

February 2023

Focus area 2: Social inclusion

BAGSO, the German National Association of Senior Citizens' Organisations, provides this input to the guiding questions on social inclusion for the **13th Session of the Open-Ended Working Group on Ageing of the United Nations**, taking into consideration the answers already provided by the Federal Republic of Germany¹ as well as its own contributions to previous focus areas of the Open-Ended Working Group.

Legal provisions, policy frameworks and measures

In addition to the legal provisions, policy frameworks and measures mentioned by the Federal Government, including projects to encounter social isolation, BAGSO would like to point to measures explicitly focusing on older persons who are marginalised on different grounds (e.g. gender, disability or ethnicity).

Regarding older people with disabilities, the Social Code Book IX on rehabilitation and participation of people with disabilities, which came into force on 1 July 2001, is important. According to art. 1, "People with disabilities or people threatened by disabilities receive benefits [...] in order to promote their self-determination and their full, effective and equal participation in life in society, to avoid disadvantages or to counteract them". Benefits also include assistive devices (§ 84 SGB IX) that compensate for limitations, for example barrier-free computers. However, with the introduction of this law, also called the Federal Participation Act, older people with disabilities do no longer have the entitlement to "assistance to participate in the life of the community" as previously provided through Social Code Book XII.² While the benefits under the Social Code Book IX and long-term care are of equal importance,

¹ https://social.un.org/ageing-working-group/documents/thirteenth/INPUTS%20MEMBER%20STATES/Germany_Social%20Inclusion%20OE_WG-A%202023.pdf

² Internal communication with *Selbstbestimmt Leben Nordhessen* e.V.

only those who were entitled to integration assistance before retirement benefit from the improved income and asset rules of integration assistance.³

The Social Code Book IX, art. 76 says “social participation benefits shall be provided to enable or facilitate equal participation in life in the community, [...]” The law further says that these benefits should enable people to lead an as independent and responsible life as possible in their own living space and in their social space. These can be, for example, services for housing, for assistance, to promote understanding or for mobility.

However, as mentioned before, the law applies only to persons who are substantially limited in their ability to participate in society due to a mental, psychological, physical or sensory impairment. I.e. someone who, at retirement age, is no longer able to manage household chores and shopping on their own due to the onset of dementia or more severe physical impairment, is referred to long-term care insurance benefits (Social Book XI). The door to social participation benefits (SGB IX) is usually closed to them, as the Social Welfare Association, *vdk*, points out.⁴ The current measures do not take into account that older persons who acquired their disability late in life and after a long working life also have the right to a self-determined life and social participation.

There is a specific section on older persons in the National Action Plan to implement the UN-Convention on the Rights of Persons with Disabilities. However, as pointed out by the German Institute for Human Rights, this does not make up for a systematic consideration of older persons with disabilities.⁵

Further, mainstreaming ageing into other policy frameworks is still not a reality in Germany, despite the commitment to implement the Madrid International Plan of Action on Ageing (MIPAA) of 2002, following Ministerial Declarations of the United Nations Economic Commission for Europe (UNECE) and the more recent EU Council Conclusions on Mainstreaming Ageing, adopted in 2021.

There are projects and initiatives by civil society organisations (see below), many of which are members of BAGSO. The Federal Government is funding many of these

³ <https://www.sovd-he.de/medien/sozial-infos/meldung/bundesteilhabegesetz>

⁴ <https://www.bar-frankfurt.de/service/reha-info-und-newsletter/reha-info-2022/reha-info-052022/soziale-teilhabe-aelterer-menschen.html>

⁵ https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Information/Information_Die_Rechte_aelterer_Menschen_mit_Behinderungen.pdf

projects. In addition, there are additional funding streams at the level of the *Länder*, for instance, in Saxony-Anhalt, which since 2021 supports over 50 projects across the state to foster social, digital and intergenerational participation in local communities. The funding guidelines foresee a bottom-up approach, requiring the participation of the target groups since the inception of the projects.

