

THIRD AGE AND DISABILITY DURING COVID-19 TIMES IN THE UNITED NATIONS VISION*

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Abstract:

Articolul este axat pe o analiză diplomatică, juridică și instituțională a situației persoanelor vârstnice și cu dizabilități în viziunea Națiunilor Unite în contextul circumstanțelor fără precedent generate de pandemia de COVID-19. Este examinată critic situația actuală creată de această pandemie și modul în care ea formează obiectul unor dezbateri diplomatice în Adunarea generală a ONU, în Consiliul de Securitate și în Organizația Mondială a Sănătății din perspectiva persoanelor cel mai greu afectate. Sunt evocate principalele rezoluții adoptate în acest domeniu, evidențiindu-se, totodată, eforturile regionale pentru câștigarea războiului împotriva COVID-19. Este reliefată necesitatea unor acțiuni comune la nivel global în scopul promovării unei solidarități globale pentru identificarea unor soluții realiste, acceptabile pentru toate statele lumii. Sunt citate cele mai importante documente internaționale care vor orienta cooperarea statelor în vederea prevenirii și combaterii pandemiilor, cu referiri speciale la vârsta a treia și la persoanele cu dizabilități.

Cuvinte cheie: sănătate, persoane vârstnice, dizabilități, COVID-19, pandemie, Adunarea Generală a Națiunilor Unite, Consiliul de Securitate, Organizația Mondială a Sănătății, cooperare, solidaritate, rezoluție, convenție

Résumé:

L'article se concentre sur une analyse diplomatique, juridique et institutionnelle de la situation des personnes âgées et des personnes handicapées dans la vision des Nations Unies dans le contexte des circonstances sans précédent générées par la pandémie COVID-19. La situation actuelle créée par cette pandémie et la manière dont elle fait l'objet de débats diplomatiques à l'Assemblée générale des Nations Unies, au Conseil de sécurité et à l'Organisation mondiale de la santé sont examinées de manière critique du point de vue des personnes les plus gravement touchées. Les principales résolutions adoptées dans ce domaine sont mentionnées, mettant en évidence, dans le même temps, les efforts régionaux pour gagner la guerre contre le COVID-19. L'on souligne la nécessité d'une action conjointe

* This article is a continuation of some earlier articles. See Ioan Voicu, Florina Voicu, "The United Nations and the third age", *Drepturile Omului*, no. 1/2016, IRDO, pp. 13-25, at http://revista.irdo.ro/pdf/2016/revista_1_2016/02_Voicu.pdf

See also two articles published in Australia: Ioan Voicu, "Is successful ageing possible?" and "Ageing in the era of globalization", *On Line Opinion*, available at <https://www.onlineopinion.com.au/author.asp?id=4317>

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au niveau universel afin de promouvoir la solidarité mondiale pour identifier des solutions réalistes, acceptables pour tous les États du monde. Les documents internationaux les plus importants sont cités qui guideront la coopération des États pour prévenir et combattre les pandémies, avec des références particulières sur les personnes âgées et handicapées.

Mots-clés: santé, personnes âgées, handicapées, COVID-19, pandémie, Assemblée générale des Nations Unies, Conseil de sécurité, Organisation mondiale de la santé, coopération, solidarité, résolution, convention

Preliminary observations

In accordance with the United Nations (UN) practice, the third age encompasses people of 65 and 80+ years. The UN terminology on the matter as used in current documents gives preference to other expressions like “older persons”, “elderly”, “senior citizens” etc., all of them under the larger umbrella of ageing.

While dealing with the phenomenon of ageing, the asymmetric effects of globalization cannot be ignored or minimized, in particular during the current unprecedented situation generated by COVID-19.

Globalization had its losers, and one of the most visible case is the situation of older persons, in particular those with disabilities, who are subject to undeserved marginalization and are not portrayed and perceived in many countries as equal actors in their communities.

But who are these losers?

The UN has offered a recent persuasive answer.

There are more than 901 million people aged 60 and older in the world, representing 12 per cent of the global population. Almost half of the persons aged 60 years and older have some form of disability. The specific needs and risks faced by older persons with disabilities and the challenges they face in accessing the professional assistance they require, in particular during COVID-19 times, are frequently unaddressed. Moreover, some old preconceptions about third age lead to a failure to recognize the negative consequences of disabilities.

