



UNITED NATIONS
HUMAN RIGHTS
Europe Regional Office



Building Back Better: Lessons for the protection of the human rights of older persons with disabilities in the European Union

Policy webinar, 20 October 2020

Outcome report

This report summarises the main take-away points of a policy webinar on lessons learnt from the pandemic on the protection of the human rights of older persons with disabilities in the European Union, held by the UN Human Rights Regional Office for Europe, AGE Platform Europe and the European Disability Forum on 20 October 2020.

The two-hour webinar gathered a small number of key stakeholders, including the United Nations Independent Expert on the enjoyment of all human rights by older persons and representatives of EU institutions, Member States and important civil society and human rights actors in the region. The event highlighted gaps in human rights protection exposed by Covid-19, and helped identify recommendations to close those gaps and build back better. The meeting was held under Chatham House rules.

Change the narrative

Older persons with disabilities are often considered objects of care that are a 'burden' to society. This is rooted in the fact that they are often subjected to both ageism and ableism and the inequalities and discrimination that they face are often considered 'natural' and justifiable. The pandemic – with its devastating and disproportionate effects on older persons with disabilities – has shown that it has become ever more critical to change that narrative. It is essential to recognise that older persons with disabilities are rights-holders contributing to society and that they constitute a heterogeneous and diverse group of people.

The recently adopted EU Council Conclusions on 'human rights, participation and well-being of older persons in the era of digitalisation' is a major step forward for the rights of older persons, which must be capitalised upon. A review of its implementation by the end of the presidency trio may be useful in this regard.

End discrimination

While social inclusion and equality are EU founding values, there is currently no comprehensive legislation at EU level that prohibits discrimination based on age and disability outside of employment and vocational training. The President of the European Commission, Ursula von der Leyen and the Commissioner on Equality, Helena Dalli, have committed to strengthen the EU framework on discrimination and its implementation during their mandate, including through the forthcoming EU Disability Rights Strategy, but there is currently no specific strategy for the rights of older persons at EU level. While the Green Paper on Ageing is a welcome initiative, there were suggestions for it to be followed by a White Paper, and eventually legislative measures which would deliver more concrete

protection to the rights of older people. The need to consistently carry out equality impact assessments was also mentioned.

The participants also called on the EU and Member States to support the development of a new international instrument to strengthen the protection of the human rights of older persons.

Break down silos

There is a clear fragmentation in laws, policies and practices relating to the rights of older persons and persons with disabilities (and at times persons in residential institutions), leading to gaps in human rights protection for older persons with disabilities. They often find themselves caught between two different support models, hindering access to services and assistance guaranteed to persons with disabilities under the UN Convention on the Rights of Persons with Disabilities. Many participants emphasised the need for an intersectional approach and for harmonising and consolidating policies and practices at EU and national levels. To that end, it was considered essential that due attention be paid to the intersection between age and disability in the forthcoming EU Disability Rights Strategy, the Green Paper on Ageing and the Action Plan of the European Pillar on Social Rights. The Convention on the Rights of Persons with Disabilities underpins the rights of all persons with disabilities, irrespective of age. As such it can help creating synergies and breaking down the existing silos.

A push for community living

Covid-19 has put the spotlight on the inherent weaknesses and risks of institutional care of older persons, and the need to rethink systems of support to older persons with disabilities moving away from the culture of institutionalisation. Implementing everyone's right to live independently and be included in the community, as set out in the Convention on the Rights of Persons with Disabilities, means investing in social protection systems, access to health care and community-based services for older persons with disabilities, including through measures to support ageing in place in accessible home environments, and support for both formal and informal support providers. There is scope for such investments in the Member States with support of EU financial instruments, including through the European Social Fund, the European Regional Development Fund, Covid-19 recovery funds and the Coronavirus Response Investment Initiative (CRII+).

Bridge the digital gap

Covid-19 has exposed older persons with disabilities to stress, isolation and exclusion and made the digital divide even more visible. Measures to close this gap, including by providing access to digital services and training, must be taken urgently to ensure that older persons with disabilities can effectively access health-related information, basic goods and services, break out of their isolation and better protect themselves from online abuse and fraud. The need to ensure access to justice was also mentioned in this regard. The European Accessibility Act will be implemented in national legislation by 2025 but it is essential that relevant sectors take into account the current developments to ensure that older persons with disabilities benefit, also in line with the Council Conclusions on 'human rights, participation and well-being of older persons in the era of digitalisation'.

Everybody counts

At the very core of the Sustainable Development Agenda lies the pledge that all States have made – to leave no one behind and reach out to “the furthest behind first”. However, discussions on Covid-19 measures and recovery tend to exclude older persons with disabilities, who also remain largely invisible in data and statistics. Age limitations in general population surveys and the use of household surveys that exclude people living in care homes and other types of institutions were identified as barriers. Yet, data is essential to deliver effective policies and monitor their implementation. Since the

start of the pandemic, the Fundamental Rights Agency has produced bulletins on fundamental rights implications of Covid-19 on different groups, including persons with disabilities and older persons.

Urgent action

As the pandemic continues, it is vital that urgent measures are taken to protect older persons with disabilities. Discrimination on the basis of disability and age in the triage process and confinement must end right now. Measures must also be taken to ensure that older persons with disabilities continue to have access to general health care and to community-based support and social services. Reports of abuse, including fraud and financial abuse, of older persons with disabilities are worrying and must be acted upon. It is also essential that older persons with disabilities, formal and informal caregivers as well as support networks are prioritised in vaccination schemes and other efforts to curb the virus.