Projects and organisations that explicitly focus on older persons who are marginalised on different grounds include the following nationwide examples:

- The National Dementia Strategy officially launched in 2019 and adopted by the Government in 2020, focuses among its four objectives on developing and establishing dementia-inclusive communities to enable people with dementia to participate in society and supporting people with dementia and their relatives. The National Dementia Strategy, however, does not take a human-rights based approach.⁶
- Still for older people with dementia and their relatives, the network office "Local Alliances for People with Dementia" supports local dementia networks, which are committed to people with dementia and their relatives, with the exchange of experience, expert impetus and the transfer of knowhow.
- Concerning the LGBTQI* 60+ community, there are projects such as Queer im Alter [Queer in older age] of the Arbeiterwohlfahrt [Workers' Welfare Association] and the work of self-advocacy groups and organisations, such as Lesben und Alter Dachverband [Umbrella organisation Lesbians and Age] and Bundesinteressenvertretung schwuler Senioren [Federal Interest Group gay seniors]. These organisations advocate for the interests and rights of the older LGBTQI* community and aim for conditions in which all people can age free of discrimination.
- To foster social inclusion of people of different cultural backgrounds, organisations such as the Alevi Federation Germany develop projects. One such project, called "Strengthening Open Senior Citizen Work in Local Alevi Congregations", works with six local communities and other stakeholders to inform and activate Alevi older people and to strengthen their social participation. It also provides culturally sensitive, needs-oriented counselling in the native language to inform about available services and support systems.

⁶ https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Information/Information_Die_Rechte_aelterer_Menschen_mit_Behinderungen.pdf

- Another civil society organisation, the Bundesverband Russisch-sprachiger Eltern [Federal Association of Russian-speaking parents] works with Russian-speaking victims of the National Socialism. It aims at improving the quality of life of these victims through activities that foster social participation and at raising awareness about the concerns of older people, in particular the victims of National Socialism.

At local level, welfare organisations and religious communities organise many activities such as afternoons for older persons, home visits (also by local authorities on special birthdays), volunteer-driving services to church services, programmes such as 'Breakfast in Winter' for homeless people, community meals in centres for older people ("on wheels to meals" instead of "meals on wheels"). Local senior offices (*Seniorenbüro*), who are also organised at federal level, inform older people about the different activities offered in the municipality.

Legal age limits that prevent the full and equal participation of older persons

Complementing the response by the Federal Government to this call, which refers to an analysis by the Federal Anti-Discrimination Agency highlighting complaints about the legality of age limits in associations and access to voluntary work, e.g. lay judges, there are other areas of concern. Until the recent introduction of the so-called *Bürgergeld* [Citizens' Income] in the beginning of 2023, it was possible for job centres to force people aged 63 and above who have been in long-term unemployment into retirement, resulting in reduced pension benefits. This type of compulsory retirement is established in the principle of subordination in basic benefits under Social Code Book II and has now been "paused" until the end of 2026.

In terms of financial goods and services, since 1995, insurance companies are no longer required to have their private insurance tariffs approved by authorities. This has led to a significant, often no longer comprehensible increase in insurance premiums from the age of 65 or 70, which older persons regard as age discrimination.⁷ BAGSO therefore demands that insurance companies have to make their risk calculations and assessments transparent – at least to the Federal Financial Supervisory Authority (BaFin).

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https://www.bagso.de/fileadmin/user_upload/bagso/06_Veroeffentlichungen/2022/Stellungnahme_Altersdiskriminierung_wirksam_entgegnetreten.pdf

According to the Basic Law (article 33 (2)) “Every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements”⁸. Nonetheless, there are age limits in administrative regulations. According to the Federal Career Ordinance (article 36(2)), people can only apply for selection procedures for career advancement if they have not yet reached the age of 58.⁹

Further, even in areas where no formal age limits exist, as in the field of education, older people are systematically left out. While almost all federal states have enacted adult education laws, the total share of the budget for adult education in the general education budget of the federal states currently amounts to less than one percent on average.¹⁰ Mostly, this budget is spent on education offers around the labour market. Other educational offers are less frequent, not adapted to post-working life needs and often do not reach older persons. BAGSO therefore calls for more thematic diversity in educational offers, training on education in older age for teachers and other professionals in the field of education and providing better information about educational offers to older persons.¹¹

In general, BAGSO demands a consistent review of existing age limits by critically questioning all age limits and abolishing them, if unfounded. Legislators and statute-makers at the federal, state and local level, social partners and company managements, institutions under public law, churches, associations and federations under private law as well as self-help organisations of people with disabilities are responsible for reviewing and monitoring age limits.

