



## UN Open Ended Working Group on Ageing Contribution – Focus area: Accessibility, infrastructure and habitat

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AGE Platform Europe

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[www.age-platform.eu](http://www.age-platform.eu)

This answer is submitted in reply to the call of the Chair of the Open-Ended Working Group on Ageing (OEWG) to non-governmental organisations. AGE Platform Europe (AGE) has ECOSOC status and is accredited to the OEWG since 2012.

Back in March 2022, we submitted a contribution to the UN Independent Expert on the right to adequate housing in old age, which examines the challenges related to accessibility, infrastructure and habitat in this regard. For more details on this area, please refer to it: <https://www.age-platform.eu/adequate-housing-in-older-age/>

## National legal and policy framework

1. What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?

We focus our contribution on the EU legal and policy frameworks but it shall be acknowledged that all governance levels have a role to play on accessibility, infrastructure and habitat. In those frameworks, lack of accessibility is a form of disability-specific discrimination, but not of age discrimination despite the specificities older people may face.

*a) the right of older persons to adequate housing, including land, property and inheritance.*

- Article 25 of the Universal Declaration of Human Rights<sup>1</sup> (adequate standard of living)
- Article 11.1 of the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> (housing)
- The EU Charter Fundamental Rights<sup>3</sup> in its Article 25 on the rights of the elderly recognises and respects the rights to lead a life of dignity and independence; and in its Article 34 on Social security and social assistance, recognises and respect the “right to social and housing assistance (...)”.
- There is one major tool which would help to better protect the right to adequate housing for older people by eliminating discriminatory practices

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<sup>1</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>2</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>3</sup> <https://fra.europa.eu/en/eu-charter>

such as biased rental advertisement, non-access to loan: the Equal Treatment Directive which is still pending for adoption<sup>4 5</sup>.

*b) the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services).*

- Article 25 (c) of the International Covenant on Civil and Political Rights<sup>6</sup> (access to public service)
- UN Convention on the Rights of Persons with Disabilities (CRPD)<sup>7</sup>: older persons with disabilities would also be able to rely on the right to live independently and to be included in the community guaranteed by Article 19 of the CRPD, as well as rights to accessibility (Article 9), personal mobility (Article 20), and participation in cultural life, recreation, leisure and sport (Article 30). However, many older persons who do not live with disability would not be able to rely on these guarantees and would be left to rely on the unclear and fragmented coverage of general human rights provisions.
- European Accessibility Act (2019)<sup>8</sup> provides legal hooks by covering some services and products especially in the sector of new technology. However, built environment per se is left out.
- Web Accessibility Directive (2016)<sup>9</sup> obliges all public sector bodies in the EU to make their online websites and mobile apps accessible.
- Mobility:

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<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008PC0426>

<sup>5</sup> In its 2018 Report, the Fundamental Rights Agency clearly indicates: “Unlocking the Equal Treatment Directive should be a priority. This would extend protection against discrimination based on various grounds, including age, to areas that particularly matter to older people – access to goods and services, social protection, healthcare and housing. Outside the scope of the Employment Equality Directive, areas of particular importance for older people – such as social protection, health care, access to goods and services or housing – are not covered by EU legislation as regards the ground of age, in contrast with the Race Equality Directive” – [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-fundamental-rights-report-2018-focus\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-fundamental-rights-report-2018-focus_en.pdf)

<sup>6</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>7</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32019L0882>

<sup>9</sup> <https://digital-strategy.ec.europa.eu/en/policies/web-accessibility-directive-standards-and-harmonisation>

- Passengers' Rights' EU regulations<sup>10</sup> include a broad definition of persons with reduced mobility covering therefore older people<sup>11</sup>. These regulations include provisions related to accessibility.
- The Commission Regulation 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility<sup>12</sup> is a strong instrument to improve accessibility of the rolling stock.
- EU Disability Card: in Sept. 2023, the European Commission proposed to introduce a standardised card for persons with disabilities, notably to make it recognised throughout the EU<sup>13</sup>.
- EU directive on Public Procurement<sup>14</sup> are a strong enabler, notably for the built environment<sup>15</sup>. It has been complemented by the European Accessibility Act (see above) which aims to establish common rules on accessibility that will also apply to public tenders<sup>16</sup>.
- Like for housing, the Equal Treatment Directive would help to tackle discriminatory measures in those areas such as higher premium for older drivers.

*c) Policies/programmes that enable older persons to live independently and to be included in their communities as they age.*

The EU Disability Rights Strategy<sup>17</sup>: older people with disabilities are covered by this strategy which addresses rights across sectors and domains. This EU equality strategy is one of the few mentioning older people (with disabilities) and covering housing issues through the angle of independent living.

