



24th July 2018

**Statement on autonomy and independence
for the 9th Session of UN OEWG on Ageing
by AGE Platform Europe**

Madam Chair, dear panellists,

Across Europe, whereas several regional policies and national legislation refer to the autonomy and independence of older persons, there is no comprehensive and consistent definition that applies in all spheres of life, and without limitations. The representative of the European Union mentioned this morning article 25 of the European Charter of Fundamental Rights, which recognises the right for older persons to enjoy independent lives; however, the European Union has not adopted any specific policy action targeting the enjoyment of rights by older persons', unlike for other vulnerable groups, such as women, persons with disabilities, children or LGBTI individuals. Neither has the EU addressed the situations faced specifically by older persons in the implementation of the Convention of the Rights of Persons with Disabilities (CRPD) despite being bound by it.

Across Europe, references to autonomy and independence of older persons are scarce, and they are often limited to situations of ill-health and impairment. In addition, in practice there is rarely adequate support for older people to live independently. We believe that this is a consequence of the lack of legal impetus for the European Union and member states to address older persons' rights to autonomy and independence on an equal basis with others.

Madam Chair,

Autonomy is not an issue only for older persons with disabilities: as the IE rightly said this morning, age does not equate to disability, and structural ageism – deeply rooted prejudice against older persons – acts as a real obstacle to autonomy and self-determination in old age. We observe widespread and unjustified age limits in access to education, employment and training opportunities, for instance, which in turn affect older persons' financial independence and limit their full participation in society on an equal basis with



others. Most international and regional standards allow for restrictions to autonomy and only recognize independent living “for as long as possible”, which contrasts sharply with the unlimited and universal right to independent living that applies to persons with disabilities thanks to the CRPD.

Madam Chair,

The persistence of ageism and age discrimination in societies leads to approaches that prioritize protection, best interests and safety over autonomy and independence, and consider limitations as necessary. Older persons are presumed as unable to decide, they are rarely consulted or their wills and preferences are devalued and ignored. An older person quoted in the European Quality Framework for long-term care services declared: *“I am afraid my daughters will decide suddenly to send me to a residential care home without talking about it to me beforehand. I like living alone and I would prefer to stay at home if possible.”* This illustrates the recurrent lack of self-determination and informed consent regarding care and support, and there are many other examples in other areas: restrictive practices, including denial of legal capacity, guardianship, rudimentary or abusive care practices; the lack of supported decision-making systems; or the lack of accessible environments, among many others.

Madam Chair,

A paradigm shift to allow older persons to enjoy autonomy and independence involves enlarging our understanding of participation in old age so that it encompasses all aspects of life from work, volunteering and lifelong learning to care and support. Autonomy and independence are not just about keeping people safe at home or in nursing care, but about providing older individuals with the support necessary to live according to their wills and preferences on an equal basis with others and in all areas of their lives. And I stress the term individuals: we heard about the role of families; but we should not ignore that there is a potential conflict between what is best for the family, or their ideas about safety or about what is ‘best’ for the older person, and what is the wish of the older person her/himself. Enjoying autonomy and independence in old age involves that older persons themselves are the rights-holders.

As noted by the representative of the Global Alliance of National Human Rights Institutions this morning, there is a discrepancy of standards among regions. At European level we don't even have binding standards. This is a situation of fragmentation and inequality that we need this group to address.

Thank you.