Measures to ensure participation of older persons in institutions

We are not aware of specific measures that promote the participation of older persons living in institutions at Federal level, but there are examples from the regional and local level. The *Land* of North Rhine Westphalia, for instance, initiated a programme to

⁸ <https://www.btg-bestellservice.de/pdf/80201000.pdf>

⁹ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108242/133679/F-1627156463/BLV.pdf>

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https://www.bagso.de/fileadmin/user_upload/bagso/06_Veroeffentlichungen/2022/BAGSO_Positio_n_Papier_Education_in_older_age.pdf

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https://www.bagso.de/fileadmin/user_upload/bagso/06_Veroeffentlichungen/2022/BAGSO_Positio_n_Papier_Education_in_older_age.pdf

support long-term care institutions in enabling older people to access and use digital technologies, with a total budget of 1 million € per year (50.000 € per year per institution).¹² Still in North Rhine Westphalia, the same Ministry provided funding for institutions that are creating ways of opening up to the community.¹³

In terms of cultural participation, the Centre for Creative Ageing and Inclusive Arts *kubia*¹⁴ provides funding, information, training, networking opportunities and advice on all issues relating to cultural and arts-based activities and lifelong learning. It is a professional forum and service platform for artists, arts facilitators, care professionals and staff in cultural institutions and local authorities.

Good practices promoting cultural participation by older persons in institutions were awarded with a price by BAGSO in 2019.¹⁵ An institution in Frankfurt, for instance, is not only the home to people in need of care but also a cultural community centre with over 100 events in-house each year.

Organisations representing persons with disabilities demand, together with BAGSO, improvements in the ophthalmological care in long-term care institutions as a way of increasing older persons' participation, because visual impairments of people in need of care are often not recognised.¹⁶

Public expenditure budget targeted to older persons

In addition to the expenditure on old-age provision mentioned by the Federal Government of Germany, an annual budget of approximately 20 million € is targeted towards policy actions related to older persons and demographic change. This represents less than 0.01% of the overall budget of the Federal Government.¹⁷

¹² <https://www.mags.nrw/pressemitteilung/miteinander-digital-nordrhein-westfalen-staerkt-digitale-teilhabe-aelterer-menschen>

¹³ <https://www.mags.nrw/miteinander>

¹⁴ <https://ibk-kubia.de/about-kubia.html>

¹⁵

https://www.bagso.de/fileadmin/user_upload/bagso/06_Veroeffentlichungen/2019/Themenheft_GERAS_PREIS_2019_Kunst_u_Kultur.pdf

¹⁶ <https://www.bagso.de/spezial/aktuelles/detailansicht/recht-auf-teilhabe-auch-fuer-aelttere-menschen-mit-seheinschraenkung-verwirklichen/>

¹⁷ <https://www.bundshaushalt.de/DE/Bundshaushalt-digital/bundshaushalt-digital.html>

In conclusion

While there is work underway to increase the social inclusion of older persons, also those experiencing intersecting discrimination, a comprehensive human-rights framework is lacking. Therefore, BAGSO calls for a UN Convention on the rights of older persons. This would empower older persons in asserting their human rights. Further, it would raise the awareness of the right to participation of older people among the public and decision-makers and thus, support the efforts to creating a society for all ages, as envisaged by the Madrid International Plan of Action on Ageing.



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BAGSO – The voice of older people

BAGSO, the German National Association of Senior Citizens' Organisations, represents the interests of older generations in Germany. It stands up for active, healthy and self-determined ageing in social security. BAGSO is an umbrella organisation of more than 120 civil society organisations that are run by or work for older people.