



UN Open Ended Working Group on Ageing
Contribution – Focus area: Participation in
public life and in decision-making
processes

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.

National legal and policy framework

1. What are the national and local legal provisions and policy frameworks in your country that guarantee:

a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;

In its primary law, the European Union (EU) provides legislation guaranteeing the right to equality and the prohibition of discrimination¹. The Revised European Social Charter² also aims to “enable elderly persons to remain full members of society for as long as possible, by means of adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life”.

Today, legal instruments and/or policy frameworks facilitating older persons’ participation by ensuring their right to equality and prohibiting age discrimination are notably lacking at EU level. In public life and decision-making processes, there is a substantial deficiency in laws or regulations that enforce inclusive methods, along with established mechanisms enabling the engagement of older people and civil society. A recent opinion of the European Economic and Social Committee (EESC) on a European Strategy for Older persons³ addressed this issue, calling on the EU to adopt a new European Strategy for Older Persons, with the objectives of protecting all their rights and ensuring their full participation in society and the economy.

In practice, older people frequently encounter exclusion from mainstream policy development. They face structural barriers which prevent them from participating or devaluing their contributions to society, such as ageism, the lack of support to build the necessary skills to engage in political processes, or the absence of accessible spaces dedicated to this engagement. Many older persons also confront intersecting challenges, where discrimination based on age intersects with other forms of bias. These overlapping forms of discrimination create a complex web of challenges, further limiting opportunities for healthy ageing and active participation in society, to which the European provisions or policy

¹ Treaty on European Union, Article 353 https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF and Charter of Fundamental Rights, Article 20 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

² Article 23§a <https://rm.coe.int/168007cf93>

³ eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023AE0532

framework do not respond. Without the structures mentioned above and in the absence of a culture and practice promoting participatory governance, achieving meaningful participation of older people in their diversity becomes more challenging.

To address these gaps, AGE Platform Europe developed a proposal for an EU Age Equality Strategy⁴.

b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;

The EU primary law protect against age discrimination. However, the European legal framework against age discrimination is limited to the Employment Equality directive⁵, which only covers age discrimination in the labour market and allows for the possibility to justify direct age discrimination in Member States, as long as there is a legitimate aim. For years now, AGE has been calling for the adoption of a Horizontal Equal Treatment directive⁶, to put an end to age discrimination in all areas of society, including participation in public life and decision-making processes. While it would extend protection from discrimination to goods and services, this draft directive has been blocked by Member States since 2008.

c) right to freedom of expression, including freedom to seek, receive and impart information;

The EU has comprehensive provisions on the rights to freedom of expression, peaceful assembly and association. The EU law both aims to guarantee the right to freedom of expression for all, including freedom to hold opinions and receive and impart information and ideas without interference by public authority and regardless of frontier⁷ but also mentions that older persons should have the possibility to interact with others and fully participate in social, cultural and education and training activities as well as public life⁸.

An intersectional approach is also essential to tackle the barriers faced by older people in all their diversity. For instance, AGE members deplored the fact that older women are less represented or invited in the media to participate or comment on politics and public life.

⁴ https://www.age-platform.eu/sites/default/files/AgeEqualityStrategy_FINAL.pdf

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

⁶ <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-anti-discrimination-directive>

⁷ Charter of Fundamental Rights, Article 11 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTEXT>

⁸ Revised European Social Charter Article 23, paragraph 10 of the 2014 Council of Europe <https://rm.coe.int/168007cf93>

One of the challenges encountered by older persons in the EU when it comes to expressing their voice or access to information is the digitalisation of all means. The digitisation of information on programmes and campaigns poses problems for some people who do not have the necessary digital skills or access to new technologies. It concerns certain groups of older people, who are thus denied their right to participate in political decision-making on an equitable basis.

AGE Platform Europe's members pointed out⁹ that on individual level, participation should be better fostered by Member States through the establishment of 'service points' for persons without access to the internet, as well as mobile units that bring information and allow space for discussion and participation in public life in sparsely populated areas.

d) right of peaceful assembly;

The European Union legislation guarantees freedom of assembly and association for everyone and at all levels, in particular in political, trade union and civic matters¹⁰.

However, mobility and accessibility for all are necessary to ensure anyone its right to participation, including older people. The opportunities and challenges for exercising these rights differ between rural and urban areas. Obstacles to political participation also encompass limited accessibility for individuals with disabilities, particularly those residing in institutions or requiring long-term care and support.