The COVID-19 is causing untold fear and suffering for older persons across the world. As of 5 November 2020, 49,035,150 cases were recorded and this pandemic has already taken the lives of 1,239,665 people. Fatality rates for those over 80 years of age is five times the global average. As the virus spreads rapidly to developing countries, the mortality rate for older persons is expected to rise even higher.¹

¹ See UN data on COVID-19 at <https://covid-19-data.unstatshub.org/>. For substantive information on ageing see UNFPA, *Ageing in the Twenty-First Century: A Celebration and*

The current population of Romania is 19,192,987 as of November 4, 2020, based on Worldometer elaboration of the latest UN data. The phenomenon of demographic ageing has intensified in Romania, the older population, aged 65 and over, exceeding by 579,000 people the young population, aged 0-14 (3,804,000 compared to 3,225,000 people). Until November 5, on the territory of Romania, 276,802 cases of persons infected with the COVID - 19 have been confirmed.²

Current legal situation

From the legal perspective it should be reminded first of the existence of the almost universally ratified Convention on the Rights of Persons with Disabilities (2008), a comprehensive multilateral treaty containing a long preamble and 50 articles.³

However, despite the steps the states parties have taken to implement it, many older persons with disabilities are facing serious difficulties as far as the full enjoyment of their rights is concerned. Meanwhile, the development of the international framework pertaining to both ageing and disability continues to be present on the global agenda and its legal importance is increasingly recognized by the international community. Yet, the Political Declaration and Madrid International Plan of Action on Ageing adopted in 2002, which is the main international policy document concerning older persons, in none of its 19 articles makes reference to older persons with disabilities.⁴

For a clear definition, Article 1, paragraph 2 of the above mentioned Convention stipulates: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction

A Challenge, UNFPA, New York, and HelpAge International, London, 2012. The report is available at <https://www.unfpa.org/publications/ageing-twenty-first-century>

² Updated statistics and information on COVID-19 in Romania are available at <https://datelazi.ro/> Many interesting aspects of the consequences of COVID-19 pandemic in Romania have been analyzed in a series of books such as: Laurențiu Șoitu, *Covid our cage*, European Institute, Iasi, 2020; Petre Crăciun, *Corona Jurnal, Thoughts from isolation*, Zorio Publishing House, Bucharest, 2020. See also the collective volume entitled *In the fight against us, the virus and the crises of the world. Academic journal in pandemic*, coordinators Cristina Vohn, Dan Dungaciu, ISPRI Publishing House, Bucharest, 2020. (All these books are in Romanian language).

³ The full text of the Convention on the Rights of Persons with Disabilities is available at <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> The Romanian version of the Convention is available at <http://anpd.gov.ro/web/conventia/>

The Convention entered into force on 3 May 2008 and has 182 contracting parties. Romania ratified the Convention on 31 January 2011. For further details see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en.

⁴ The Madrid Political Declaration on ageing is available in extenso at https://www.un.org/en/events/pastevents/pdfs/Madrid_plan.pdf.

with various barriers may hinder their full and effective participation in society on an equal basis with others”.

While the findings and conclusions of scientists on ageing have an obvious value in the process of increasing longevity in general, they have to be permanently confronted with the collective opinions expressed on this matter at the global level by the world community of nations, as illustrated in specific resolutions adopted by the United Nations General Assembly (UNGA) on behalf of 193 Member States.

Between 2015 and 2030, the number of persons aged 60 years or over is projected to grow by 56 per cent, from 901 million to 1,4 billion, and this increase is expected to be the greatest and the most rapid in the developing world. The global population of older persons is expected to rise to 2,1 billion by 2050, when there will be roughly the same number of older persons and children under 15. Therefore, greater attention needs to be paid to the specific challenges affecting older persons, including mostly in the field of human rights. That demands *inter alia* action- oriented measures for strengthening active and healthy ageing, stressing the important role of public health policies and programs in enabling the rapidly growing number of older persons to remain in good health and maintain their vital contributions to the well-being of their families, communities and societies.⁵

Acting in this spirit, on 3 August 2020, the World Health Organization (WHO) adopted a document entitled “The Decade of Healthy Ageing (2020-2030)” which offers an opportunity to bring together governments, civil society, international agencies, professionals, academia, the media, and the private sector for ten years of concerted, catalytic and collaborative action to improve the lives of older people, their families, and the communities in which they live⁶.

For unexplained reasons, COVID-19 is not mentioned in this document, but some important factors for promoting health assistance for older persons are rightly emphasized.