Beyond the EU, the framework developed by the WHO around Age-Friendly Environments<sup>18</sup> and its Global Network of Age-Friendly Cities and Communities<sup>19</sup> provide guidance, tools, peer-learning processes to develop inclusive

<sup>10</sup> [https://europa.eu/youreurope/citizens/travel/passenger-rights/index\\_en.htm](https://europa.eu/youreurope/citizens/travel/passenger-rights/index_en.htm)

<sup>11</sup> Persons with reduced mobility: Any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age and whose situation needs appropriate attention)

<sup>12</sup> [https://transport.ec.europa.eu/transport-modes/rail/interoperability-safety/interoperability/persons-reduced-mobility-prm-tsi-nip\\_en](https://transport.ec.europa.eu/transport-modes/rail/interoperability-safety/interoperability/persons-reduced-mobility-prm-tsi-nip_en)

<sup>13</sup> <https://ec.europa.eu/newsroom/representations/items/801980/en>

<sup>14</sup> [https://single-market-economy.ec.europa.eu/single-market/public-procurement\\_en](https://single-market-economy.ec.europa.eu/single-market/public-procurement_en)

<sup>15</sup> Every year, over 250 000 public authorities in the EU spend around 14% of GDP (around €2 trillion per year) on the purchase of services, works and supplies. In many sectors such as energy, transport, waste management, social protection and the provision of health or education services, public authorities are the principal buyers.

<sup>16</sup> [https://commission.europa.eu/funding-tenders/tools-public-buyers/social-procurement\\_en](https://commission.europa.eu/funding-tenders/tools-public-buyers/social-procurement_en)

<sup>17</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2021:101:FIN>

<sup>18</sup> <https://www.who.int/teams/social-determinants-of-health/demographic-change-and-healthy-ageing/age-friendly-environments>

<sup>19</sup> <https://extranet.who.int/agefriendlyworld/who-network/>

communities taking into account a comprehensive approach of ageing and therefore covering built environment, outdoor spaces, mobility, housing, etc. There are other UN processes which are relevant and where coordination would make sense:

- The MIPAA<sup>20</sup> of which one priority direction is on ensuring enabling and supportive environments;
- The New Urban Agenda<sup>21</sup>;
- The Sustainable Development Goals, notably SDG 11 on sustainable cities and communities <sup>22</sup>.
- The Global Digital Compact expected to “outline shared principles for an open, free and secure digital future for all”<sup>23</sup>.

2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?

- Age discrimination is the first and most important challenge. Here are a couple of illustrative examples:
  - access to loan is still an issue faced by many older people across Europe<sup>24</sup>,
  - proposal from the European Commission to revise the EU Driving Licences Directive that contains ageist provision and imposes additional medical check for drivers over the age of 70<sup>25</sup>.

The fact that the lack of accessibility is clearly recognised as a disability discrimination within the EU legal and policy framework, but not as age discrimination also depicts how widespread ageism is. Though older people face specific accessibility issues: for example, older persons may have more difficulties with long distances walking or waiting in long queues which might prevent them from going out. The availability of benches, but also of public toilets are also critical elements to support autonomy. The time preferences of older people should also be discussed with them notably for leisure and cultural activities.

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<sup>20</sup> <https://unece.org/population/ageing/mipaaris>

<sup>21</sup> <https://unhabitat.org/about-us/new-urban-agenda>

<sup>22</sup> <https://www.undp.org/sustainable-development-goals>

<sup>23</sup> <https://www.un.org/techenvoy/global-digital-compact>

<sup>24</sup> The EU Directive on Residential Mortgage Credit Directive (2014) stipulates that a home loan should be fully repaid during one’s lifetime. The strict liability rules meant that it was no longer feasible for people aged 55+ to take out a loan to buy a retirement property or renovate their own home - [https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consumer-finance-and-payments/retail-financial-services/credit/mortgage-credit\\_en](https://ec.europa.eu/info/business-economy-euro/banking-and-finance/consumer-finance-and-payments/retail-financial-services/credit/mortgage-credit_en)

<sup>25</sup> This Directive is currently under negotiation, its provisions might therefore change. For more information, see <https://www.age-platform.eu/driving-licence-directive-our-concerns-echoed-by-international-experts/>

Intersectionalities create additional barriers, for example:

