions.

The EU constitutional framework and secondary legislation addressing the problem of elderly rights, however, show only a part of the role that the EU plays in the implementation of social policy for elders and in the approximation of domestic legislations of Member states in this matter. In fact, in this context soft law instruments assume a paramount importance both as a guide within which national law and EU law could be implemented and as driver of social changes.

4. Soft Law Instruments on Elderly in the Early European Community Policy

The focus of EU policies and programs on old persons include many areas, such as anti-discrimination policies, social protection and accessibility of public services, active ageing as well as research and innovation.



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The European Commission and the Council have issued a number of communications and other documents relevant to economic and social well-being of old persons (Claudia Martin, Diego Rodríguez-Pinzón, & Bethany Brown, 2015).

The Communication of 24 April 1990 considers the implications for the elderly of the completion of the internal market. It presents a basis for actions in favour of old persons, such as exchange of information and knowledge to understand the contribution of elderly people to economic and social life.

The Council decision 91/49/EEC of 26 November 1990 on Community actions for the old persons confirmed the Commission's proposals for the period 1991-1993. The actions of the Community are set out to provide preventive strategies to meet the economic and social challenges of an ageing population, to encourage solidarity between generations and integration of the elderly and to study the positive contribution of the elderly to the development of the Community

Later, the decision 92/440/EEC established the "European Year of the Elderly and of Solidarity between Generations". The objective of this event was to highlight the challenges of demographic evolution in order to facilitate the integration of the elderly within the Europe according to the objective to improve the social dimension of internal market. Notwithstanding the actions undertaken consisted in encourage debate, studies, publications and events able to find innovative strategies for economic purposes of the Community related to the protection of elderly: income levels and standard of living, care and services offered, employment of elderly workers, preparation for retirement and participation of the elderly.

The Communication of 21 May 1999 "Towards a Europe for All Ages - Promoting Prosperity and Intergenerational Solidarity" proposed a strategy for political measures devoted to encourage awareness among all actors concerned of the implications of an ageing population. This communication constituted the contribution of the European Commission to the UN International Year of Older Persons (1999). It aimed to stimulate debate between and with Member States.

The communication describes the challenges with which the ageing of the population will confront our societies:

- a) Relative decline of the working age population and ageing of the workforce.
- b) Pressure on pension systems and public finances.
- c) A growing need for health care for older persons.
- d) Growing diversity among older people in terms of resources and needs.
- e) Gender-related aspects



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On this basis of the impact of problems caused by the aging of the population of Member States, the Commission has presented a series of policy conclusion, and the perspectives to be included:

- a) in European employment strategy (keeping workers in the labour market longer, promoting life-long learning, increasing work flexibility);
- b) in social protection policies (finding ways to reverse the trend towards early retirement, new forms of gradual retirement, better and more flexible pensions schemes);
- c) in health and medical research policies (medical and social research in the fifth framework program for Community research);
- d) in combating discrimination and social exclusion (proposals based on article 13 TEC, now 19 of TFEU).

The Communication of 10 December 2001 raises the problem of health care for the elderly. In particular, the Commission set out that national health care systems have to deal with longer life expectancy, changing family structures, the rapid development of treatment technologies and the growing demands of health care consumers. The Commission identified three common objectives: making health care and care for the elderly accessible to all, improving the quality of care and guaranteeing the long-term financial viability of care systems.

On 10 March 2003, the Commission and the Council presented two joint reports on the conditions of elderly. The first was entitled “Supporting national strategies for the future of health care and care for the elderly”, and the second “Adequate and sustainable pensions.” These two reports were presented to the Brussels European Council of 20 and 21 March 2003. They set out the challenges represented by maintaining standards for living, employment and social protection in the context of the ageing population.

Since 2009 the Commission, under the impulse of Council, has issued a series of Communications on the impact of the aging of population in the EU. These documents provide a key input to the analysis of the impact of population aging and are an integral part of the EU’s multilateral budgetary surveillance.