The document advocates for inter-generational solidarity which enables social cohesion and interactive exchange among generations to support health and well-being for all people.

The UN system will have an important role to play in the implementation of “The Decade of Healthy Ageing (2020-2030)”. It has already recommended

⁵ Data on older persons at the global level are available at <https://www.un.org/en/development/desa/population/publications/pdf/ageing/WorldPopulationAgeing2019-Highlights.pdf>.

⁶ WHO relevant documents are available at [https://www.who.int/initiatives/decade-of-healthy-ageing#:~:text=The%20Decade%20of%20Healthy%20Ageing%20\(2020%2D2030\)%20is%20an,people%2C%20their%20families%2C%20and%20the](https://www.who.int/initiatives/decade-of-healthy-ageing#:~:text=The%20Decade%20of%20Healthy%20Ageing%20(2020%2D2030)%20is%20an,people%2C%20their%20families%2C%20and%20the).

to member states to adopt strategies that take into account the entirety of the human life course and foster inter-generational solidarity, the strengthening of institutional mechanisms, research, data collection and analysis and the training of necessary personnel in the field of ageing, participatory consultations with relevant stakeholders and social development partners, in the interest of developing effective policies that create national policy ownership and consensus-building. It is requested that universal health coverage must include older persons, enabling them to have access, without discrimination, to nationally determined sets of needed promotive, preventive, curative and rehabilitative basic health services and essential, safe, affordable, effective and quality medicines.⁷

From another promising legal perspective, on 18 December 2019, in a special comprehensive resolution, the UNGA encouraged, *inter alia*, member states to continue to contribute to the work of the Open-ended Working Group on Ageing, in particular by presenting measures to enhance the promotion and protection of the human rights and dignity of older persons, such as best practices, lessons learned and possible content for a multilateral legal instrument in order to enable it to fulfil its existing mandate of strengthening the protection of the human rights of older persons by considering the existing international framework of the human rights of older persons and identifying possible gaps and how best to address them. It suggests to consider, as appropriate, the feasibility of further instruments and measures, and to adopt at each session inter-governmentally negotiated recommendations to be presented for consideration by the General Assembly.⁸

At the regional level, an exemplary step deserves to be remembered: the adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons (2015) which can be used as a model for negotiating a similar universal legal instrument on the matter. This comprehensive Convention (41 articles), which entered into force on 11 January 2017, defines ageing as a gradual process that develops over the course of life and entails biological, physiological, psycho-social, and functional changes with varying consequences, which are associated with permanent and dynamic interactions between the individuals and their environment.⁹

Many non-governmental organizations made vibrant appeals addressed to the UN for speeding up the preparation of an appropriate universal

⁷ See the most relevant UN resolutions at <https://www.un.org/en/sections/documents/general-assembly-resolutions/index.html>.

⁸ For the full text of the relevant resolution on ageing see <https://research.un.org/en/docs/ga/quick/regular/74>.

⁹ The full text of the Convention is available at http://www.oas.org/en/sla/dil/inter_american_treaties_a-70_human_rights_older_persons.asp.

legal instrument. The reasons for such a demand are numerous and highly persuasive. It is quite instructive to remind some of these reasons.

While, in principle, existing human rights instruments apply equally across the lifetime of all human beings, in reality, people encounter systematic and structural inequalities when they get older. The lack of visibility of specific challenges facing older persons in current human rights instruments creates barriers to the equal and full enjoyment of human rights by people when they get older.

Documents illustrate the fact that older persons are often excluded, have fewer choices, and are offered services of poor quality on account of their old age; they frequently lack equal access to training, employment and health-care. They are regularly de-prioritized or even overlooked in policy reforms. Treating people differently just because they are old is an obvious form of discrimination which remains unchallenged, because ageism is pervasive and entrenched in many national societies.

The contributions of older people to society are often devalued and old age is considered by many persons as synonymous with decline, burden, and uselessness. Therefore, an authentic human rights approach is needed to enable older people to be full actors in society and to offer their knowledge, skills and experience through civic participation and public engagement to help shape a better world for all.

There is no doubt that lifetime knowledge of older persons, their talents and competence are an added value for society and should be seriously taken into account.

That purpose could be achieved through a UN universal convention which could help older people contribute, prosper and equally enjoy their rights. Such a legal instrument would represent an important acknowledgement that older persons are of equal value to society. At the same time, it could contribute to improving older persons' awareness of their specific rights, empower them as rights holders, and help fight ageist stereotypes.

