

German National Association of Senior Citizens' Organisations Statement on Autonomy and Independence

In Germany, the right to autonomy and independence of older persons is defined in manifold legal and policy frameworks, e.g. in the Basic Law of Germany („Grundgesetz“), in the General Act on Equal Treatment („Allgemeines Gleichbehandlungsgesetz“), in the Charter of Rights for People in Need of Long Term Care and Assistance, the law on guardianship (Betreuungsrecht) and the Charter on Care of critically ill or dying persons in Germany. In Book XI of the Social Code self-determination is an important element. The legal framework is specifically based not on age but on the amount of assistance needed.

However, there are numerous barriers to autonomous, independent living:

1. Too often, older persons are not regarded as actors, as **legal subjects** who represent themselves, but as objects of charity. Primarily older women from all segments of the population, members of minorities, and other particularly vulnerable groups are more likely to be affected by disadvantages.
2. Under the terms of general law, individuals have legal claims to compensation and damages upon culpable violation of a statutory right. Nevertheless, proving culpability is almost impossible. What is more, claims need to be asserted and possibly enforced. Therefore, we need more independent and qualified **information and counselling centres** on the local and regional level that can advise affected parties about their rights on maintaining or recovering their autonomy and independence, and can provide support in asserting those rights. **A comprehensive network of counselling, support, and monitoring** demands adequate financial backing and clearly defined responsibilities.

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3. **Sufficient income** in old age is a major prerequisite for financial autonomy. Poverty restricts free choice of e.g. housing, care services and participation in society.
4. Older persons must be able to choose their accommodation autonomously even when they require care. This means: more **barrier-free housing and blanket coverage of domiciliary care services** are needed.
5. Transport planning should take the requirements of older persons into consideration. Older persons frequently encounter restrictions to their **mobility**.
6. Regarding the health and care system, the **number of nursing staff and physicians** with specialised geriatric training should be sufficient in urban as well as in rural regions. This is a basic element to assure a free choice with respect to ambulatory or residential care, nursing services, doctors etc.
7. **Prevention and rehabilitation** should be financed adequately because they are prerequisites for autonomy and independence in later life.
8. **Full implementation of the UNCRPD** is needed: At the moment it is uneven and disparate specifically with respect to refugee women, immigrants and minorities.
9. The role of **civil society** must be strengthened to help transpose the legal framework into legal practice.
10. In principle, work at every level should pursue a **human-rights based approach**, guaranteeing empowerment and access for all.