



UN Open Ended Working Group on Ageing

14th session

Normative Input

Focus Area: Social Inclusion

AGE Platform Europe

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www.age-platform.eu

This answer is submitted in reply to the call of the Chair of the Open-Ended Working Group on Ageing (OEWG) to non-governmental organisations. AGE Platform Europe (AGE) has ECOSOC status and is accredited to the OEWG since 2012.

Definition

1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?

Article 25 of the EU Charter of Fundamental Rights¹ aims to guarantee older people's right to participate in social and cultural life. Article 23 of the Revised European Social Charter aims to '*enable elderly persons to remain full members of society for as long as possible, by means of: a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life; b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them*'². Age discrimination is only covered in the field of employment and vocational training, under the EU Employment Framework Directive. However, this law does not include a provision on multiple discrimination.

There is no universally accepted definition of social inclusion. Despite this conceptual gap, the European Commission has considered that fostering social inclusion is a core value of the European way of life and has encouraged Member States to promote it³, incorporating it as a priority in EU Cohesion Policy⁴. Moreover, EU Member States have assumed commitments to social inclusion with the ratification of the UN Convention on the Rights of Persons with Disabilities and the adoption of the UN 2030 Sustainable Development Agenda, in particular target 10.2 ("By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status").

¹ [EUR-Lex - 12012P/TXT - EN - EUR-Lex \(europa.eu\)](#)

² <https://rm.coe.int/168007cf93>

³ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, The European pillar of social rights action plan, Publications Office, 2021, <https://data.europa.eu/doi/10.2767/620792>

⁴ https://ec.europa.eu/regional_policy/policy/themes/social-inclusion_en

The right to social inclusion should aim to remove all barriers in older people's equal participation in society, encompassing the following domains: neighborhood and community, social relations, services, amenities and mobility, material and financial resources, socio-cultural aspects⁵[OEJ]. It should further include positive steps to create conditions for equal opportunities, empowerment and effective participation as well as access to resources, voice and respect for rights for all. Central to social inclusion in old age is the elimination of ageism and catering for individuals in vulnerable or disadvantaged situations.

Scope of the right

- 2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:**
- a) the right of older persons to take part in cultural life;**
 - b) older persons' inclusion in the digital sphere;**
 - c) ensuring that older persons can live independently and be included in the community;**
 - d) ensuring the social inclusion of older persons living in institutions;**
 - e) older persons' inclusion in intergenerational policies and programmes;**
 - f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.**

The right to participate in society is not easily enforceable in practice due to the lack of explicit provisions and because it is often seen as an issue of social policy, rather than an issue of human rights. Given gaps in the current legal and policy framework, this right has limited scope in old age, which adversely impacts individuals' rights to enjoy and claim their rights. For example, article 23 of the European Social Charter⁶ only aims to enable older people to remain full members of society 'for as long as possible' instead of 'on an equal basis with others'.

Article 6 of the EU Employment Framework Directive⁷ allows for the possibility to justify direct age discrimination, as long as there is a legitimate aim. This Directive allows for a wide range of practices that restrict the rights of older people to enter and/or remain in the labour market (such as mandatory retirement ages, not extending working conditions beyond a certain age, age limits in recruitment etc). These same exemptions leave the door open for even broader translation into

⁵ Walsh, K., Scharf, T., & Keating, N. (2017). Social exclusion of older persons: A scoping review and conceptual framework. *European Journal of ageing*, 14, 81-98.

⁶ [The European Social Charter - Social Rights \(coe.int\)](https://www.coe.int/t/e/treaties/charter/charter.asp)

⁷ [Directive - 2000/78 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2000/78/oj)

national laws. EU jurisprudence accepts and reinforces these limits⁸. Draft EU legislation on age discrimination in access to goods and services, creates room for even further exceptions⁹.

Under the Council of Europe's Revised Charter of Social Rights, older people residing in institutions can enjoy their sociocultural rights only insofar as¹⁰. In other words, as long as older people live in residential settings, they lose the right to access culture and develop social relations outside the walls of the institutions, as well as the right to contribute to the social, political, economic and cultural life of their communities. In most cases, older people in institutional settings continue to be segregated from society.

With regards to digitalisation, the Council of the European Union acknowledged¹¹ that the digital gap between generations is significant and increases with age, and that digitalisation of public services in Europe is posing a risk of exclusion for older persons. The EU Green Paper on Ageing¹² had already recognized that, even when the automation and digitalisation of public services represented some benefits, they also presented challenges for older people who lack basic digital skills or have limited internet access, especially for older people residing in rural areas. In response, the European Union committed to a digital transformation that 'leaves no body behind', and to ensuring that the design, development, deployment and use of technological solutions respect fundamental rights, including older persons, people living in rural areas, persons with disabilities, and marginalised, vulnerable or disenfranchised people, and those who act on their behalf.¹³

The lack of a legal framework at EU level covering comprehensively age discrimination is an important barrier to effectively promoting social inclusion in old age and in accessing justice in case of denial of older people's right to participate in society on an equal basis with others.

⁸ The right to work in old age (2021): https://www.age-platform.eu/sites/default/files/The_right_to_work_in_old_age-AGE_Platform_Europe_June2021.pdf

⁹ Georgantzi, N. (2018). The European union's approach towards ageism. *Contemporary perspectives on ageism*, 341-368.

