

**14th session of the Open-ended Working Group on Ageing Guiding
questions on the normative content related to social inclusion**

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?

In Luxembourg, these rights are defined within a broader context of protecting fundamental rights and non-discrimination, rather than in specific laws solely focused on the elderly.

Human rights related to the social inclusion of elderly individuals could be defined as follows:

- The rights of elderly individuals to live with dignity, make their own decisions, and fully participate in society.
- The right to access essential services such as healthcare, transportation, housing, and leisure without discrimination and in a manner tailored to their specific age-related needs.
- The rights to participate in public life, be consulted in decision-making processes, and have access to inclusive social and cultural spaces.

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;

The Law on the quality of services for the elderly promotes active living together in retirement homes by highlighting the importance of participation, activity, and the provision of public living spaces for the residents to prevent their social isolation.

It states that every retirement home must provide recreational and social services that bring residents into contact with the wider community, by organizing social and cultural events, ensuring freedom of worship, and offering structured meals.

The provided activities are adapted to the specific needs and preferences of the elderly.

b) older persons' inclusion in the digital sphere;

Luxembourg has developed a national action plan for digital inclusion which aims to facilitate the emergence of a digitally inclusive society through initiatives to reduce the digital divide and ensure access to technology for all population groups, including the elderly.

c) ensuring that older persons can live independently and be included in the community;

consult point a)

d) ensuring the social inclusion of older persons living in institutions;

consult point a)

e) older persons' inclusion in intergenerational policies and programs;

The National Council for the Elderly can advise the government on issues affecting older persons

and can provide information on relevant laws and policies.

The Law on the quality of services for the elderly establishes a Higher Council for the Elderly, whose missions include the promotion of the rights of the elderly, intergenerational and intercultural exchange, and cooperation; of projects that meet the needs of the elderly; of the skills and resources, inclusion, involvement, and social participation of the elderly.

f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.

The Law on the quality of services for the elderly states that every retirement home must set up an ethics committee, to advise the elderly on ethical issues and answer questions relating to respect for the fundamental rights of the elderly.

This law also establishes a mediation service whose missions include:

- Provide information on the rights and obligations of elderly residents.
- Issue recommendations to management organizations regarding the implementation of the rights and obligations of elderly residents.
- Carry out mediation missions in the event of disputes relating to the provision of services for the elderly.
- Inform and advise elderly residents on options for resolving their complaints in the absence of a solution through mediation.

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?

- Enforce comprehensive anti-discrimination legislation.
- Raise awareness about the rights and needs of older persons and promote a culture of respect and inclusion.

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?

- Develop and implement age-friendly policies and infrastructure that cater to the needs of older persons.
- Foster opportunities for older persons to engage actively in social, cultural, and recreational activities.
- Develop tailored digital inclusion initiatives to bridge the digital divide among older persons.
- Encourage intergenerational interactions and relationships by supporting initiatives that bring together people of different age groups.

Implementation

5. 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?

Best practices:

- Luxembourg has developed policies aimed at promoting active aging, encouraging elderly individuals to remain socially active and engaged in their communities.
- Support services are offered to elderly individuals, including healthcare, social services, and leisure programs, to promote their well-being and social integration.
- Elderly individuals are involved in decision-making and planning processes regarding policies and services that concern them, thereby promoting their autonomy and dignity (Law on the quality of services for the elderly).

Key challenges:

- Limited access of elderly individuals to new technologies and the internet can be a barrier to their social inclusion in an increasingly digitalized society.
- Some elderly individuals may face social isolation due to factors such as reduced mobility, loss of social network, and lack of opportunities for social participation.
- Negative stereotypes associated with aging can contribute to stigmatization and discrimination against elderly individuals, hindering their full participation in society.
- Physical accessibility of infrastructure and public spaces can still be limited, making it difficult for elderly individuals to participate in various social and cultural activities.