- older people living in residential care settings, notably those with long-term physical and cognitive disabilities whose specific needs might not be taken into account in their living environments and the related activities.
  - Older people with cognitive impairments or dementia face specific barriers when travelling, notably because crew or security staff might not be trained about their specific needs.
  - Older women: the so-called gender pension gap puts at risk the right to access adequate housing for older women. In its Recommendations on Energy Poverty<sup>26</sup>, the European Commission indicated that “older women, are also particularly affected by energy poverty due to structural inequalities in income distribution, socioeconomic status and the gender care gap.”
  - Older refugees are at risk of being left behind due to limited accessibility of assistance, services, and information in situations of conflict and humanitarian crisis<sup>27</sup>.
  - Older people with migrant background: the EU Fundamental Rights Agency<sup>28</sup> underlined that “older people with migrant backgrounds are not a homogenous group, and their experiences and needs in older age may differ. However, evidence points that life trajectories of migrants are affected by lower income, poorer working and housing conditions, including their concentration in low-income neighbourhoods”.
  - Older Roma: from the experience of ERGO<sup>29</sup>: the deprived, rural and remote areas in which Roma people live – included sometimes in segregated neighbourhoods – make it more difficult to access basic goods or services (...) <sup>30</sup>.
  - Older LGBTI+ people are at risk of multiple discrimination affecting multiple areas of their lives, e.g. homophobic attitudes of staff and residents in care homes.
- Geographical divide: effective access to essential services of sufficient quality, such as healthcare, cultural activities or transport is key to independent living. Yet, territorial inequalities can make access difficult. A recent report by the European Commission indicates that even when the share of older persons is set to increase in all areas, rural areas will have the highest share<sup>31</sup>. However, scientific research has found that suburban

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<sup>26</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202302407](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202302407)

<sup>27</sup> <https://www.ohchr.org/en/documents/thematic-reports/a73161-report-special-rapporteur-rights-persons-disabilities>: concrete examples over the situation in Ukraine.

<sup>28</sup> See reference above – 2018 report.

<sup>29</sup> European Roma Grassroots Organisations Network – <https://ergonet.org/>

<sup>30</sup> [https://www.age-platform.eu/sites/default/files/AGE\\_BAROMETER\\_2020.pdf](https://www.age-platform.eu/sites/default/files/AGE_BAROMETER_2020.pdf) and <https://ergonet.org/wp-content/uploads/2021/11/9-Old-age-income-and-pensions-1.pdf>

<sup>31</sup> [https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/demography-new-data-analyses-population-growth-decline-and-ageing-europe-2021-02-11\\_en](https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/demography-new-data-analyses-population-growth-decline-and-ageing-europe-2021-02-11_en)

and rural communities lag in age-friendly built environment and services<sup>32</sup> and that older people living in rural areas are often ignored in research and policy.<sup>33</sup> Living in rural areas can entail additional challenges for older people, especially in the enjoyment of their right to health due to the restricted availability and accessibility of public transport, home- and community-based services and long-term care<sup>34</sup>.

- Poverty social exclusion<sup>35</sup>: there are multiple dimensions linked to different phenomena such as:
  - the increase of prices on the real estate market, impact of tourism and gentrification;
  - Energy poverty: in 2022, 9.3% of EU-27 households were unable to keep their home adequately warm<sup>36</sup>;
  - Difficulty to access to public transports if too expensive.
- Lack of participation of older people in urban planning and development: scientific research has pointed out that despite the significant and growing number of older urban residents, people in later life are often invisible, absent, excluded or 'erased' from urban redevelopment policy efforts, even in their own neighbourhoods. Evidence suggests that older persons are often the last to be involved when it comes to decision-making processes within their neighborhoods. Furthermore, research has shown that spatial planning has often neglected long-term demographic dynamics, which has contributed to widen gaps in services, infrastructure, connectivity, and social interaction spaces, among other physical and social factors that impact older people's well-being and participation in their communities<sup>37</sup>.

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<sup>32</sup> Zhang, Xue & Warner, Mildred & Firestone, Stephanie. (2019). Overcoming Barriers to Livability for All Ages: Inclusivity Is the Key. *Urban Planning*, 4. 31.10.17645/up.v4i2.1892

<sup>33</sup> Vidovičová, L., Alisch, M., Kümpers, S., Perek-Białas, J. (2021). Ageing and Caring in Rural Environments: Cross-National Insights from Central Europe. In: Walsh, K., Scharf, T., Van Regenmortel, S., Wanka, A. (eds) *Social Exclusion in Later Life. International Perspectives on Aging*, vol 28. Springer, Cham. [https://doi.org/10.1007/978-3-030-51406-8\\_17](https://doi.org/10.1007/978-3-030-51406-8_17)

