

Input submitted by the Secretariat of the Council of Europe (Human Rights Intergovernmental Co-operation Division)

Mandate of the Independent Expert on the enjoyment of all human rights by older persons

Call for inputs: “Older persons in the context of climate change-induced disasters and building back better”

This contribution covers the situation under relevant instruments of the Council of Europe, including the European Convention on Human Rights; [Recommendation CM/Rec\(2022\)20](#) of the Committee of Ministers of the Council of Europe to member States on human rights and the protection of the environment; and [Recommendation CM/Rec\(2014\)2](#) of the Committee of Ministers of the Council of Europe to member States on promotion of human rights of older persons. The Appendices to Recommendations CM/Rec(2022)20 and Recommendation CM/Rec(2014)2 set out general principles that States should implement. The recommendations are accompanied by explanatory reports.

1. Legal, policy and institutional frameworks: Is there national legislation on emergency disasters? Does the legislation address the specific needs of older persons? Is there a national plan, policy or strategy to address the prevention, mitigation, and/or response to climate change-related disasters, and does it include older persons? Please provide detailed information and relevant documents, if applicable.

The Council of Europe recognises that certain groups of persons are in a particularly vulnerable situation with regard to environmental harm. In this connection, it calls on its Member States to take the necessary action to address the specific situation of such persons, recognising that in this context, the prohibition on discrimination may require the implementation of positive measures in favour of persons in vulnerable situations and disadvantaged groups, including indigenous peoples, children, older persons, persons with disabilities, and women and girls.¹

2. Access to information: How do you raise awareness about existing measures in relation to prevention, mitigation, and response to climate-change related disasters in the public? How is information about access to essential services (e.g. access to shelters, food security, healthcare, legal assistance, social services) made accessible and available for older persons? Please provide detailed information.

The Council of Europe has called on its member States to ensure that older persons should have access to sufficient information about their rights and they should be appropriately consulted through representative organisations, prior to the adoption of measures that have an impact on the enjoyment of their human rights.² Member States should also facilitate the access of persons in vulnerable situations to information on relevant state support services, including advice on adaptation measures and technical and financial support measures.³

¹ *Horváth and Kiss v. Hungary*, application no.11146/11, Judgment of 29 January 2013), §104; see also the Explanatory memorandum to Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, para 21.

² Appendix to Recommendation CM/Rec(2014)2, Section I, paras 4-5.

³ Explanatory memorandum to Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, para 21.

Moreover, the European Court of Human Rights has held that States parties to the European Convention on Human Rights should ensure a right of access to information in relation to environmental issues and adequately inform the public, in an understandable way, about any life threatening emergencies, including natural disasters, such that people can make informed decisions on the risks posed to themselves and their relatives.⁴

3. Participation: Are there measures in place to ensure the full and meaningful participation of older persons in addressing climate change-related disasters? Please provide detailed information.

The Council of Europe has called on its member States, when making decisions which have the potential of affecting the environment, to take into account the interests of individuals who are likely to be affected or have a legitimate interest. They should allow and facilitate the public to make representations in relation to such decisions, within the framework of the national legislation, and ensure that the results of the public participation are taken into account in the final decision.⁵

4. Intersectionality: How do climate change-related disasters affect specific groups of older persons in all their diversity (including older women, older LGBTI persons, older persons belonging to national, religious, and linguistic minorities, older indigenous people, refugees and internally displaced older persons, older persons with disabilities, older persons based in urban and rural areas, among others). Please provide detailed information.

In Section II of the Appendix to CM/Rec(2014)2, the Council of Europe calls on its member States to take effective measures to prevent “multiple discrimination” against older persons. Paragraph 15 of the accompanying explanatory report makes clear that this expression is equivalent to “intersectionality”.

⁴ *Guerra and Others v. Italy*, application no. 14967/89, Judgment of 19 February 1998, § 60.

⁵ Explanatory memorandum to Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, para 32.