

14th session of the Open-ended Working Group on Ageing

Guiding questions for the focus area on participation in public life and in decision-making processes

National and local 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;

Luxembourg's Constitution and various anti-discrimination laws prohibit discrimination based on age, among other grounds. For example:

- The Law on the creation of the Centre for Equal Treatment "CET" prohibits direct and indirect discrimination in various areas, including employment, social protection and access to goods and services.
- The labor law prohibits age discrimination, as well as discrimination based on other grounds such as gender, ethnic origin, religion, or sexual orientation, in the context of employment and work.
- Luxembourg is also subject to European Union directives regarding equality and non-discrimination, which include specific provisions relating to age.

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 afore mentioned laws play a crucial role in this regard, ensuring that age discrimination is addressed comprehensively.

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

d) right of peaceful assembly;

e) right to freedom of association;

c), d) and e) are enshrined in Luxembourg's Constitution.

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

Luxembourg is a democratic country where citizens have the right to take part in the government directly or through freely chosen representatives. The Constitution and electoral laws outline the procedures for democratic participation.

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.

Older persons and their representative organizations are encouraged to participate in decision-making processes through various channels, including consultations and advocacy efforts.

➔ Law on the quality of services for the elderly

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

Luxembourg's legal system provides avenues for individuals, including older persons, to seek remedies and redress when their rights are violated. This may include filing complaints with relevant authorities or seeking legal recourse through the courts.

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.

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

- Luxembourg has enacted anti-discrimination laws that prohibit discrimination on various grounds, including age, in different aspects of life, such as employment, social protection, healthcare, and access to goods and services.
- The Centre for Equal Treatment (CET) which purpose is to promote, analyze and monitor equal treatment between all persons without discrimination based on race or ethnic origin, sex, sexual orientation, religion or beliefs, handicap, or age.
- The Luxembourg Constitution provides fundamental rights and freedoms.
- Luxembourg promotes diversity and inclusion in society. Efforts are made to raise awareness about the importance of inclusivity and to combat stereotypes and prejudices.
- Luxembourg is a party to various international human rights treaties and conventions that promote equality, non-discrimination, and the rights of older persons.
- The Law on the quality of services for the elderly is highlighting the importance of participation, activity, and the provision of public living spaces for residents in retirement homes to prevent their social isolation.

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.

There are a few sources where such information may be found (non-exhaustive list):

- STATEC is the national statistical institute of Luxembourg and collects and publishes data on various demographic indicators.
- The Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees conducts research or commission studies on issues related to older persons.
- Research institutions and universities in Luxembourg also conduct studies with a focus on older people.
- The Survey of Health, Ageing and Retirement in Europe (SHARE) is a large social science panel study covering all EU member countries. SHARE provides data in a large field of themes.
- Some municipalities collect data on social participation of older persons.

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?

- Those with limited digital literacy or access to technology, can face challenges in accessing information about for example public affairs, government policies, and community events.
- Older persons with disabilities or age-related impairments can encounter barriers in accessing public spaces, transportation, and communication channels due to a lack of accessibility features, such as wheelchair ramps or information material in easy language.
- Older people can experience social isolation and loneliness, which can diminish their opportunities for social interaction and civic engagement.
- Negative stereotypes about aging can perpetuate misconceptions about older adults' capabilities, relevance, and value in public life, leading to systemic biases and exclusionary practices.
- Limited financial resources can restrict the access of older persons to resources and opportunities for civic engagement.
- Older persons with linguistic or cultural minority backgrounds can encounter language barriers that hinder their participation in public life and in the decision-making processes.

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?

- Older persons can seek redress through the judicial system by filing complaints or initiating legal proceedings.
- Luxembourg has an Ombudsman Office that serves as an independent authority to investigate complaints from individuals who believe their rights have been violated by public administrations or entities.
- The Law on the quality of services for the elderly sets up a national information and mediation service in the field of services for the elderly.
- Luxembourg has institutions responsible for promoting and protecting human rights, such as the National Human Rights Commission (CNDH) which can be approached to report human rights violations.
- Older persons can seek support from civil society organizations and advocacy groups that specialize in issues affecting seniors' rights and well-being.