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SIXTH SESSION OF UN OPEN-ENDED WORKING GROUP ON AGEING

Statement by AGE Platform Europe

on recent legislative and legal developments and challenges in the human rights of older persons

As the representative organisation of older people across the European Union (EU), AGE Platform Europe strongly welcomes the remarks made by the European Commission (EC) and we particularly welcome the acknowledgement that the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) across the EU is not perfect, which showcases that the concerns of older people are heard by the EC.

Indeed, whereas AGE acknowledges that a majority of older people that face functional limitations in their everyday lives could be covered by the CRPD and that to date we have not adequately exploited this treaty to address the human rights challenges of older people with disabilities, firstly, older people also suffer from challenges that are unrelated to disability, such as ageism, and secondly little has been done so far at the international, European and national level to promote and monitor the application of this convention to older persons.

In fact older people often fall in between the cracks of disability and ageing policies: they are not consulted on the application of the CRPD and many Member States interpret their obligations under the convention in a narrow way, creating a divide between those persons who are assisted because of a specific impairment and those who face similar limitations in their daily activities due to multi-morbidity, old age muscle loss (sarcopenia) and increasing difficulties to cope with daily activities in old age. Thanks to input from our members we know that discriminatory disability policies continue to be tolerated across the EU. For example:

- In France people over the age of 60 are entitled to less generous disability allowances and care packages than younger persons with disabilities.
- In Belgium persons who are diagnosed with a disabling condition after the age of 65 are not entitled to the disability support that younger persons diagnosed with the same condition enjoy.
- In Greece older people who receive an old-age pension are not eligible for the full disability allowance, even if their condition amounts to a “full disability” under national law.

To date the CRPD Committee has only marginally addressed the specific situation of older persons. For example, it has not included in its concluding observations reference to the exclusion of older people from personal assistance schemes in the countries under its review.

We would thus like to ask the EC representative how concretely they intend to improve the implementation of this convention for older people and what role they see for this OEWG to address some of the pending questions raised in the EU presentation.



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AGE would like to see the EU steering an improved application of the CRPD – both as signatory of the convention but also in order to comply with its obligation under the Charter of Fundamental Rights to promote the rights of the elderly - by addressing the discriminatory practices against older persons with disabilities and increasing awareness of the relevance of the CRPD for this age group. The EU should provide guidelines to Member States on how the convention should apply equally to all regardless of age, include a disability rights perspective in all ageing policies, in particular in its work on social protection and long-term care. In addition, both the EU and national authorities should ensure the involvement of older persons with disabilities in the implementation of the convention and the High-level group on disability, which is not currently the case.

In addition, we feel that this OEWG could further enhance the protection of older people under this treaty by:

- Asking the CRPD Committee and the Special Rapporteur on disability to consult older persons' organisations and include an older age perspective in their work;
- Organise a panel discussion/ expert workshop on the specific challenges that older people face in benefiting from equal protection under the CRPD in view of improving its implementation for this group and identifying the remaining gaps.

Moreover, we look forward to the Independent Expert's report on care and autonomy, which hopefully will highlight the discrepancies in the application of disability rights to older people and how far the existing standards reflect the reality of older people with disabilities.

Proclaiming that the CRPD applies to older people is not enough. Concrete action is needed at EU, Member States and UN level. At the same time we should remind ourselves that not all the challenges that older people face are covered by the CRPD, as for example the prevailing ageism and age discrimination, lack of adequate income in old age and end of life care.

This is why for AGE it is important to improve the implementation of existing instruments, such as the CRPD, while at the same time fill the remaining gaps through the adoption of new instrument that would complement the existing standards.

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