However, in order to be really effective the future legal instrument/convention should contain clear provisions for a stronger monitoring process with regard to the human rights situation of older people world-wide, in order to put an end to the destructive practice of ageism.

While waiting for further progress in the elaboration of a universal convention on the rights of older persons, more attention should be paid to the implementation of UNGA resolutions on COVID-19 adopted in 2020 which are relevant for the third age. We have in mind the following resolutions whose titles are self-explanatory: resolutions 74/270 of 2 April 2020, entitled "Global solidarity to fight the coronavirus disease 2019 (COVID-19)", 74/274 of 20 April 2020, entitled "International cooperation to ensure global access

to medicines, vaccines and medical equipment to face COVID-19”, 74/306 of 11 September 2020, entitled “Comprehensive and coordinated response to the coronavirus disease (COVID-19) pandemic”, and 74/307 of 11 September 2020, entitled “United response against global health threats: combating COVID-19”.¹⁰

Under the item “Follow-up to the International Year of Older Persons: Second World Assembly on Ageing,” a report of the UN Secretary-General was circulated in 2019 under the symbol A/74/170. In accordance with the first recommendation contained in this report, the 193 UN Member States are invited to: “Intensify efforts towards a paradigm shift that leverages ageing as an opportunity and recognizes older persons as active agents who already make substantial contributions to development efforts.”¹¹

A more recent substantive conclusion formulated about COVID-19 in a follow-up UN report published in 2020 says: “This pandemic has brought unprecedented challenges to humanity and presents a disproportionate threat to the health, lives, rights and well-being of older persons. It is crucial to minimize these risks by addressing the needs and human rights of older persons in our efforts to fight the pandemic. At the same time, many of these risks are not new. Older persons have long been subject to inadequate protection of their human rights and overlooked in national policies and programs. COVID-19 recovery is an opportunity to set the stage for a more inclusive, equitable and age-friendly society, anchored in human rights and guided by the shared promise of the 2030 Agenda for Sustainable Development to *Leave No One Behind*”.¹²

On 13 October 2020 Antigua and Barbuda, Ecuador, Philippines and United Republic of Tanzania circulated in the UNGA a draft resolution entitled *Inclusive development for and with persons with disabilities*.¹³

As this draft has all chances to be adopted in due time by the UNGA, we will summarize it below, while respecting its original terminology and focusing mostly on the legal and diplomatic aspects of its content. This comprehensive document containing a long preamble and 35 operative paragraphs is being negotiated now in order to be finalized and adopted by the 193 UN member states.

¹⁰ All these resolutions are available in official versions at <https://www.un.org/en/sections/documents/general-assembly-resolutions/index.html>.

¹¹ For the full text of the report see <https://digitallibrary.un.org/record/3822908?ln=en>

¹² The report is available at <https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-The-Impact-of-COVID-19-on-Older-Persons.pdf>

¹³ This comprehensive UN draft resolution was further revised and with a larger sponsorship is available at <https://www.undocs.org/en/A/C.3/75/L.9/Rev.1> under the title *Inclusive development for and with persons with disabilities*.

According to the preamble of the draft, the UNGA updates the information on the matter and recognizes that persons with disabilities make up an estimated 15 per cent of the world's population, or 1 billion people, of whom an estimated 80 per cent live in developing countries, and that persons with disabilities are disproportionately affected by poverty.

Another important recognition, well formulated in the text of the preamble, is that persons with disabilities have been and will continue to be directly and indirectly disproportionately affected by the coronavirus disease (COVID-19) pandemic, which has exacerbated poverty, unemployment, violence, discrimination, stigmatization, exclusion and inequalities. Persons with disabilities continue to experience severe health conditions, barriers in accessing protection measures, inaccessible public health information and discrimination in accessing health care.

From the 35 operative paragraphs of the document under consideration we will highlight in particular those referring to institutional aspects, as the implementation of the resolution will be under the supervision of the UN system.

A preliminary observation has to be made before analyzing the substance of institutional aspects. There are no specific references about older persons in the operative part of the document and COVID-19 is mentioned only once.

The UNGA welcomes through this draft the inclusion of persons with disabilities in the 2030 Agenda for Sustainable Development and recognizes that their participation is integral to the full and inclusive implementation of the Sustainable Development Goals. It encourages the participation of persons with disabilities in the design and implementation of strategies which are inclusive of persons with disabilities and respect, protect and promote their rights, bearing in mind the Convention on the Rights of Persons with Disabilities.

