

AGE Platform Europe response to Progress study CRPD – European Disability Strategy - JUST/2012/DISC/PR/0072/A4

Discussion points

1. Your organisation's interest in the UNCRPD and the role of the European Union

1.1 Can you say something about your organisations aims & priorities and your particular interests in UNCRPD and the European Disability Strategy?

AGE Platform Europe (AGE) is a network of more than 165 organisations of and for older people, representing directly more than 30 million older people and aiming to promote older persons' rights and create a society for all ages. AGE appreciates the opportunity to give input for the EC report on the application of the UNCRPD by the EU, not only because it is in line with the UNCRPD call for the direct involvement of organizations of persons with disabilities in its monitoring and implementation, but also to ensure that older persons with disabilities do not fall in protection gaps in UNCRPD implementation, as well as to build links with the ongoing discussions at the UN level about a new instrument on the rights of older persons.

According to the EU Disability Strategy, *'over a third of people aged over 75 have disabilities that restrict them to some extent, and over 20 % are considerably restricted. Furthermore, these numbers are set to rise as the EU's population ages'*. In a letter addressed to AGE regarding our call for the establishment of an EU-level multi-stakeholder dialogue group on the rights of older persons, Vice-President Reding has mentioned that *"Given that the vulnerability of older persons to violation of their rights is often linked to disability that comes with ageing, the UNCRPD provides protection to the most vulnerable older people"*. Besides, the UNCRPD Committee has affirmed in a letter sent to the Council of Europe Drafting Group on the rights of older persons¹ that the majority of older persons are considered as persons with disabilities for the purposes of the Convention, while the majority of persons with disabilities are in fact older persons.

Indeed, although not all older persons are persons with disabilities, awareness of ageing demographics was one of the themes used to argue in favour of the CRPD in the sense that many – if not all of us- acquire impairments as we age. Therefore the views of older persons who meet the criteria of being considered as persons with disabilities under the terms of the CRPD should be included in relevant consultations at EU and national level. AGE Platform Europe, as an organization which advocates also on behalf of its members who can be considered as persons with disabilities, has an important role to play in the process of the EU reporting.

¹ See here under agenda for 4th meeting
http://www.coe.int/t/dghl/standardsetting/hrpolicy/Other_Committees/CDDH-AGE/default_en.asp

2. The European Union's approach to implementing the UNCRPD (covering Articles 1-4, Articles 31, 33)

2.1 Are you aware of the EU's Declaration of Competences to the UN, declaring for which matters it has competence, alongside the competences of the individual EU Member States? Are you familiar with the European Union's approach to implementing the UNCRPD? For example:

- How it has involved/is involving disabled people's organisations in implementation
- How it ensures that the UNCRPD is taken into account when developing new policies
- How it collects data on important UNCRPD issues
- Please feel free to comment on any of the aspects above, including both possible strengths and weaknesses. Any practical suggestions?

While AGE is aware of EU's competences and the list of actions foreseen to implement the UNCRPD, we have so far only been consulted with regard to issues of accessibility, in particular the awaited Accessibility Act. We would welcome a wider involvement on issues like non-discrimination, social protection, health and long-term care, employment and education, participation as well as awareness raising, which is critical for the effective application of the UNCRPD to the ageing population, especially since many older persons who are suffering from disabilities do not identify themselves as persons with disabilities but as ageing persons. The term "person with disability" but also related legislation and policies often refer in a rather narrow way to persons who have or are eligible to a "disability card". We would therefore appreciate common action aiming to clarify how the UNCRPD applies to older persons with disabilities and/or limitations in their daily activities.

2.2 Are you aware of the 'governance arrangements' at the EU level under Article 33 of the UNCRPD (focal point, coordinating mechanism, monitoring framework etc)? Do you have any reflections on these arrangements? How do you see their complementarity to the 'governance arrangements' made at the level of the Member States?

AGE is aware of the governance arrangements and welcomes the multi-stakeholder involvement in the process and the important role of civil society.

The EU has a central role to play in coordinating the implementation of the UNCRPD by the different levels: EU, national, regional, local. In such a capacity the EU should pay due attention to the intersection of age and disability and ensure that age-related disabilities/limitations are equally addressed in legislation, policies and implementation measures. By not specifically addressing how the UNCRPD applies to age-related disabilities we risk giving the impression that practices that the UNCRPD has rejected can be retained when it comes to older persons, as the debate around autonomy and care when negotiating the Council of Europe Recommendation on the promotion of the rights of older persons has demonstrated. This is why the UNCRPD implementation at EU and national level should not be age-blind. This can be done through monitoring, data gathering and analysis and awareness raising. The EU should aim to promote good practices to tackle old-age

disabilities/limitations and discrimination based on age and disability in the Disability High Level Group and the Annual Work Forum. Older persons with disabilities should have a voice in all processes and consultations that concern them.

3. Articles of the CRPD/areas of the European Disability Strategy of specific interest. What articles of the CRPD and what areas / actions of the European Disability Strategy are particularly important for the work and mission of your organisation?

3.1 Are you aware of developments at EU level in recent years that are linked to the European Union's approach to those issues/Articles?

3.2 What are your views on the laws, policies or programmes adopted by the EU with respect to this/these issue(s)?

3.4 Are there any implementation gaps between law and policy on the one hand and practice on the other that you would like to specify?

3.5 What are the most significant gaps in law, policy, programmes and practice that you would like to see tackled by the EU in future, in particular in the review of the Strategy and the new list of actions after 2015?

