

Submission on the right to accessibility, infrastructure and habitat

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1. Legal and policy frameworks

Accessibility is an important condition to build barrier-free, inclusive societies where older persons in all their diversity can live independently and participate fully in all aspects of life.¹ In practice, however, limited accessibility of their environments severely limits older persons' inclusion. Older persons report that long distances from parking lots and waiting in long queues prevent them from going out on their own, while others mention the lack of seating areas in public places, inaccessible sidewalks and roads in poor condition as a barrier. Many older persons depend on public transport to get around, but this often remains inaccessible, unaffordable or unavailable due to high steps, little time to find a seat, or lack of accessibility for wheelchair users.²

Older persons are even more at risk of being left behind due to limited accessibility of assistance, services, and information in situations of conflict and humanitarian crisis.³ In a recent survey in Ukraine, 22 % of persons over 70 reported low mobility and the lack of accessibility to reach services as the primary obstacle to access medical care, medicines and assistive products. Lack of air raid shelters or accessible shelter was also cited by 20 % of the survey participants as a concern. In addition, lack of distribution of information about assistance via multiple mediums and in a variety of accessible formats poses a particular challenge for older persons.⁴

Article 9 of the UN Convention on the Rights of Persons with Disabilities (CRPD) provides the right to accessibility, including housing, transportation, information and communication, and public facilities and services. Nevertheless, the CRPD does not single out the challenges faced by older persons at the intersection between

¹ Rights of older persons with disabilities, Report of the Special Rapporteur on the rights of persons with disabilities, 2019, UN Doc. A/74/186, para. 55.

² HelpAge International, Including us: What older people say about the barriers they face to social inclusion, London, HelpAge International, 2023, <https://www.helpage.org/resource/including-us-report/>. Also see HelpAge International, Ageing and the city: making urban spaces work for older people, London, HelpAge International, 2016, <https://www.helpage.org/silo/files/ageing-and-the-city-making-urban-spaces-work-for-older-people.pdf>

³ Age International and HelpAge International, If not now, when? Keeping promises to older people affected by humanitarian crises, 2020, HelpAge International, <https://www.helpage.org/what-we-do/humanitarian-action/if-not-now-when/>. Also see Amnesty International, They live in the dark: Older people's isolation and inadequate access to housing amid Russia's invasion of Ukraine, 2023, London, Amnesty International, <https://www.amnesty.org/en/documents/eur50/7385/2023/en/>.

⁴ HelpAge International, "I've lost the life I knew": Older people's experiences of the Ukraine war and their inclusion in the humanitarian response", London, HelpAge International, 2023, <https://www.helpage.org/silo/files/ive-lost-the-life-i-knewolder-peoples-experiences-of-the-ukraine-warreport.pdf>

age and disability.⁵ Existing regional provisions, such as Article 26 of the Inter-American Convention on Protecting the Human Rights of Older Persons, are limited in geographical scope, while others, such as Article 18 of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa, offers less protection than the CRPD as it applies only to infrastructure (buildings and public transport) and accorded seating priority. The EU 2019 Accessibility Act⁶ requires the accessibility of certain products and services, but it does not include health care services, education, transport, housing and household appliances. In addition, Member States can decide themselves what the requirements are for accessibility of the built environment related to services covered by the Act.⁷

A dedicated international legally binding instrument (a new UN Convention) on the rights of older persons is therefore needed to fully recognise and protect older persons' right to accessibility on an equal basis with others. It would clarify States' obligations to, for example, take appropriate measures to ensure older persons' access to the physical environment, transportation, information and communications, and to other public facilities in services both in urban and rural areas. Like the CRPD, it would also clarify that the right to accessibility means that denial of reasonable accommodation is a form of discrimination, and clearly recognise that it applies to older persons with disabilities as well.

2. Data and research

One of the key challenges in protecting the rights of older persons to accessibility, infrastructure and habitat is a lack of data about experiences of older persons in the context of accessibility. Generally, data on older persons is often not collected within official statistics at local, national or global levels. Even where data is collected on older age groups, it is rarely adequately disaggregated. Systems often fail to collect, analyse, report and use sufficiently disaggregated data for capturing the diversity of older persons and understanding inequalities in access and outcomes to inform system and service design.⁸

In humanitarian emergency contexts, aid agencies are often failing to collect or analyse data on older people, further limiting their ability to understand older people's specific needs.⁹

3. Equality and non-discrimination

To guarantee the human rights of older persons, national and local governments must adopt and implement non-discriminatory, inclusive legislation, inter-sectoral policies and emergency preparedness and response plans. Participatory mechanisms must be established to support older persons to use their voice and communicate their needs to make their urban environments more age friendly. These measures should also take into account the diversity of people's experiences in older age.

⁵ Rights of older persons with disabilities, Report of the Special Rapporteur on the rights of persons with disabilities, 2019, UN Doc. A/74/186, para. 12.

⁶ Directive 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

⁷ Age Platform Europe, "The European Accessibility Act published in EU Official Journal", 4 July 2019.

⁸ HelpAge International, How data systems leave older people behind, 2017, London, <https://www.helpage.org/silo/files/how-data-systems-leave-older-people-behind.pdf>.

⁹ Age International and HelpAge International, If not now, when?

4. Remedies and redress

While older persons should have the right to access effective dispute resolution and complaint mechanisms, they often face difficulties in accessing justice.¹⁰

Although the Humanitarian Inclusion Standard 5 sets standards for older persons and persons with disabilities to access their rights, 69 % of older persons that we interviewed said that they did not know how to provide their opinion or make a complaint about the services provided, compounding their difficulties outlined above.¹¹

For more information

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¹⁰ HelpAge International, Freedom to decide for ourselves: What older people say about their rights to autonomy and independence, long-term care and palliative care, London, HelpAge International, 2018, <https://www.helpage.org/silo/files/freedom-to-decide-for-ourselves.pdf>.

¹¹ Age International and HelpAge International, If not now, when?