An important appeal is addressed by the UNGA to member states, relevant regional organizations and UN bodies and agencies to take into account the rights, participation, perspectives and needs of persons with disabilities on an equal basis with others in ensuring that all development policies and programs, including those regarding poverty eradication, discrimination and the elimination of all forms of violence and abuse for women and girls with disabilities, social protection, full and productive employment and decent work, and appropriate measures for financial inclusion, as well as urban and rural planning and accessible community and housing development, including the objectives and principles of the Convention on the Rights of Persons with Disabilities and the goals of the 2030 Agenda, are translated into concrete actions.

The UNGA requests the Secretary-General, in coordination with all relevant United Nations entities, to submit information at its seventy-seventh session in 2022 on the implementation of the resolution under consideration and to include in the report relevant information on the impact of the COVID-19 pandemic on persons with disabilities, as well as their participation in efforts to respond to and recover from the pandemic.¹⁴

An unprecedented debate

At the initiative of Indonesia, the UN Security Council decided to organize an open debate on the topic “Peacebuilding and sustaining peace: Pandemics and the challenges of sustaining peace”, which was convened on 12 August 2020. The debate was not limited to the participation of the 15 members of the Security Council, being open to all interested UN member states.

From this unprecedented diplomatic debate containing 56 statements and covering 120 pages we will refer mainly to the role of solidarity, as a universal value, in fighting COVID-19, as a global pandemic affecting the world community of nations as a whole.¹⁵

The UN Secretary-General, who opened the debate, made a lucid evaluation of the situation generated by COVID -19 world-wide. He said: “COVID-19 is a human tragedy, but we can mitigate the impacts by the choices we make. More than ever, multidimensional, coordinated and conflict-sensitive responses and whole-of-society approaches are crucial. They are key to ensuring that peacebuilding and sustaining peace initiatives go hand-in-hand with inclusive and sustainable development, anchored in the protection and promotion of human rights, gender equality and the commitment to leaving no one behind.”¹⁶

A substantive statement was delivered by the Permanent Delegation of the European Union to the UN. It says *inter alia* that “We are witnessing every day the direct and secondary consequences of the coronavirus disease (COVID-19) pandemic interacting with pre-existing crises. The pandemic adds another layer of complexity to already fragile situations affected by years of conflict but engaged in peacebuilding processes. It is creating new and amplifying existing problems and exacerbating existing human rights concerns and socioeconomic and gender-based inequalities, increased insecurity for women, girls, and persons in vulnerable situations, as well as mental health and psycho-social concerns. Fast-moving complex emergencies

¹⁴ *Ibidem.*

¹⁵ All statements have been published in extenso and are available at <https://undocs.org/S/2020/799>

¹⁶ *Ibidem.*

such as COVID-19 require a whole-of-system and whole-of-society response through coordination, partnerships and the efficient use of a combination of multilateral tools.”¹⁷

An interesting statement was made by the Permanent Representative of Romania to the United Nations, Ion Jinga, in his national capacity. He emphasized *inter alia* the following: “The COVID-19 pandemic has had a devastating effect worldwide, affecting in particular vulnerable communities - women and children, people with disabilities, the marginalized, displaced persons and refugees - and exacerbating already existing inequalities. As has been reiterated, the pandemic is adding yet another layer of complexity to already fragile situations. The pandemic is not merely a health crisis. Its direct and indirect consequences, including unemployment, food insecurity, lack of access to basic services and the inability to send remittances, can act as risk multipliers and increase tensions and fuel instability. By exacerbating the drivers of conflict, the pandemic directly undermines the social fabric of societies. Its corrosive effects span the social, economic, and political dimensions. The way in which we address this unprecedented challenge will represent one of the biggest tests for our global solidarity and our capacity to react collectively.”¹⁸

In a realistic manner, the former UN Secretary-General, Ban Ki-moon, warned that “Global solidarity has been loosened, while multilateralism has been under threat. This jeopardizes ongoing international efforts to sustain peace, or may even cause a reversal in hard-won peace and security gains to date.”¹⁹

In the opinion of Denmark “the ongoing pandemic serves as a stark reminder of the need for global solidarity and reinvigorated multilateral cooperation, not least in support of the peacebuilding agenda. Our collective response will determine how fast and how well the world recovers.”²⁰

Vietnam stated that “ASEAN leaders have reaffirmed their political commitment and taken coordinated measures to protect the health of our citizens, revitalize our economies and prevent the pandemic from undermining overall regional peace and stability. No one can win this battle against the COVID-19 pandemic alone. Vietnam continues to underscore the critical importance of international solidarity and strengthened cooperation in our

¹⁷ For the full statement of the European Union see note 15 *supra*.