For AGE, although the UNCRPD does not include a specific provision on older persons, like it does with women and children, its implementation should take due account of the intersection of age and disability clarifying how it applies to the following 3 categories of older persons:

- Persons with disabilities as they age
- Older persons who acquire age-related disabilities
- Older people who may not experience disabilities but are discriminated by others due to perceptions that they face disabilities due to their age

Whereas AGE's work is transversal, we can identify the following topics as being particularly relevant for our work.

- Equality (Article 5)
- Awareness raising (Article 8)
- Accessibility (Article 9)
- Violence, exploitation and abuse (Article 16)
- Participation (Article 19, Article 18, Article 30)
- Employment (Article 27)
- Education & training (Article 24)
- Social protection (Article 28)
- Health (Article 25)
- Statistics and data collection (Article 31)
- Funding and grant-making (Article 4) including in particular structural funds, promoting accessibility through procurement

In the field of equality AGE follows the implementation of the Employment Framework Directive and has contributed to the EC's report. We also work together with other non-discrimination networks to unblock the horizontal non-discrimination directive. We hope that

the obligations that the EU has undertaken with the UNCRPD will allow to progress towards the adoption of the Directive in order to attain equality in all areas of life. Further action is needed to ensure that the internal market is in compliance with the UNCRPD standards, in particular in terms of accessing financial services, accessibility and consumer protection.

AGE has been working extensively on accessibility together with other European organisations. We have contributed to the Consultation on the Accessibility Act and the e- and web accessibility directive. We welcome action in this area and we have high hopes for the pending Accessibility Act, which is important not only to improve the functioning of the internal market but also to enhance consumers' access to accessible products and services. We would like to see action in this area building synergies with EU initiatives to support the creation of age-friendly environments, as promoted also through the European Innovation Partnership on Active and Healthy Ageing. We also wish to stress the importance of the work on 'Design for All' developed in the field of Standardisation. In the field of transport we regret that the Commission has still not set up a forum on passengers rights in urban public transport as foreseen in the Action Plan on Urban Mobility, which would act as a body able to ensure a structured dialogue, collect the voices of the huge variety of travellers throughout Europe and to play an important role in supporting the harmonized implementation of EU policy and legislative work. Such a platform could also identify areas where there might be a need for additional research (policy or technical), standards, indicators, statistics and projects. We also wish to improve accessibility and strengthen the rights of persons with reduced mobility across all transport modes.

In the field of health (Article 25), long-term care (Article 19) and freedom from violence and abuse (Article 16) AGE wishes to underline not only the need to ensure access to adequate and appropriate support services, but also to promote quality of care. In partnership with European stakeholders under the auspices of an EU funding, AGE has developed a [European Quality Framework for Long-term Care Services](#) based on [the Charter of rights and responsibilities of older people in need of care and assistance developed with the support of the DAPHNE programme](#). Implementation measures should be informed by this work and aim to tackle health inequalities and fight elder abuse, an unacceptable violation of older persons' right to live and die in dignity. Structural Funds should be used to ensure access to quality services and put rights in effect.

Regarding employment, EU action should take stock of the accomplishments of the European Year 2012 on Active Ageing and Solidarity between Generations. As long as there is a tendency to extend working lives, working conditions and environments should be tailored to the needs of an ageing population, which may be suffering from disabilities. Reasonable accommodation, accessibility, opportunities for life-long learning and the development of eSkills are central to the achievement of the EU2020 objectives and the UNCRPD implementation. Older persons with disabilities are particularly vulnerable to poverty and social exclusion and the EU should take into account the particularities of ageing with a disability, especially in the current economic context, when it applies Article 28.

AGE is represented in the Academic Network of Experts on Disability (ANED) by Ms. Heidrun Mollenkopf and monitors the development of EU official data in this field taking due account of the intersection with age. We are also working closely with the FRA and we follow the relevant FRA reports. AGE believes that data collection and analysis are crucial elements of the monitoring of the UNCRPD implementation and we think that data on disability should not

only be based on medical notions of disability, but reflect the reality and perceptions of living with a disability/limitation. Besides, data and their analysis should be age and gender sensitive to reflect issues of multiple discrimination.

4. Any other comments

- 4.1 Within the scope of EU competence, are there areas where you believe that the EU in its Disability Strategy should focus more strongly?
- 4.2 Any practical suggestions for strengthening the UNCRPD implementation at the EU level?
- 4.3 Is there anything else that you would like to be fed back to the European Commission?

The EU should issue specific guidelines to the various EU services clarifying action that should be taken by the different DGs of the Commission and the EU agencies to put the UNCRPD in effect. In our experience, the practical implications of applying the UNCRPD obligations in sectors like financial services, tourism and other areas of the internal market are not always obvious by the relevant stakeholders. Concrete guidelines and a strengthened collaboration in the internal action of the EU would be of a real added value.

With regard to the future Disability Strategy, we would like to see what the EU plans to do in concrete terms to ensure that the UNCRPD applies equally to persons with disabilities of all ages, taking due account of the issues we discussed above in our answer. Only by specifically addressing how the UNCRPD should be implemented in the case of older persons with disabilities/limitations, who are not considered *stricto sensu* as persons with disabilities, will the EU really meet the expectations pronounced in the Disability Strategy and the statement of Vice-President Reding about the UNCRPD providing protection to older people (see above).

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