5. The Steer towards Active Citizenship in European Policy-Making: The Case of Disability

The imprint that the EU has given in recent decades in the enhancement of elderly is very important, although policy on these fields falls within the Member-States’ sphere of power. In the last ten year European Commission has focused its efforts to understand how to take actions devoted to promote the elimination of any barriers that prevent older people to live



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in an active way this stage of their lives. These actions are aimed to adapt healthcare systems in member state to provide adequate care and remain financially sustainable.

This is evidenced by the numerous communications and resolutions of the various European Institutions. In 2006 the European Commission published a communication entitled “The demographic future of Europe: from challenge to opportunity.” It sets out a number of recommendations to take full advantage of the opportunities offered by longer lives. Likewise, in 2007 the European Council issued a resolution entitled “The opportunities and challenges of demographic change in Europe: the contribution of older people to economic and social development.”

The European Union has also been asserted that the accessibility and mobility are the essential conditions to make possible the realization of the active aging. Thus the Commission developed the Action Plan on EU Urban Mobility (2009), which promotes provision of integrated transport solutions focused on citizens in the context of demographic aging. The program aims to diffuse more ecological urban transports and increase the accessibility, the passenger rights, and intelligent transport systems.

To further promote an urban environment accessible to all, the Commission also supports the creation of accessible cities awarding those cities that appear to have developed an accessible environment for all people with reduced mobility.

In addition, to underline the continued commitment of the European Union to allow for integration of the elderly within social communities, following public consultation, the European Council's conclusion of 2009 on “Healthy and dignified aging” and the European Commission's legislative proposal (COM (2010) 462 final.), with the decision 940/2011 adopted on 14 September 2011 by the Parliament and Council, the 2012 was proclaimed “European Year for active aging and solidarity between generations.”

The objectives were to raise awareness on the importance of active aging ensuring that this issue occupied a prominent place on the political agenda. The aim of this action it is also to promote discussion, information exchange and mutual learning for promoting the adoption of policies for active aging. Furthermore, it provided for the development of a framework for commitment and concrete action by the European Union and its Member States involving stakeholders and the promotion of activities that would help to combat age discrimination, overcoming stereotypes and removing barriers.

In light of these policies, the European Commission has considered the idea of drafting a European Accessibility Act by using an approach called "design for all." Such approach requires that environments, products and services are adapted and designed so that



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everyone can access, regardless of age, gender, ability or cultural background. In this way it is ensure to everyone the right to participate in all activities of cities.

In December 2015 the Commission has made public a proposal for a Directive of the European Parliament and of the Council on the “approximation of the laws, regulations and administrative provisions of the Member States relating to the accessibility requirements of products and services.”

The main purpose of the Directive is to improve the operation of the internal market for accessible products and services. This will enable the realization of the Commission's work program for 2015, which provides for a renewed commitment to promote accessibility to the city's structures to ensure the social inclusion of all citizens.

The legal basis of this strategy can be found in article 9 of the UN Convention on the Rights of Persons with Disabilities, which requires to EU and EU Member States, as parties to the Convention, to take appropriate measures to ensure accessibility, within the limits in their competence.

Meanwhile, pending the enactment of the Directive, it was used the regulatory instrument, where the European Commission has a mandate to the main European regulatory bodies, CEN and CENELEC, to include "Design for All" in relevant standardization initiatives and ensure that are suitable to the accessibility standards.

6. The Implementation of Active Ageing Strategies: Future Perspectives for Cities

The social policy for elderly developed in the last decade within the European area shows a growing interest for the urban environment as a focal area for the protection of social rights.

Indeed, at an International level, the importance of environmental issues and the need to develop an adequate environment for the protection of human rights has been closely connected with the policies for the protection of elderly since the Vienna Action Plan of 1982. The recommendation n. 22 of the Plan states that “[...] The living environment should be designed, with support from Governments, local authorities and non-governmental organizations, so as to enable elderly people to continue to live, if they so wish, in locations that are familiar to them, where their involvement in the community may be of long standing and where they will have the opportunity to lead a rich, normal and secure life.”

