



## Welsh Declaration of the Rights of Older People Consultation Response Form

### About the DLA

The Discrimination Law Association ('DLA'), a registered charity, is a membership organisation established to promote good community relations by the advancement of education in the field of anti-discrimination law and practice. It achieves this by, among other things, the promotion and dissemination of advice and information; the development and co-ordination of contacts with discrimination law practitioners and similar people and organisations in the UK and internationally. The DLA is concerned with achieving an understanding of the needs of victims of discrimination amongst lawyers, law-makers and others and of the necessity for a complainant-centred approach to anti-discrimination law and practice. With this in mind the DLA seeks to secure improvements in discrimination law and practice in the United Kingdom, Europe and at an international level.

The DLA is a national association with a wide and diverse membership. The membership currently consists of some 350 members. Membership is open to any lawyer, legal or advice worker or other person substantially engaged or interested in discrimination law and any organisation, firm, company or other body engaged or interested in discrimination law. The membership comprises, in the main, persons concerned with discrimination law from a complainant perspective.

**Question 1. Do you agree with the proposal to establish a Welsh Declaration of the Rights of Older People? Please give further details.**

Yes. The DLA welcomes the proposal to establish a Welsh Declaration of the Rights of Older People. We consider that many older people in Wales face barriers to exercising their rights and experience unequal access to essential services, and the Declaration has the potential to be one useful step towards tackling these problems. Its format may be particularly helpful in promoting wider understanding of older people's rights.

**Question 2. Do you feel there are any rights / areas not covered by the proposed Declaration that should be?**

We think the six areas identified in the Declaration strike a sensible balance. The headlines are relatively abstract, but the explanatory sentences following each one add an appropriate amount of detail, and cover all the key elements of the principal rights under the ECHR.

**Question 3. What benefits do you believe could arise from such a Declaration? How could such benefits be delivered?**

The DLA considers that the format of the declaration could be particularly helpful in promoting wider understanding of older people's rights across all age groups. For instance, its avoidance of legal jargon means that it could be used in schools as an educational tool.

**Question 4. What drawbacks or risks do you see with the proposals?**

We think there is a risk that a declaration which does not create justiciable rights might be confused, in some people's minds, with the conventions and enactments which do create such rights. The result might be a kind of dilution in the perceived force of all human rights instruments.

On balance, we think that the format of the declaration and its use of everyday language will help to minimise this risk, but it will be important to ensure that the distinction is made clear.

**Question 5. If such a Declaration were to be adopted, how could its impact in improving the lives of older people be measured?**

The DLA believes that one important way to promote effective measurement of its impact would be to integrate collection and publication of the relevant information into existing duties under the Equality Act 2010 (Statutory Duties)(Wales) Regulations 2011.

Listed authorities are required under the Regulations to identify information they hold which is relevant to their compliance (or otherwise) with the general public sector equality duty. One part of implementing the Declaration might be to provide those listed authorities with guidance setting out the kinds of information which will be particularly relevant in assessing progress against the rights in the Declaration. This guidance should also illustrate ways in which concerns for equality and human rights can be mutually reinforcing (see e.g. "Facilitating cross-strand working" Parken, A. & Young, H., EHRC/WAG 2008 – discussion paper available at [www.equalityhumanrights.com/uploaded\\_files/Wales/download\\_cross\\_strand\\_project.pdf](http://www.equalityhumanrights.com/uploaded_files/Wales/download_cross_strand_project.pdf)).

**Question 6. If the proposed Declaration of Rights was made, how would older people in Wales know what it could do for them?**

**Question 7. Are the statements in the Declaration clear enough for people to understand?**

For the most part, the DLA believes the Declaration is very clear and accessible.

We have one reservation. Under the heading 'I have the right to be valued', the final sentence reads, "I am of worth - both when I contribute to society and when I no longer do so." We are concerned that this may appear to assume that at least some people, at some point in life, cease to contribute to society at all. We are not certain this is true, and would be concerned if the Declaration were thought to imply it.

**Question 8. The ‘speech bubbles’ represent statements by real older people. Are they helpful or not?**

We think the ‘speech bubbles’ are helpful. They usefully illustrate the ordinary human variety of desires, beliefs and attitudes which older people have. They also contribute to a format which maintains some distance from more formal and justiciable lists of rights, and the DLA believes it is important to maintain the distinction in status.

**Question 9. The Declaration links each statement to relevant areas of human rights law because the Declaration would not be law itself. Do you feel this is helpful?**

The DLA suggests that although there is one reference to the Equality Act 2010 in the Declaration the links could be made clearer. The Wales Equality Strategy refers to the importance of making strong links between equality, human rights and inclusion in the Welsh Government and we believe it is important to make these links explicit.

**Question 10. Please outline any views you may have on the potential impact of the proposed Declaration on the protected characteristic groups of Disability, Race, Gender and Gender Reassignment, Age, Religion and Belief and Non-Belief, Sexual Orientation and Human Rights.**

**Question 11. Please outline any views you may have regarding as to whether the proposed Declaration has considered bilingualism (Welsh and English) and language need of the individual sufficiently.**

It would be helpful, under “I have the right to be who I am”, to make explicit links with the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011.

**Question 12. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:**