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## **Open-ended Working Group on Ageing**

### **Fourteenth session**

20–22 and 24 May 2024

Item 6 of the provisional agenda

**Follow-up to resolution 78/177: measures to enhance the promotion and protection of the human rights and dignity of older persons: best practices, lessons learned, possible content for a multilateral legal instrument and identification of areas and issues where further protection and action are needed**

## **Substantive inputs on the focus area “Participation in public life and in decision-making processes”**

**Working document submitted by the Office of the High Commissioner for Human Rights\***

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## I. Introduction

1. The Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182 with the purpose of strengthening the protection of the human rights of older persons, will hold its fourteenth session at the United Nations Headquarters from 20 to 22 and 24 May 2024. The substantive discussions will focus on two areas: (a) accessibility, infrastructure, and habitat (transport, housing and access), and (b) participation in public life and decision-making processes. To that end, the Bureau called for substantive inputs from Member States, national human rights institutions (NHRIs), non-governmental organizations (NGOs) and United Nations system agencies and bodies, following questionnaires prepared by the Secretariat on the two focus areas.

2. During the fourteenth session, the Open-ended Working Group on Ageing will consider and discuss the contributions received, based on the working documents prepared by the Secretariat. The present document contains the analytical summary of contributions on the focus area: participation in public life and in decision-making processes.

## II. Analysis of submissions received

### A. International framework

3. Participation in public life and in decision-making processes is anchored in various international human rights law provisions, including equality before and under the law,<sup>1</sup> freedom of expression,<sup>2</sup> peaceful assembly,<sup>3</sup> freedom of association,<sup>4</sup> participation in the conduct of public affairs, directly or through freely chosen representatives<sup>5</sup> and access to justice.<sup>6</sup> These rights are echoed in a large number of regional and national legal provisions. Several treaties provide additional safeguards for the protected groups. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) includes a specific provision (art. 7) on women's participation in political and public life while references to measures to facilitate women's participation in public life are also included in other articles (arts. 8, 11, 14). The Convention on the Rights of Persons with Disabilities (CRPD) includes a similar provision on participation in political and public life for persons with disabilities (art. 29). As full and effective participation in society is one of the guiding principles of the CRPD, the Convention includes a cross-cutting obligation to consult persons with disabilities as well as an innovative article enshrining an obligation for member states to involve civil society in the monitoring of the convention. The Convention on the Rights of the Child (CRC) includes provisions on children's freedom of opinion and expression (arts. 12 and 13). The CEDAW Committee also brought attention to administrative and institutional barriers for older

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<sup>1</sup> Universal Declaration of Human Rights (UDHR), arts. 2 and 7; International Covenant on Civil and Political Rights (ICCPR), arts 14 and 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 2.

<sup>2</sup> UDHR, art. 19; ICCPR, art. 19.

<sup>3</sup> UDHR, art. 20; ICCPR, art. 21.

<sup>4</sup> UDHR, art. 20; ICCPR, art. 22.

<sup>5</sup> UDHR, art. 21; ICCPR, art. 25.

<sup>6</sup> UDHR, arts. 7, 8, 10 and 11; ICCPR, arts. 2, 14 and 26.

women, such as the absence of necessary documentation to register to vote and run as candidates for election.<sup>7</sup>

4. The existing international framework does not contain specific standards that define and protect older persons' right to participate in public life and decision-making processes. Non-binding frameworks, such as the Madrid International Plan of Action on Ageing (MIPAA) address some aspects of this right.

## **B. National legal and policy framework**

5. National legal and policy frameworks that safeguard older persons' right to participate in public life and in decision-making processes are multiple and diverse in coverage and scope. Many respondents identified national constitutions as the primary normative basis for the realization of the rights to freedom of expression, peaceful assembly, freedom of association and participation in government. These are in the vast majority general provisions targeting the whole population. According the NHRI from Nigeria, the Constitution of Nigeria guarantees the right of all Nigerians to participate in public life and in decision-making processes without discrimination, whereas the NHRI from Malawi indicated that the Constitution of Malawi encourages participation in the life of the society. The NHRI from Kenya indicated that the Constitution of Kenya requires the state to take measures to ensure the rights of older persons to fully participate in the affairs of society, pursue their personal development, live in dignity and respect and be free from abuse; and receive reasonable care and support from their family and the State.

