Elder Law

A NEW INTERDISCIPLINARY RESEARCH ENVIRONMENT ON ACTIVE AGEING, SOCIAL INTEGRATION AND THE LEGAL STATUS OF THE ELDERLY

With financial support from Ragnar Söderberg’s Foundation, the Marianne and Marcus Wallenberg Foundation and the Law Faculty at Lund University.

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Elder Law is an interdisciplinary research area of great societal significance. Our ambition is to nationally establish Elder Law as a new, independent legal discipline comparable to research areas such as Women’s Law and Children’s Law.

Population ageing is a global demographic trend which entails harsh economic and social challenges to society – also for the EU and its Member States. Rising life expectancy, low birth rates and immigration dependency are referred to as key aspects from the EU point of view.

Birth rates are not high enough for the population to reproduce itself, which leads to a reduction of the population in the active age range already after 2012. At the same time, longevity is on the increase. The growth of the workforce must then be based on increased participation in the workplace among the elderly, and on non-European immigration. Concurrently, many elderly people already consider themselves somewhat marginalized and live at risk of poverty, with elderly women being particularly vulnerable. This development puts pressure on pension systems, as it also does on health systems and geriatric care.

There is a fear that accelerated ageing could lead to the older generations becoming too heavy a burden on younger, working-age generations and that this could result in social tensions. Add to this the Human Rights aspects on a right to Active Ageing and Social Inclusion from the individual’s point of view.

THE NORMA ELDER LAW RESEARCH ENVIRONMENT aims to create an integrated research environment on Elder Law within the Norma Research Programme at the Faculty of Law, Lund University. In this research environment different aspects of the legal conditions of ageing will be studied in depth and on a long-term basis. The different aspects will be merged into a deeper body of knowledge about the Elders’ legal position in society with a focus on national law and EU law, but also in a comparative setting. Since more than twenty years has Elder law been an established discipline both in the U.S. and in Australia — normally, though, in quite an applied setting. Despite a growing interest for studies on the ‘Ageing Society’, to our knowledge, no such integrated research environment exists yet elsewhere in Sweden or in the other Nordic Countries.

THREE FOCUS AREAS are identified (encompassing but also ‘transcending’ hitherto legal disciplines, such as labour law, family law and social security law): Legal Empowerment of Elderly Workers, Legal Empowerment of Elderly Citizens and Legal Empowerment of Elderly Migrants.

An increased integration of the elderly in working life is a crucial part of active ageing of the utmost importance for sustainable societies. It includes challenges for labour law and labour market performance in the terms of e.g. employment protection, employability issues, such as life-long learning and competence development, and age-discrimination.

According to the EU Charter of Fundamental Rights the Union recognizes the right of elderly people to live in dignity and independence participating in social and cultural life. Here not only fundamental rights and non-discrimination come to the fore but also the adaption of crucial societal functions to the conditions of elderly and sustainable systems for the care of elderly citizens.

Migration is of crucial importance for the legitimacy and functioning of EU Member States in the years to come and so is also mobility within the Union. This challenges occupational pensions as well as statutory pensions and other parts of the social security system in situations of migration. The same is true for the healthcare systems.

LEGAL EMPOWERMENT OF ELDERLY WORKERS
Age Discrimination and Compulsory Retirement
Led by Ann Numhauser-Henning

Flexicurity and the Legal Position of the Elderly
Led by Mia Rönrmar

Intersections of Age and Gender
Led by Jenny Julén Votinius

Challenge or Opportunity? Perceptions of Ageing in Labour Law and Social Security Law
Led by Hanna Pettersson

LEGAL EMPOWERMENT OF ELDERLY CITIZENS
Civil Rights of the Elderly in a Family Law Setting
Led by Eva Ryrstedt

A Right to Active Ageing for All? On the Status of the Elderly in Social Services and Health Care
Led by Titti Mattsson

Sickness Insurance Reform and the Elderly
Led by Per Norberg

Citizens as Customers – Social Rights and the Marketization of Elder Care
Led by Mirjam Katzin

LEGAL EMPOWERMENT OF ELDERLY MIGRANTS
Pensions on the Move
Led by Emma Holm

Health Care – A Right Without Borders also for the Elderly?
Led by Martina Axmin

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