¹⁸ See note 15 *supra*. For a critical presentation of the way older persons are treated in Romania, see the excellent essay signed by academician Ioan Aurel Pop under the title “Dangerous old men”, available at <https://culturaromana.ro/ioan-aurel-pop-periculosii-batrani/>. (The essay is in Romanian language.)

¹⁹ The full statement is available at <https://undocs.org/S/2020/799>

²⁰ *Ibidem*.

response to COVID-19. We are strongly committed and call on all to join hands in this common endeavor.”

The representative of Vietnam reminded also that “Special support must be given to the most vulnerable in conflicts and health crises, particularly older persons, women and children, persons with disabilities, refugees and displaced persons.”²¹

Interesting considerations were expressed by the Permanent Mission of Thailand. In its opinion “the bridging role among relevant United Nations organs could foster cross-pillar approaches to the pandemic in the peace and security context. The COVID-19 pandemic could pose challenges on socioeconomic issues beyond those related to the immediate health and humanitarian impacts. Accordingly, the response to the pandemic requires systemic approaches for effective preparedness and solutions. A stronger and more coherent cross-pillar approach would lead to more efficiency in supporting countries to become more sustainable and resilient, which will contribute to a more peaceful society.”²²

Germany concluded its statement in the Security Council on a hopeful note. It reminded that “This pandemic, just like other multidimensional challenges, is providing us as an international community with an opportunity – an opportunity to strengthen cooperation, reinforce multilateralism and show international solidarity. If we manage to overcome traditional thinking and siloes and find integrated and coherent solutions, we will be able to defeat a deadly virus, eventually halt climate change and hopefully realize a world where everybody can live in peace and security.”²³

Future developments

A Conference of States Parties to the Convention on the Rights of Persons with Disabilities has been planned to take place in a not too distant future. The main theme to be discussed is “Addressing the rights and needs of older persons with disabilities: ageing and demographic trends”.²⁴ We will summarize some selected considerations and recommendations prepared by the UN Secretariat for this Conference.

²¹ *Ibidem.*

²² *Ibidem.*

²³ *Ibidem.*

²⁴ For details concerning the Conference and its agenda see <https://www.un.org/development/desa/disabilities/conference-of-states-parties-to-the-convention-on-the-rights-of-persons-with-disabilities-2/cosp13.html>.

The point of departure is that ageing and disability are intimately related. As mentioned above, from the more than 901 million people aged 60 and older in the world almost half of them have some form of disability.

In a 2019 report the Special Rapporteur on the rights of persons with disabilities drew attention to the obligation to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on age.²⁵

The 2030 Agenda for Sustainable Development is a programmatic document that requires that no one must be left behind in the implementation of the Sustainable Development Goals, including all persons with disabilities, irrespective of their age.²⁶

In August 2020, the World Health Organization (WHO) launched the Decade of Healthy Ageing 2020–2030, already mentioned above, which includes a commitment to develop age-friendly urban and rural physical and social environments through policies, systems, services, products and technologies. The WHO has in mind that people aged 60 and above are expected to reach 21 per cent of the global population by 2050, reaching nearly 2.1 billion. The number of persons aged 80 or over is growing faster still and the expectation is that it will more than triple from 2015 to 2050.²⁷

It is well known that disability is most common among older persons. At the global level, almost half (46 per cent) of persons aged 60 years and above experience some form of disability. Among people aged 80 and above disability rates are especially high. The global coronavirus disease officially known as COVID-19 pandemic further places older persons and those with underlying medical conditions, many of whom have disabilities, at higher risk of severe illness and mortality.²⁸

In May 2020, the Secretary-General called for a stronger disability-inclusive and age-sensitive response to the pandemic and issued a policy brief entitled “The impact of COVID-19 on older persons”. According to this document, the fatality rates among those aged 80 and above is five times the

²⁵ See for more details the materials available at <https://www.ohchr.org/en/issues/disability/srdisabilities/pages/srdisabilitiesindex.aspx>.

²⁶ The full text of the 2030 Agenda is available at <https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981>

²⁷ See the full text of the document at https://apps.who.int/gb/ebwha/pdf_files/EB146/B146_23-en.pdf.