The Action Plan of Madrid of 2002 further highlights a similar goal, as a specific priority direction is “Ensuring enabling and supportive environments.” The Plan, on one hand, addresses the needs of poor older people who migrate from rural areas to urban areas,



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promoting the implementation of measures for reduce the marginalization of older people who live in rural areas and the improvement of their opportunity to access services and enjoy social life. On the other hand, the Plan reveals a consistent trend toward urbanization and points out the importance to develop studies on the relationship between elderly social inclusion and urbanization. In this context, the Plan declares among its objectives “the promotion of the ‘ageing in place’ in the community with due regard to individual preferences and affordable housing options for older persons.” In particular, it recommends the development of age-friendly housing and of an urban environment adequate to develop an independent living of elderly and an integrated urban community.

Then, in 2007, the WHO published a guide and recognized certain areas where action is needed to ensure that cities can really be “age-friendly”, allowing older citizens to exercise their citizenship right, without being excluded or having to depend on other people in order to participate in social life. These areas are identified in the relevant areas of daily life, such as the built environment (defined as sidewalks, entrances to buildings, etc.), technologies, housing (such as elevators), information and communication, transportation, services (such as cash machines or vending machines).

Especially the outdoor areas and the organization of the buildings are considered significant in order to ensure the well-being and health of the elderly. In fact, the possibility that this category of people have to access without difficulty to the services offered by the city, allows them, in spite of the psycho-physical difficulties that they can have, to continue to participate in social life actively and independently.

Therefore, in the last decades, the key role of “space” for the effectiveness of human rights of vulnerable groups emerged and legal scholars started to investigate the close connection between space and human rights more and more. The cities have been considered the “new kids of the block” in the realization of human rights (B. Oomen, M. Grigolo (eds.), 2016, p.3) and the natural incubators of human rights: in the urban areas the international and European framework of human rights is implemented, by the interplay of different actors (local governments, NGO, private actors) with the double effects of bringing international and European principles into practice and exploring new meanings of those principles, as a result of a bottom-up process, according to whom the life in the cities generates itself new human rights.

At a European level, a similar view inspired the European Urban Charter, adopted by the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) on 18 March 1992. The Charter set out the guiding principles in order to improve the quality of European cities, with specific reference to those aspects of urban development and quality of life that



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are in line with the Council of Europe calling for the protection of human rights and fundamental freedoms, particularly focusing on the notions of cooperation and solidarity.

The European Urban Charter expressed the idea that all citizens have a fundamental right to live in the city, having to take into account in the design process of the differences in age, origin, race, religious belief, political, social, economic, physical or mental disability.

In particular, point 4.7 entitled “Disadvantaged and disabled persons in towns,” on the assumption that many cities are designed exclusively by reference to the needs of adults in the prime of their working lives, set out some principles that provide for the inclusion in the social life of people also with physical problems.

The buildings architecture, both public and private, must indeed ensure the full enjoyment by all citizens. For example, it indicates that the work space must be structured in such a way that workers of all ages will find themselves comfortable, as well as for private buildings “in respect of young people, remedial measures should include sound insulation, privacy, play areas and safety; for teenagers, meeting places, physical recreation and privacy; for the elderly, measures to reduce isolation, insecurity and inaccessibility, to provide assistance, means of calling for help and meeting places; for the disabled, appropriate measures in transport, toilet facilities and widespread availability of technical devices to alleviate physical handicap, impaired hearing or vision, for people who walk slowly or with difficulty”.

Along this line, in 2000 the European Charter for the Safeguarding of Human Rights in the City was adopted, which is opened by the proclamation of a right to the city. Indeed, art. 1 provides: “The city is a collective space which belongs to all those who live in it, who have the right to find there the conditions for their political, social and ecological fulfilment, at the same time assuming duties of solidarity.”

Then, in 2008 The European Urban Charter was updated with the adoption of the “European Urban Charter II: Manifesto for a New Urbanity”. The Manifesto proposes a new city model addressed to all categories of citizens, with special reference to children, elderly, minorities and people with disabilities. The aim is not only to design cities that are efficient from an economic point of view but also liveable for people who live there. European towns and cities have to take into account the new demands of democracy, particularly where participation is concerned. This is why the Manifesto declares that the fight against discrimination of the most vulnerable people is getting stronger, trying to avoid all forms of social exclusion due to the city architecture.

