



Implementation of the UN CRPD with regard to older persons

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Overview

The EU as a Party to the UNCRPD

What is the UNCRPD relevance for older persons?

Examples of implementation actions under the CRPD with particular relevance for older persons

Further EU action for promoting the Human Rights of older persons



The EU as a Party to the UNCRPD

30 March 2007 signed; 23 December 2010 concluded

25 out of 28 EU Member States have also ratified

EU is only “regional integration organisation” Party to UNCRPD

UNCRPD is for EU the first international Human Rights Treaty to which it is a party

first EU Report on implementation of the UN CRPD, submitted in May 2014, examined in August 2015

UNCRPD relevance for older persons

Strong correlation between age and disability

- age 55-64: 32 %
- age 65-74: 44 %
- age 75-84: 60 %
- age 85+: 70 %

Or: age 16-64: 18 % above 64: 54 %

In EU the majority of persons covered by the UNCRPD are older persons and the majority of persons over 64 are covered by the UNCRPD.

In the UNCRPD implementation

How are older persons taken into account ?

Are relevant older persons stakeholder organisations sufficiently interested?

Is old age related disability recognized?

Is it OK when disability support is granted only up to a certain age limit?

Relevant examples

In the 2014 EU implementation report

European Disability Strategy 2010-2020:
to implement the UNCRPD;

to empower people with disabilities so that they can fully enjoy their rights and participate in society and in the economy **on an equal basis with others,** in a barrier-free Europe.

European Disability Strategy 2010-2020:

Eight priority areas:

accessibility,
participation,
equality,
employment,
education and training,
social protection,
health,
external action.

Accessibility

Article 9: Accessibility and Article 21: Freedom of expression and opinion, access to information

The EU promotes accessibility through various instruments: standardisation, consumer protection measures, use of EU funds like the Structural and Investment Funds, public procurement (see new 2014 EU Directives on public procurement).

Working on a European Accessibility Act.

Accessibility

Very big **overlap** between “**age friendliness**” and the work done on **accessibility** of the physical environment, transport and ICT in implementing the UN CRPD.

Employment

Article 27: Work and employment

EU: promoting the employment of people with disabilities in the open labour market.

Employment gaps for people with disabilities and older people, both more than 20%.

2014 revised General Block Exemption Regulation.
Employment Equality Directive (2000/78): prohibits discrimination on grounds of religion or belief, disability, age, sexual orientation, in employment.

Employment

Reasonable accommodation is any modification or adjustment to a job, an employment practice or the work environment to enable a person with a disability to enjoy **equal** employment opportunity, without **disproportionate** burden on the employer. Applies to all areas of employment/work conditions.

Reasonable accommodation applies to persons on a case-by-case basis; different from principle of accessibility which is applied to everyone, for instance with regard to ease of entry into buildings.

Justice

Article 13: Access to justice

- Victims' Rights** Directive (2012/29): persons with disabilities benefit from rights on equal basis with others, for instance by accessibility.
- Commission Recommendation 2013/C 378/02 on **procedural safeguards for vulnerable people suspected or accused** in criminal proceedings.
- Directive 2011/99 on European **protection** order.
- Regulation 606/2013 on **mutual recognition of protection measures in civil matters**.

(Anti-discrimination legislation in EU Member States)

Of main grounds of discrimination in existing national anti-discrimination legislation **in the EU Member States**, outside the area of employment, the ground most protected is disability, followed by religion and sexual orientation, and **age** comes last.

2008 **proposal** for an Equal Treatment Directive:

would provide protection against discrimination on the ground of disability and age in the areas of access to and supply of goods and services, including housing, social protection (including social security and healthcare) and education.

Living independently

Article 19: Living independently and being included in the community

Promote use EU Structural Funds to assist Member States in transition from institutional to community-based services and to raise awareness of situation of people with disabilities in residential institutions, in particular children and elderly people.

2014-2020 regulatory framework for EU Funds: provisions and ex-ante conditionality criteria to promote equality, non-discrimination, social inclusion and accessibility for persons with disabilities.

Mobility

Article 20: Personal mobility

EU has legislation to improve **accessibility of vehicles** (and of **infrastructure** in the case of rail transport) for persons with disabilities, in: Rail transport; Waterborne transport (passenger ships) and Road transport (bus and coach).

The EU has **passenger rights legislation covering non-discriminatory access**, accessible information and provisions on assistance — free of additional cost — to persons with disabilities to allow them to use transport on an equal footing with other passengers: Air transport; Rail transport; Waterborne transport (passenger ships) and Road transport (bus and coach).

Other key articles

Article 6: Women with disabilities

Article 8: Awareness-raising

Article 23: Respect for home and the family

Article 24: Education

Article 25: Health

ENNHRI Older Persons and Long-term Care Project

ENNHRI=European Network of National Human Rights Institutions
Project to improve the human rights protection of older persons in long-term care, mainly in residential care. March 2015-June 2017.

- a) Introduce **human rights standards** and a human rights based approach to long-term care of older persons;
- b) Increase **awareness** of the human rights of older persons living in or seeking access to long-term care in Europe, particularly in relation to residential care; and
- c) Develop or strengthen the capacity of NHRIs to **monitor** and **support** human rights based policies in this area.



Useful web links

United Nations Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/>

Madrid International Plan of Action on Ageing

http://www.un.org/en/events/pastevents/pdfs/Madrid_plan.pdf

EU Report on the implementation of the UNCRPD

http://ec.europa.eu/justice/discrimination/files/swd_2014_182_en.pdf

EU Charter of Fundamental Rights: [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:en:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:en:PDF)

Council of Europe Recommendation on the Promotion of Human Rights of Older Persons

<https://wcd.coe.int/ViewDoc.jsp?id=2162283&>

Employment Equality Directive (2000/78/EC): [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML)

Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, COM(2008) 426 final, 2.7.2008, at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT>