

04 December 2024 / 08:30-09:30 / European Parliament, Culina Mundi (ASP 1E)

EP Disability Rights Week: Ageism, ableism and legal capacity

An exchange with the UN Independent Expert on the Enjoyment of All Human Rights by Older Persons

Hosted by Katrin Langensiepen, MEP

Ms Katrin Langensiepen, the UN Independent Expert on the Human Rights of Older Persons and AGE Platform Europe organised an informal exchange in the European Parliament during the EP's Disability Rights Week. The week was an opportunity to reflect on the intersection of ageism and ableism, as well as highlighting the recent reports of the Independent Expert.

Member of the European Parliament, Ms Langensiepen, opened the event by emphasising the commonalities of challenges between older persons and persons with disabilities, such as in terms of accessible environments.

'Both persons with disabilities and older persons are made invisible', said Ms **Claudia Mahler, United Nations Independent Expert on the Human Rights of Older Persons**. She highlighted her future report on older persons in armed conflict and on older persons and social security. In her last report, about decision-making, she found that supported decision-making services and other support services might become unavailable after a certain age. However, it is a fundamental aspiration that all people can speak for themselves.

Nena Georgantzi, Policy Manager on Human Rights at AGE Platform Europe, added that it was important to AGE to co-organise an event during the EP's disability week. The disability community is composed to a large part of older persons. The Convention on the Rights of Persons with Disabilities was drafted with ageing in mind, but it has not been implemented as such. The EU's Disability Strategy could better include ageing, mentioning older persons with disabilities, combination of disabilities, or persons who have acquired a disability only in older age. Some forms of disabilities, such as visual disabilities, have not been

included and give sometimes room for misinterpretation: they are seen as signs of cognitive decline and can be used to remove people's rights.

Ms Georgantzi insisted that there sometimes are simple barriers – such as only be able to access a service via a digital app – which exclude many persons. The incapacity of using such an app can be taken to put people under guardianship, as a Belgian example showed. Older persons are diminished in their decision-making capacity in many different areas. This is why AGE calls for an international convention on the human rights of older persons and an EU Age Equality Strategy, but also for more intersectionality in the EU's other equality strategies.

Marine Uldry Human Rights Policy Coordinator for the European Disability Forum emphasised the importance of maintaining legal capacity of persons with disabilities. [She pointed at EDF's Human Rights Report on legal capacity](#). There are some Member States who are leading important reforms, but others who actually go backwards. Laws still allow for the deprivation of legal capacity because of Dementia and Alzheimer in general, and because of more specific issues. Some Member States have replaced guardianship with supported decision-making, but another challenge is how this is implemented, as often there is a lack of funding. There are good examples of supported decision-making, however, which protect the right to independence of people.

EDF is furthermore concerned about the draft directive on 'protecting adults', which is currently debated in Council. There still is a lot of misunderstanding: protecting adults is not depriving them of their rights! There needs to be more effort from all to collect good practices and exchange with Member States to implement them elsewhere.

In the near future, the implementation of the Convention on the Rights of Persons with Disabilities in the EU will be reviewed, and this will be the occasion to flag remaining harmful practices.

Ms Idoia Mendía, Member of the European Parliament, added that there are new profiles of ageing, and we are latecomers for adapting to them. The majorities in the new European Parliament are more complicated, but the topic matters to many MEPs, and it should be possible to find an agreement for a strategy on age and a more ambitious Disability Strategy

The audience came up with several reflections:

- There is lower attention paid to invisible disabilities, such as memory disorders
- We need to invest more into healthy longevity
- Still, there are too many funds going towards solutions that institutionalise people rather than towards supported decision-making and rights-based approaches to independent living and care.
- There is an invisibilisation that particularly hits ageing women, and which is even stronger for women with disabilities.
- The current non-discrimination acquis is not sufficient and even applied in a discriminatory way: for example, the European Court of Justice sees mandatory retirement as compatible with the Employment Directive, which addresses discrimination based on age and disability in the labour market.
- The lack of follow-up to the Green Paper on Ageing was a deception, but it still is a positive development based on which we can further call for more comprehensive policies.
- Digitalisation brings with it the need to fully implement universal design in new digital apps, but also to avoid that generative artificial intelligence reproduces stereotypes that we want to overcome.
- Digitalisation can be used to make things easier to persons with disabilities, but this can also backfire and create new kinds of exclusion.

Some positive developments include that there are new Commissioners responsible for these issues, namely one on Intergenerational Fairness and the Commissioner on Equality. It is important to remind these Commissioners of the agism and ableism dimensions.

In her closing remarks, **Ms Langensiepen** reminded that it was important that everyone in the European Commission keeps an eye on all these issues, rather than outsourcing all of this to a single Commissioner for window-dressing. The Equality Commissioner needs a team, and support from the administration of the EC.

Additional information:

- [UN Independent Expert report on legal capacity and informed consent](#)
- [UN Independent Expert report on ageism and age discrimination](#)
- [Joint policy paper on lessons for the protection of the human rights of older persons in the European Union](#)
- [EDF Human Rights Report 2024 - Legal capacity: Personal choice and control](#)
- [AGE contribution to the EU disability rights strategy](#)
- [AGE paper on the implementation of the Council recommendation on long-term care](#)



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Transparency Register ID: 16549972091-86