These charters identifies the cities as the core place of the citizenship and presume the enjoyment of the rights to the city by all the residents, with special regards to vulnerable people, as a basic condition for the full achievement of a real democracy.



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Green and Grey in Europe: elderly living in urban areas



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The capacity of the European Union to tackle the demographic change of European people and turn the phenomenon of ageing into a resource for the society will heavily depend on the urban social policies, which the Union shall implement in the future.

7. Concluding Remarks

In last years the world's population has seen a rise in the number of elderly and this has increased attention from the global scientific community.

This phenomenon has resulted primarily in a turnaround, as the elderly is now seen not only as a burden on society.

However, to ensure that older people can continue to be an integral part of society, some precautions are necessary to remove those barriers that prevent the self-determination of these people with decreased psychomotor performance.

This paper has provided an overview of the main policies enacted at an International and European level, with the aim of protecting elderly's rights and empower their participation to social and economic life. One main finding of our analysis is that the need of EU institutions to tackle the demographic change of European people and turn the phenomenon of ageing into a resource for the society heavily depends on the urban social policies that the Union shall implement in the future. In this sense, cities are the place for bridging across policy sectors to address the concerns of ageing populations in an integrated and cohesive way.



BIBLIOGRAPHY

B. Mikołajczyk, *Is the ECHR ready for global ageing?*, in *The International Journal of Human Rights*, vol. 17, 2013, p. 511 ss.

B. Oomen, M. Grigolo (eds.). (2016), *Global Urban Justice*, CUP.

C. Martin, D. Rodríguez-Pinzón, B. Brown. (2015) *Human Rights of Older People: Universal and Regional Legal Perspectives*, Springer.

C. O' Cinneide, *The rights of the elderly*, S. Peers, T. Hervey, J. Kenner, A. Ward (eds.), *The EU Charter of Fundamental Rights: A Commentary*, Oxford, 2014, p. 693 ss.

Claudia Martin, Rodríguez-Pinzón, Diego, & Brown, Bethany. (2015). *Human rights of older people: Universal and regional legal perspectives* (Vol. 45): Springer.

European Commission. (2015). *The 2015 Ageing Report. Economic and budgetary projections for the 28 EU Member States (2013-2060)*. Directorate-General for Economic and Financial Affairs, Retrieved from http://ec.europa.eu/economy_finance/publications.

Eurostat. (2016a). *Population structure and ageing*. Retrieved from <http://ec.europa.eu/eurostat/statistics-explained/>

Eurostat. (2016b). *Statistics on European cities*. Retrieved from [http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics on European cities](http://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_European_cities)

Francesca Ippolito & Sara Iglesias Sánchez (eds.) (2015). *Protecting vulnerable people. The European Human Rights Framework*. Oxford, Portland, Oregon: Bloomsbury

George Magnus. (2012). *The age of aging: How demographics are changing the global economy and our world*: John Wiley & Sons.

H. Meenan. (2012) *Age discrimination and the future developments of elders rights in the European Union: walking side by side or hand in hand?*, in I. Doron, A. M. Soden (eds.), *Beyond Elder Law: New Directions in Law and Aging*, Springer.

O' Cinneide, *Age Discrimination and the European Court of Justice: EU Equality Law Comes of Age*, in *Revue des Affaires Européennes*, vol. 2, 2009-10, p. 253 ss.

Report of the Expert Group Meeting "Rights of Older Persons", 5-7 May 2009, Bonn, Germany



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Thibault Moulaert, & Garon, Suzanne (Eds.). (2015). *Age-Friendly Cities and Communities in International Comparison: Political Lessons, Scientific Avenues, and Democratic Issues*. Heidelberg: Springer.

United Nations, Department of Economic and Social Affairs, Population Division, *World Population Ageing: 1950–2050* (2002). United Nations, New York: United Nations.