²⁸ *Ibidem*.

global average. For instance, 95 per cent of the lethal cases in Europe have occurred among persons older than 60 years.²⁹

Key causes of disability in old age include visual impairment, hearing loss and osteoarthritis. Dementia, the prevalence of which increases with age, is the greatest cause underlying disability-adjusted life years in developed countries and the second greatest worldwide.

In the same policy brief, the COVID-19 crisis is described as having revealed prevailing ageist attitudes, with reports of discriminatory remarks and hate speech targeting older persons occurring in public discourse. Under such circumstances, governments must devote efforts to discrediting negative stereotypes to eliminate ageism in the context of the pandemic and promote a positive narrative that brings to the valuable contributions to the fore that older persons have made during the pandemic, such as the many retired physicians, nurses, scientists and researchers who heeded calls from Governments to return to work.

Moreover, it should be recognized that the spread of COVID-19 in care homes and institutions has taken a devastating toll on many older persons with disabilities. It is common knowledge that once COVID-19 has spread within a facility, it is difficult to control its proliferation, as individual personal care requires close proximity. In that context, the consequences are serious, as older persons with disabilities are at greater risk of neglect, abuse, and violence.

More specifically, a disability-inclusive response to and recovery from COVID-19 should take care first of all of older persons who are unable to use normal services such as online shopping and banking and telemedicine.

It is a fact of life demonstrated by recent developments that older persons with disabilities are at a higher risk of contracting COVID-19. Moreover, some older persons with an intellectual disability or a psychosocial or mental illness are not able to remain confined to their home for a long time. Many older persons with disabilities are also facing age-based discrimination due to the high pressure placed on the health-care system and the limited availability of resources. It is estimated that up to 14 million older persons with disabilities are affected by humanitarian disasters, and their rights and needs are widely overlooked in humanitarian responses.

In order to advance the rights of older persons with disabilities, the UN Secretariat has advanced some points for action. The first one refers to the necessity of strengthening national legislation and policies in line with the universal Convention mentioned above by implementing a human rights-

²⁹ The policy brief is available at <https://www.humanitarianlibrary.org/resource/policy-briefthe-impact-covid-19-older-persons>

based approach. This entails *inter alia* prohibiting all discrimination and combating and eliminating prejudice and stigma on the grounds of disability and age. This includes, for example, protecting the right to equal recognition before the law and the right to live independently and be included in the community.

A relevant question is suggested in the preparatory documentation for further consideration during the envisaged Conference on the matter evoked above. It says: “What are some of the emerging best practices of targeted and mainstreamed social protection measures that have been or are being implemented to protect older persons with disabilities in the mitigation of, response to and recovery from the COVID-19 pandemic? What efforts can Governments step up to ensure that the high mortality rates faced by older persons with disabilities observed during the pandemic is not repeated?”³⁰

On 22 October 2020, Gerard Quinn, Special Rapporteur on the rights of persons with disabilities, in a statement made during the 75th session of the UNGA, Third Committee, reminded that in some countries, evidence suggest that the majority of COVID-19 deaths have been persons with disabilities, including especially older persons with disabilities. Many persons with disabilities continue to find themselves in situations of heightened risks, which include segregated settings and institutions.

In the opinion of the Special Rapporteur “Now, more than ever, we need multilateral action to respond to the crisis appropriately and to ensure that there is a much more inclusive recovery for those who are among the farthest left behind [...] we need to make a clear public commitment to disability inclusion by adopting a clear policy framework for the inclusion of persons with disabilities across all existing international cooperation efforts. States should mainstream disability inclusion into all international cooperation policies and programs, and complement them with disability-specific initiatives. The COVID-19 pandemic and its socioeconomic consequences reveals the necessity for robust international cooperation. We have a shared responsibility to build back better for all. There is an urgent need to establish accountability mechanisms to check that all COVID-19 response and recovery funds are reaching persons with disabilities.”³¹

Finally, we will quote the European Union (EU) statement in an interactive dialogue on the same issue on 22 October 2020. The EU, which is itself a party to the Convention on the Rights of Persons with Disabilities, recognized that the COVID-19 pandemic has generated, both in Europe, as well as globally, a human crisis of unprecedented scale, which is disproportionately affecting

³⁰ *Ibidem*.

