**Concept Note**

**Virtual side-event at the margins of the 11th Session of the Open-Ended Working Group toward Strengthening the Human Rights of Older Persons**

*Access to Justice at the Intersection of Disability and Older Age:*

*A Moderated Discussion*

**March 30, 2021 8:30AM-9:45AM EST**

**Zoom Link for General Registration:** [**https://zoom.us/meeting/register/tJcrce-gqzorE9EqclN0SwXZc-G9fUZDUZjJ**](https://zoom.us/meeting/register/tJcrce-gqzorE9EqclN0SwXZc-G9fUZDUZjJ)

**Background:**

Access to justice is a basic principle of the rule of law: a guarantee for people to exercise their rights, and hold perpetrators and decision-makers accountable. This is supported by the international legal framework. The International Covenant on Civil and Political Rights articulates the right to recognition everywhere as a person before the law, and to freedom from arbitrary or unlawful interference with privacy and more.

However, both [older persons](https://www.un.org/development/desa/ageing/news/2020/05/covid-19-older-persons/) with or without disabilities, and [persons with disabilities](https://www.un.org/development/desa/disabilities/covid-19.html) regardless of their age - are disproportionately impacted by abuses to their right to access to justice.

For older persons, direct and indirect discrimination in access to justice on the basis of older age remains invisible, and structural barriers go unquestioned. The international human rights framework lacks a comprehensive definition of older persons’ access to justice, or an elaboration of the obligation of States to adopt legislation and policies to guarantee effective access to justice for older persons. As a result, it does not provide adequate support and remedies to for older persons.

For persons with disabilities, the Convention on the Rights of Persons with Disabilities’ Article 13 articulates that all persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability. This was echoed in 2020 report [International Principles and Guidelines on Access to Justice for Persons with Disabilities](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-Justice-EN.pdf) sponsored by the immediate past Special Rapporteur on the Rights of Persons with Disabilities.

**Aim:**

This event will include a dynamic high-level moderated discussion between the two UN experts and an interactive discussion with attendees. Attendees will come away with insights into the barriers to equal access to justice for older people, as well as the intersection of disability and older age in access to justice. 20 minutes will be allotted for questions and dialogue with the discussants from the virtual floor.

UN Experts

The UN Independent Expert (IE) on the Enjoyment of all Human Rights by Older Persons, Ms. Claudia Mahler, has reported on access to justice in her recent report on the [Impact of Covid-19 on the enjoyment of all human rights by older persons.](https://undocs.org/A/75/205)  It shows the need for an independent body or procedure for the protection of the human rights of older persons.

The Special Rapporteur on the Rights of Persons with Disabilities, Mr. Gerard Quinn recently published work on the lessons to be learned from the drafting of the UN disability treaty for a possible UN treaty on the rights of older persons, as well as on autonomy and legal capacity for older persons.  His current research interests include theories of personhood and intersectionality between age and disability, as well as prisoners with disabilities.

This side event will explore barriers to the right of older persons to access to justice, commonalities with the experience of persons with disabilities, and where those experiences may diverge. The main perspective comes from international law, rather than national or regional human rights mechanisms.

**Proposed Agenda**

**Opening Remarks (5 minutes):** Deputy Permanent Representative from the Permanent Mission of Austria to the UN, Mr. Hans Almoslechner

**Moderator** **makes introductions (3 minutes):** Nena Georgantzi, AGE Platform Europe

**Discussants open with first question from Moderator (10 minutes total):**

Claudia Mahler, Independent Expert on the Human Rights of Older Persons

Gerard Quinn, Special Rapporteur on the Rights of Persons with Disabilities

**Moderated dialogue based on advance questions (20 minutes)**

**Open questions and answers from the virtual floor (20 minutes)**

**Co-Sponsors:**

The Permanent Mission of Austria to the UN, International Disability Alliance, HelpAge International, AGE Platform Europe, NGO Committee on Ageing Geneva, NGO Committee on Ageing New York, UN Department of Economic and Social Affairs, and the UN Office of the High Commissioner for Human Rights