



**Center for the Human Rights of
Users and Survivors of Psychiatry**

Statement in General Debate, 9th Session of the Open Ended Working Group on Ageing

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The topics of this meeting are particularly pertinent to older persons with disabilities, as a marginalized sector of older persons whose autonomy and independence are violated due to both ageism and ableism.

Older persons with cognitive disabilities and older persons with psychosocial disabilities face severe obstacles to their exercise of legal capacity, in particular, substitute decision-making regimes such as guardianship, involuntary internment in mental health facilities, and coercive practices in institutions such as confinement in locked wards and the use of restraints.

Autonomy and independence are linked to the right to legal capacity and the right to live independently and be included in the community. Although these rights are guaranteed in the Convention on the Rights of Persons with Disabilities, they have not been applied consistently to older persons with disabilities either by states parties or by international mechanisms. In many policy instruments, it is assumed that a segment of older persons with disabilities must be cared for in institutions, and that their legal capacity is subject to restriction. This is a gap in conceptualization as well as a gap in implementation, and it is ageism.

We would like to reflect on the split between the theme of autonomy and independence, and that of long-term care. That split is troubling from a disability perspective, since many persons with disabilities rely on long-term supports and services to maintain their autonomy and independence. There is a risk that long-term care will be conceptualized as an arrangement that segregates many older persons with disabilities in institutional settings. The independent living movement in the United States has promoted the terminology 'long-term supports and services' as an alternative, reflecting the auxiliary role of services and affirming the person's capability to actively participate in life through their own choices. Irrespective of terminology, the prospective convention must reject institutionalization and ensure that all long-term supports and services respect the rights, will and preferences of the person, so that older persons with disabilities are not left behind.

Persistent discrimination against older persons with disabilities shows that we need a binding international convention on the rights of older persons. We support the statement by GAROP.

We will make normative recommendations in the thematic portions of this meeting. Thank you.