³¹ For details see <https://www.un.org/press/en/2020/gashc4300.doc.htm>.

more than one billion people with disabilities. In the EU's opinion the design, implementation, monitoring and evaluation of measures taken in response to the COVID-19 must be conducted with the participation of persons with disabilities and their representative organizations in all stages of the COVID-19 response and recovery, be inclusive of their specific needs and ensure their right to the highest attainable standard of physical and mental health, ensure their access to life-saving treatments, and protect their social and economic wellbeing on an equal basis with others.”³²

An open question

The ongoing 75th session of UNGA is expected to address all relevant issues concerning the third age and disability in the new context generated in 2020 by the COVID-19 pandemic. Meanwhile, a new significant diplomatic and institutional event took place which opened a cardinal question in the field of multilateral diplomacy: *What next?*

On 29 October 2020, under UNGA Agenda item 128 *Strengthening of the United Nations system*, a draft resolution submitted by the President of the UNGA (Volkan Bozkir) entitled *Special session of the General Assembly in response to the coronavirus disease (COVID-19) pandemic* was world-wide circulated.

After informal diplomatic consultations and a short procedural debate the draft was adopted by the UNGA on 5 November 2020.³³

The resolution in its final form has a short preamble and 10 operative paragraphs.

As the preamble contains a number of consensus ideas about COVID-19, it deserves to be summarized in these pages.

First of all, the UNGA noted by this resolution “with concern the threat to human health, safety and well-being caused by the coronavirus disease (COVID-19) pandemic, which has spread all around the globe, as well as the unprecedented and multifaceted effects of the pandemic, including the severe disruption to societies, economies, global trade and travel and the devastating impact on the livelihoods of people”.

The UNGA also recognized that “the COVID-19 global pandemic requires a global response that is people-centered, gender-responsive, with full respect for human rights, multidimensional, coordinated, inclusive and innovative, based on unity, solidarity and multilateral cooperation”.

³² The resolution was adopted on 5 November 2020 by a vote of 150 in favor to none against, with three abstentions (Armenia, Israel, United States) after a controversial discussion summarized at <https://www.un.org/press/en/2020/ga12282.doc.htm>.

³³ The final official text of the resolution is available at <https://undocs.org/en/A/RES/75/4>

By the same preamble, the UNGA reaffirmed the commitment of 193 member states to international cooperation and multilateralism and noted the fundamental role of the United Nations system in the comprehensive global response to the COVID-19 pandemic, including the crucial role played by the World Health Organization, and the crucial efforts of member states therein”.

Finally, the preamble contains an important element of information. A majority of states members of the UN have already concurred with the request, submitted on behalf of the States members of the Movement of Non-Aligned Countries, to convene a special session of the General Assembly in response to the COVID-19 pandemic, at the level of Heads of State and Government.

The whole operative part of the draft resolution is dedicated to organizational aspects of the proposed special session which will be held for two days, on 3 and 4 December 2020, at the UN Headquarters in New York.³⁴

It can be expected that giving tangibility to legitimate demands and aspirations of the world community of nations, the special session of UNGA will contribute to finding realistic solutions at the global level in the process of fighting COVID-19 for the benefit of all humankind, including 12.3 per cent of older persons of the current 7.5 billion world’s population. Therefore, this diplomatic event can be considered as a promising and testing turning point in the calendar of global efforts for winning the war against COVID-19 pandemic. Its positive outcome, demonstrating the diplomatic maturity of the world organization and its members, might prove to be an important precondition for reaching genuine progress in making successful ageing a persuasive reality. Otherwise, the humanistic objectives about the third age and disabled persons proclaimed by the UN will continue to remain just on a list of noble aspirations.

In conclusion, some moderate hope can be expressed that in 2021 the traditional UN messages on the occasion of the International Day of Older Persons, celebrated on October 1st, and about the International Day of Persons with Disabilities celebrated on 3 December will not be, as in the past, a collection of platitudes, but will be a vibrant and robust appeal for universal recognition of the fact that as all aged human beings with disabilities must continue to enjoy a full, independent, and autonomous life, health, safety, integration, and active participation in the economic, social, cultural and political spheres of their national communities.³⁵

³⁴ *Ibidem*.

³⁵ One of the most recent popular book on all these issues is Daniel J. Levitin, *Successful Aging: A Neuroscientist Explores the Power and Potential of Our Lives*, Dutton, New York, 2020. This book has the merit of combating the idea that aging inevitably brings infirmity and unhappiness and confirming that “health span”—not “life span”—is what matters.

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