<sup>34</sup> FRA [Focus- Shifting perceptions: towards a rights-based approach to ageing \(2018\)](#);

<sup>35</sup> AGE Platform Europe, "[Older people also suffer because of the crisis](#)" (2012)

<sup>36</sup> [https://energy.ec.europa.eu/topics/markets-and-consumers/energy-consumer-rights/energy-poverty\\_en](https://energy.ec.europa.eu/topics/markets-and-consumers/energy-consumer-rights/energy-poverty_en)

<sup>37</sup> Andersen, J., Bilfeldt, A., Mahler, M., Sigbrand, L. (2021). How Can Urban Design and Architecture Support Spatial Inclusion for Nursing Home Residents?. In: Walsh, K., Scharf, T., Van Regenmortel, S., Wanka, A. (eds) *Social Exclusion in Later Life. International Perspectives on Aging*, vol 28. Springer, Cham. [https://doi.org/10.1007/978-3-030-51406-8\\_31](https://doi.org/10.1007/978-3-030-51406-8_31)

Ball, M. S., & Lawler, K. (2016). Changing practice and policy to move to scale: a framework for age-friendly communities across the United States. In Fitzgerald, K.G., & Caro, F.G. (Eds.). (2015). *International Perspectives on Age-Friendly Cities* (1st ed.). Routledge. <https://doi.org/10.4324/9781315866772>

- The rapid increase of digitalisation in all areas of daily life has a strong impact on accessibility to essential services (public or private), including healthcare services (for example: online interface to make an appointment), public transport (for example: application on a smartphone needed to buy a ticket), banking and financial services (for example: banks closing their desks and moving all their activities online). As stated by the Fundamental Rights Agency in its report (2023)<sup>38</sup>: “National legislation and policies do not always acknowledge the risk of exclusion from digitalised public services. They do not adequately address barriers to using digital services, such as insufficient coverage, costs of internet and devices, lack of skills and external support”.

## Data and research

3. What data, statistics and research are available at the national level regarding older persons’ rights to accessibility, infrastructure and habitat (public transport, housing and access)?

The European database, Eurostat, covers lots of issues, but not necessarily from a rights angle. At UNECE level, we can also find the Active Ageing Index<sup>39</sup> which covers independent living and the use of ICT, again more from a socio-economic perspective than from a rights angle.

Still, it is important to underline that the heterogeneity of older people is not well represented, for instance having data regarding the situation of older people with disabilities is almost impossible. Likewise, in some areas, the data are poor and tend to overlook people over 75<sup>40</sup>.

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Buffel, T., McGarry, P., Phillipson, C., De Donder, L., Dury, S., De Witte, N., Smetcoren, A. S., & Verté, D. (2014). Developing age-friendly cities: case studies from Brussels and Manchester and implications for policy and practice. *Journal of aging & social policy*, 26(1-2): 52–72. <https://doi.org/10.1080/08959420.2014.855043>  
Buffel, T., & Phillipson, C. (2024). *Ageing in Place in Urban Environments: Critical Perspectives* (1<sup>st</sup> ed.). Routledge. <https://doi.org/10.4324/9781003229322>

Chao, Tzuyuan. (2020). *Planning for Greying Cities*.

[https://www.researchgate.net/publication/341656850\\_Planning\\_for\\_Greying\\_Cities](https://www.researchgate.net/publication/341656850_Planning_for_Greying_Cities)

<sup>38</sup> <https://fra.europa.eu/en/publication/2023/older-people-digital-rights>

<sup>39</sup> <https://unece.org/population/active-ageing-index>

<sup>40</sup> See above FRA report (2023)



## Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access) ?

The lack of a legal framework at EU level covering age discrimination is an important barrier to accessing justice in case of denial of older people's right in all areas, including accessibility, transport and habitat. Older people count among the groups that are the least aware of their rights under the EU Charter of Fundamental Rights and the available redress mechanisms<sup>41</sup>. They are also the least likely to complain in case of violation of their human rights. Under-reporting is related to the fact that older victims are less likely to know their rights and how to file a complaint. Measures aiming to address systemic ageism and dedicated budget are needed, as well as support for individuals and representative organisations to increase rights awareness, legal literacy and access redress.

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<sup>41</sup> Special Eurobarometer 487b, 2019, <https://op.europa.eu/en/publication-detail/-/publication/096795a7-8d89-11e9-9369-01aa75ed71a1>

## About AGE Platform Europe

AGE Platform Europe is the largest European network of non-profit organizations of and for older people. We elevate older people's voice, bringing their experience and aspirations to the table to celebrate ageing and fight for equality at all ages.

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