AGE Platform Europe's members pointed out¹¹ that on individual level, participation should be better fostered by Member States through the development of transport arrangements to reach public and essential private services and establish councils of older persons within residential care facilities to allow for participation in their immediate environment.

e) right to freedom of association;

As seen above, the EU primary law guarantees the right of association. Moreover, in practice, the European Commission financially supports NGOs, such as AGE Platform Europe, which brings together older people's associations from across the EU. Although not systematic, the Commission grant allow indirect empowerment of older people and facilitates their participation in decision-making. It also promotes a positive image of old age and echo the voice of older people associated to amplify their voices in EU political debates.

⁹ [AGE_Barometer-2021-FINAL.pdf \(age-platform.eu\)](#)

¹⁰ Charter of Fundamental Rights, Article 12 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

¹¹ [AGE_Barometer-2021-FINAL.pdf \(age-platform.eu\)](#)

f) right to take part in the government of one's country, directly or through freely chosen representatives;

The European Union legislation ensures the right for every citizen of the Union to stand as a candidate at elections to the European Parliament and at municipal elections in Member States, without any age limitation¹².

However, the ageist public discourse discourages older people from becoming politically active and voicing their concerns, and barriers to political participation are numerous for older people facing intersectional discrimination, such as older women or older persons with disabilities. AGE members stress that at all levels of decision-making, organisations of/for older people should be systematically included in conversations about global issues, not just those concerning older people.

At national level, the biggest challenge reported by AGE members was their governmental representation at the national and international level. Some states have ministers for older people which are often junior ministerial positions or seen as tokenistic. Other group their minister for older persons under the department for health and this has a negative effect on how older people are seen/perceived. It promotes the biomedicalized view of ageing, i.e. that older people are sick, vulnerable, or unhealthy and this can also affect their participation in all areas. Some AGE members reported that consultation of representative organisations of older persons is working only on an ad-hoc basis and not grounded in formalised practice.

Several states have councils of older people who meet to discuss the issues they face, with the aim of making recommendations and providing advice to their local, regional or federal governments. Here again, the lack of formalised practice and rules limit the council role and de facto older people's participation. There are also concerns as to the extent to which they represent the diverse needs of older citizens and their power and ability to truly push an agenda for policy change. For instance, challenges in the representation of older persons' councils exist for groups such as nursing home or care facility residents, Roma and other vulnerable groups who are typically underrepresented, if at all¹³.

Finally, AGE members highlighted the need for organisations of/for older persons to be included in conversations regarding global issues, not just those concerning older persons. Older persons or a representative should be included in official delegations at key international meetings. While the EU supports AGE's

¹² Charter of Fundamental Rights, Articles 39 and 40 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

¹³ WHO. (2023). National programmes for age-friendly cities and communities: a guide. Geneva: World Health Organization. <https://www.who.int/publications/i/item/9789240068698> and Joy, Meghan. (2023). Horizontal and vertical mainstreaming of the Age-friendly Cities and Communities programme Lessons from Toronto in Gardiner, C.M., & Webb, E.O. (Eds.). The Age-friendly Lens (1st ed.). Routledge. <https://doi.org/10.4324/9781003038658>

participation, we regret EU representatives do not consistently actively participate in OEWG meetings.

g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes;

AGE Platform Europe is financially supported by the European Commission with the aim to echo the voice of older people and participate in EU political debate. The current EU Commission has also nominated a Vice-President of the European Commission in charge of Demography and Democracy, Dubravka Šuica, and recently created a policy unit within the Directorate General Justice and Consumers (DG JUST) working with the issues of older people.

However, AGE Platform Europe has deplored the inconsistent consultation of older people in the design, implementation and evaluation of EU policies and called for the inclusion of older people in all policies that concern them.

h) access to prompt remedies and redress when older persons' above mentioned rights are violated.

The absence of a European legal framework prohibiting discrimination on the grounds of age is a major obstacle to access to justice in situations where the right to participate in public life and in decision-making is violated. Older people are among the least well informed about their rights and the remedies available to them. They are also less likely to lodge complaints about human rights violations. To combat systemic ageism, it is essential to implement measures and allocate specific budgets. It is also essential to support individuals and representative organisations to increase awareness of rights, legal knowledge and access to redress.

