

Submission on the right to participation in public life and in decision-making processes

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1. Legal and policy frameworks

International human rights law safeguards various rights such as freedom of expression, association and participation in public life¹, yet lacks explicit standards on how these rights apply in older age. Some relevant regional provisions exist², but are limited in geographical scope.

International law requires States to eliminate all forms of discrimination.³ Nevertheless, the obligation to eliminate discrimination on the basis of age, either in the context of the right to participation or any other context, is not well-recognised, properly understood or universally accepted, particularly because age is not explicitly listed as a ground of discrimination in the core international human rights instruments.

There is an urgent need for a new UN Convention that protects the right of older persons to participate in public life and in decision-making processes, obligating Member States to tackle all forms of ageism and age discrimination in decision-making processes. Moreover, participation in the implementation, monitoring and reporting mechanisms established by a Convention, including at the national level, would provide a way for older persons to hold their governments to account and the recommendations from these mechanisms would feed into policymaking and reform processes.⁴

2. Data and research

Data on older persons is often not collected within official statistics at local, national or global levels. Even where data is collected on older age groups, it lacks adequate disaggregation⁵, failing to capture the diversity in characteristics, needs and levels of participation among diverse groups of older people.

These failures have become particularly evident during the COVID-19 pandemic where evidence and data on the impact of the pandemic on the rights of older persons has been extremely limited. However, based on HelpAge's consultations with older persons, it is evident that responses to the COVID-19 pandemic

¹ Article 25 of the International Covenant on Civil and Political Rights (ICCPR); Article 29 Convention on the Rights of Persons with Disabilities (CRPD). We note, however, that CRPD does not apply to older persons without disabilities.

² Regarding the right to participation see Article 27 Inter-American Convention on Protecting the Human Rights of Older Persons and Article 17 of the of the Protocol to the African Charter on Human and Persons' Rights on the Rights of Older Persons in Africa.

³ Article 2 ICCPR and International Covenant of Economic, Social and Cultural Rights (ICESCR).

⁴ UNECE, Meaningful participation of older persons, 2021. https://unece.org/sites/default/files/2021-09/UNECE_meaningful_participation_guidance_note.pdf

⁵ HelpAge International, How data systems leave older people behind, 2017, London, <https://www.helpage.org/silo/files/how-data-systems-leave-older-people-behind.pdf>.

exposed and exacerbated existing failures to respect older persons' voice, dignity, and rights.⁶

3. Equality and non-discrimination

Older persons are often not consulted or included in decision-making processes and policy development. This is particularly the case for older persons with disabilities, older women, older persons with lower levels of education or literacy, and older persons who do not have access to digital technologies. In these cases, discrimination on the basis of age intersects with discrimination on the grounds of those other characteristics, compounding the impact. Barriers include social and gender norms, ageism, attitudes and beliefs, and the lack of concrete opportunities to participate.⁷

The lack of participation of older persons in decision-making processes was made painfully clear during the COVID-19 pandemic when governments made top-down decisions with far reaching consequences on older persons' lives, but without including or even consulting them in the process.⁸ Older people in the Philippines, for example, reported not only not being involved in decision-making processes, but being imposed measures violating their basic rights.⁹ In Ghana and Liberia it was reported that older persons were excluded from decision-making processes on the design and implementation of public health responses.¹⁰

4. Accountability

Older persons should have the right to access effective dispute resolution and complaint mechanisms, including administrative and judicial processes, to seek redress for violations of their rights.¹¹

In the context of the COVID-19 pandemic older persons faced multiple barriers to enjoying their right to access information about their rights, how to make complaints, or seek redress. This is critical to ensuring older persons are empowered to use the information they receive so they can exercise their voice, meaningfully participate in decision-making processes affecting their well-being and claim their rights.¹²

For more information

Please contact Tanja Venisnik, Global Rights Policy Adviser:
tanja.venisnik@helpage.org

⁶ HelpAge International, Bearing the brunt: The impact of COVID-19 on older persons in low- and middle-income countries – insights from 2020, 2021, London, <https://www.helpage.org/what-we-do/healthy-ageing/covid-19-guidance/bearing-the-brunt/>.

⁷ Pinto, J.M, Neri, A.L., "Trajectories of social participation in old age: A systematic literature review", *Rev. Bras. Geriatr. Gerontol.* 20, 2017, 259–272.

⁸ HelpAge International, Bearing the brunt. Also see HelpAge International, Are older people being heard? The impact of COVID-19 on older people's ability to exercise their voice – Findings, recommendations and key questions emerging from HelpAge's voice survey and webinars, HelpAge International, 2021, <https://www.helpage.org/silo/files/are-older-people-being-heard.pdf>.

⁹ HelpAge International, Unequal treatment: What older people say about their rights during the COVID-19 pandemic – Country profile: The Philippines, 2021, London, <https://www.helpage.org/silo/files/unequal-treatment-philippines-profile-flag.pdf>.

¹⁰ HelpAge International, Bearing the brunt.

¹¹ HelpAge International, Freedom to decide for ourselves: What older people say about their rights to autonomy and independence, long-term care and palliative care, London, HelpAge International, 2018, <https://www.helpage.org/silo/files/freedom-to-decide-for-ourselves.pdf>.

¹² HelpAge International, Bearing the brunt.