

WNUSP Intervention Rights of Older Persons 13 Aug 2013

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World Network of Users and Survivors of Psychiatry is a global organization representing people with psychosocial disabilities, those who have experienced madness or mental health problems or who have used or survived mental health services. We participated actively in drafting of CRPD.

We are following the OAS process and will continue to submit comments with our colleagues in disability community, believe our regional affiliate in Africa is participating in that process as well, and it is welcome to hear about the initiative in Europe.

There is overlap with CRPD in some key areas where CRPD innovated.

There are three categories of individuals I would characterize as older persons with disabilities: persons with disabilities as they age, older persons who acquire age-related disabilities, and older persons who may not experience themselves as persons with disabilities but who face discrimination based on others' perception of them as having certain limitations or impairments. A new instrument can improve the standards for older persons with disabilities, complementing the CRPD by focusing on age discrimination and specifically age-related human rights violations.

Any new instrument, including a global instrument as well as the regional ones being considered, must adhere to CRPD standards that currently apply to older persons with disabilities. Of particular concern are:

First, the right of all persons with disabilities to enjoy and exercise legal capacity in all aspects of life (CRPD Article 12).

Large numbers of older persons are under guardianship, which the Committee on the Rights of Persons with Disabilities holds to violate this provision; instead supported decision-making must be instituted, which respects the autonomy, will and preferences of the individual.

Second, the right to liberty and security of the person, (CRPD Article 14) and the right to live independently and be included in the community (CRPD Article 19).

Large numbers of older persons are deprived of their liberty in institutions which may be called nursing homes or long term care facilities, as well as in psychiatric institutions. In these institutions they are also commonly subjected to administration of neuroleptics and other mind-altering drugs against their will or without their free and informed consent, a practice that has been condemned by the Special Rapporteur on Torture.

Committee on the Rights of Persons with Disabilities holds that institutional care systems must be eliminated and that involuntary internment based on a disability must be abolished; all health services including all mental health services must be based on free and informed consent of the person concerned.

By incorporating these existing high standards into a new treaty on the rights of older persons, the international community will ensure that older persons with disabilities are fully included in protection against age discrimination and guarantees leading to the realization of their full human rights.