¹⁰ Mariya Riekkinen, "Participation of the elderly in sociocultural life: human rights and inclusive practices under residential care," *Journal of Public Affairs* 15, no. 3 (2015).

¹¹ <https://data.consilium.europa.eu/doc/document/ST-11717-2020-REV-2/en/pdf>

¹² https://commission.europa.eu/system/files/2021-06/green_paper_ageing_2021_en.pdf

¹³ <https://digital-strategy.ec.europa.eu/en/library/european-declaration-digital-rights-and-principles>

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

Social inclusion requires both addressing the drivers of exclusion, as well as discriminatory attitudes and behaviours, and actively promoting inclusion. States should eliminate those laws, policies, institutions and practices that deny certain people or groups equal opportunities to participate fully in society (eg. Age limits in access to education, work, services etc). They should also proactively encourage positive, non-discriminatory attitudes to ageing and redress ageist stereotypes through public awareness campaigns and by integrating positive values into educational curricula. They should address the impact of multiple forms of discrimination and hidden vulnerability (eg isolation, retirement, widowhood) to enable participation. Developing platforms and other opportunities (e.g., using social media, or outreach in remote communities) for dialogue and participation in decision-making, as well as intergenerational exchange are essential. To ensure that the needs of older people are considered, they should be involved in designing inclusive and accessible services and relevant support services. States should ensure sustainable support and partnership with civil society, in particular those who work with/represent marginalised groups. They should ensure the availability of disaggregated data and research without age limits to better understand barriers to social inclusion in old age and develop adequate responses. Ensure that older people have information about their rights and receive support to access redress.

Special considerations

4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?

States should take measures to alleviate the digital divide, which adversely impact older people's opportunities to participate in society on an equal basis with others¹⁴ (eg. Ensuring equal access to public digital services, facilitating basic digital skills, etc). Excluding older people from systematic data collection (eg through age limits) means that the specific needs and situations of older persons cannot be assessed and monitored. An unknown proportion of older persons live in institutions, such as retirement homes and care facilities. Official data collection through surveys does not include such residential institutions. Thus, the monitoring system exclude these people or does not cover them sufficiently¹⁵. States should improve the monitoring of marginalised groups to assess and

¹⁴ [Fundamental rights of older people: ensuring access to public services in digital societies | European Union Agency for Fundamental Rights \(europa.eu\)](#)

¹⁵ Ibid

develop adequate solutions for their social inclusion. They should develop and/or fund intergenerational programmes and trainings, which are vital in countering systemic ageism and fostering exchanges between generations¹⁶. States should ensure that older people are not excluded from policies and laws that aim to support people with disabilities to live in the community. They should take measures to address the risk of territorial segregation of older people (eg. Rural communities, lack of access to services or culture in context of gentrification, etc)¹⁷.

In general, because older persons constitute a highly heterogeneous group, States should be aware of and responsive to intersectionality among people in later life. This would allow States to better understand and address specific barriers to social inclusion affecting older women, older persons with disability or frailty, those of LGBTI+, migrant, refugee, Roma and racialised background, among others. In this sense, it is necessary to improve the monitoring of marginalised groups of older people to assess and develop adequate solutions for their social inclusion. They should develop and/or fund intergenerational programmes and trainings, which are vital in countering systemic ageism and fostering exchanges between generations⁹. States should ensure that older people are not excluded from policies and laws that aim to support people with disabilities to live in the community.

States should also develop a range of care options to eliminate the risk of forced institutionalization. They should address the risk of exclusion from material and financial resources in later life and its impact on social inclusion. They should also proactively foster social interactions and take action to combat loneliness and isolation.

Implementation

4. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?

In addition to the best practices and challenges mentioned in the previous responses, AGE members emphasize¹⁸ the pressing challenge of digitalization, particularly its impact on social inclusion for older individuals. With an increasing shift of lifelong learning opportunities online, there's a risk of excluding those who lack updated digital skills. Solutions proposed include mobile access points combined with educational offerings, like Germany's 'DigitalPakt Alter'¹⁹. Moreover, access to digital technology and skills in long-term care settings is a crucial right often overlooked. Intergenerational learning through digital education is advocated to enhance the attractiveness of such courses for older persons. Public

¹⁶ UN Global Report on Ageism, 2021

¹⁷ Buffel, Tine, and Chris Phillipson. "22 Negotiating urban space." *Intergenerational Space* (2015)

¹⁸ https://www.age-platform.eu/sites/default/files/AGE_Barometer-2021-FINAL.pdf

¹⁹ <https://www.bagso.de/projekte/digitalpakt-alter/>

support for these initiatives is urged, along with the need for assessing their effectiveness. Exclusion from digital services, both public and private, needs to be addressed, aligning with UN efforts for open, free, and fair access to a digitalized society.

Voluntary activity is also recognized by AGE members as crucial for societal functioning, with intergenerational exchange being a fertile ground, particularly in organizations and youth activities. Explicitly integrating intergenerational exchange into volunteering programs like Europe for Citizens and Erasmus+ is suggested, along with gathering good practices. The European Union also need to increase disaggregated data provision on volunteering and intergenerational contacts.

About AGE Platform Europe

AGE Platform Europe is the largest European network of non-profit organizations of and for older people. We elevate older people's voice, bringing their experience and aspirations to the table to celebrate ageing and fight for equality at all ages.

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