2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?

In 2021, a Green Paper on Ageing¹⁴ has been adopted with the aim of launching a broad policy debate on ageing and discussing options on how to anticipate and respond to the challenges and opportunities it brings. The absence of a consistent human rights-based approach is a notable gap. While human rights are mentioned, the document's superficial coverage of discrimination reveals several blind spots that undermine the equal participation in older age and leaves older people behind. The lively consultation that followed involved many stakeholders and highlighted how ageing should be better taken into account in EU initiatives

¹⁴ [green_paper_ageing_2021_en.pdf \(europa.eu\)](#)

and policies. However, the lack of a comprehensive response to the consultation is deplorable.

Since 2023, an interesting process has been set up, supporting the participation of older people in public life and in decision processes: the access to the regranting of a Commission's grant programme. This grant has enabled AGE to financially support its members in organising meetings and debates with political parties and candidates, and to fully take part in the upcoming European Parliament elections.

Data and research

3. What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.

The most recent data available on Eurostat concerning the exercise of active citizenship are from 2015¹⁵.

Despite the considerable advancement of EU research in the ageing domain, limitations persist, including age restrictions in data collection and the utilisation of overly broad age categories like "the 65+ population." Such generalisations treat older individuals as a uniform group, neglecting the diverse living realities and challenges encountered at various life stages. Associating "the old" with a predetermined set of characteristics is degrading and infringes upon their human dignity. In addition, data provided, to represent older persons in all their diversity should be disaggregated.

Equality and non-discrimination

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

One of the first challenges faced by older people is discrimination based on age and ageism. For participation to be meaningful, older persons and civil society organisations should be part of the agenda-setting from the beginning of the

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https://ec.europa.eu/eurostat/databrowser/view/ILC_SCP19__custom_808612/bookmark/table?lang=en&bookmarkId=20ced7b5-2a75-4732-992d-af954b599139

process and involved in every stage of the policy cycle, including in the implementation and monitoring process¹⁶.

As explained earlier, a second important obstacle to highlight is the lack of accessibility, both in terms of environments, but also in terms of the competencies needed to participate in public life and in decision-making processes.

In addition, because of the significant role of social connections for older people's quality of life, it is key that spaces, places and mechanisms of participation in later life are maintained and supported at the local level.. Academic research has found that in recent decades, many cities and communities have been affected by austerity measures that have contributed to the "hollowing out" of social infrastructure vital to neighbourhoods and daily life for older people, including the closure of libraries, day and community centres, and other community support and recreational facilities¹⁷. Advancing the development of Age-friendly Cities and Communities could help ensure that spaces and places for social and civic participation in later life are adequately preserved and prioritized in community planning¹⁸.

Overall, to overcome existing structural, technical and social barriers and create truly inclusive communities, an appropriate legal and policy framework is needed. AGE Europe Platform advocates binding legislation as part of an international instrument, such as a United Nations Convention on the Rights of Older Persons.

Accountability

5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?

Any EU citizen whose right and freedoms guaranteed by the EU primary law is violated has the right to an effective remedy before a tribunal and shall have the possibility to be advised, defended and represented¹⁹. The Court of Justice of the EU is the judicial body responsible for the implementation of the Charter in Member States.

Another mechanism available is the European Ombudsman. Any citizen who has been victim about maladministration by an EU Institution can submit a complaint to the European Ombudsman.

However, as explained above, the lack of a European legal framework prohibiting age discrimination is a major obstacle to access to justice in situations where older people's right to participate in public life and decision-making is violated. In

¹⁶ [https://www.thelancet.com/journals/lanhl/article/PIIS2666-7568\(23\)00244-1/fulltext](https://www.thelancet.com/journals/lanhl/article/PIIS2666-7568(23)00244-1/fulltext)

¹⁷ Buffel, T., & Phillipson, C. (2024). Ageing in Place in Urban Environments: Critical Perspectives (1st ed.). Routledge. <https://doi.org/10.4324/9781003229322>

¹⁸ <https://extranet.who.int/agefriendlyworld/age-friendly-practices/social-participation/>

¹⁹ Charter of Fundamental Rights, Article 47 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>

addition, the lack of information about existing rights and the few mechanisms available to older people is a major obstacle to access to justice.

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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