6. Contributions received also referred to electoral laws that outline the procedures for democratic participation. These regulations implicitly - or less commonly explicitly - stipulate that there is no age limit for participation in elections. In many countries, measures like remote voting are foreseen to enable older persons' participation in elections. According to the NHRI from the Philippines, the law stipulates the establishment of voting centers exclusively for persons with disabilities and senior citizens. Germany reported that every citizen has the right to submit petitions to the competent authorities or the Bundestag. The 2022 Rome Declaration adopted at the United Nations Economic Commission for Europe (UNECE) Ministerial Conference on Ageing includes a commitment to involve older persons, develop participatory engagement, promote positive portrayal of ageing and protect from discrimination. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) reported the outcome document of the Asia-Pacific Intergovernmental Meeting on the Fourth Review and Appraisal of the Madrid International Plan of Action on Ageing in Asia and the Pacific encourages the active participation of older persons in society by promoting employment opportunities, lifelong learning, and digital literacy, while also combating discrimination in the workforce and beyond.

7. Contributions indicated little evidence of national legal and policy frameworks providing specifically for active, free and meaningful participation of older persons and their representative organizations in public life and in decision-making processes. Where such examples exist, they tend to be anchored in specific national laws or policies on ageing and/or older persons. A limited number of constitutional provisions refer specifically to older persons. In Egypt, a 2024 law on the protection of elderly rights provides measures to facilitate communications with governmental and non-

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<sup>7</sup> Committee on the Elimination of Discrimination against Women, General recommendation No. 27 on older women and protection of their human rights, 16 December 2010, CEDAW/C/GC/27, para. 39.

governmental agencies, to participate in elections and to seek assistance, when necessary.

8. In Germany, the sectorial law on old age assistance creates an obligation for cities and districts to guarantee advice and support services for older persons. The NHRI from Malawi indicated that a national bill on the rights of older persons, which has not yet been enacted into law, includes a provision to support participation and inclusion of older persons in public life. The European Commission has been supporting exchanges of good electoral practices among the European Union Member States in the framework of the European Cooperation Network on Elections that help different groups of citizens participate in elections, including older persons.

9. Participation in public life and decision-making processes requires different elements such as access to infrastructure, information and technologies, opportunities and empowerment to engage in public discussions, strong anti-discrimination guarantees and special measures for groups and individuals at risk of exclusion. Contributions revealed the fragmentation and inconsistency of laws and policies that cover these multiple dimensions of the right to participate in public life and in decision-making processes. Canada referred to the Charter of Rights and Freedoms, as well as Acts on accessibility, telecommunication, multiculturalism and disability inclusion and the National Dementia Strategy. The NHRI of the Republic of Korea noted the complete absence of legal and policy frameworks aiming to guarantee participation in public life and decision-making processes in their domestic context.

10. Several contributions referred to specific aspects of the right, with a particular focus on participation in elections. Colombia referred primarily to social protection provisions, whereas Slovenia to anti-discrimination. Such examples indicate a narrow and inconsistent normative understanding of the scope of the right to participate in public life and in decision-making processes.

11. Some inputs referred to special measures that support older persons' role in decision-making, although it is not always clear whether these are stipulated by law. According to the NHRI from Egypt, the Government has assigned some older persons as consultants, experts and honorable members in different governmental agencies to benefit from their experience. According to the NHRI from the Democratic Republic of Congo, as a form of positive discrimination, the presidency of two chambers of the parliament is awarded to the oldest parliamentarian. The NHRI from Philippines noted that seats are reserved for older persons' representatives in Congress and the National Anti-Poverty Commission.

12. Some contributions referred to the important role of civil society organizations to actively contribute to policymaking and implementation. Argentina mentioned national programmes that provide funding to civil society enabling the exercise of the right to freedom of association. AGE Platform Europe noted that the European Commission grants indirectly support the empowerment of older persons and facilitate their participation in decision-making. The European Union indicated that a European Union-funded project aims to promote the participation of senior citizens in the civic and democratic life of the European Union through the organization of a series of local events in several Member States.

13. Contributions also referred to a wider range of actions and programmes that aim to facilitate older persons' participation in public life, including campaigns and other initiatives that promote non-stereotypical images of older persons and encourage their active participation in society; volunteering activities; training on new technologies; health promotion and services to improve older persons' functional capacities; and measures to improve access to polling stations and electoral procedures. Belarus prioritizes- among others - the strengthening of intergenerational ties, including the role of older citizens in the education and socialization of new generations, the

preservation and transmission of cultural and moral values and traditions of the nation. Several inputs refer to initiatives aiming to improve accessibility, including obligations derived from the CRPD.

14. While referring to a wide range of initiatives, the submissions did not bring evidence of comprehensive frameworks adequately protecting and promoting all aspects of older persons' right to participation in public life and decision-making processes. Several NHRIs and NGOs called for a new legally binding international convention to address the existing inconsistencies, gaps and limitations.

### **C. Challenges**

15. Many inputs highlighted negative stereotypes about older persons that can limit their full and effective participation in public life and decision-making. United Nations Economic Commission for Latin America and the Caribbean (ECLAC) mentioned that despite increased policy attention to ageing, ageism continues to underpin policy and practice, which creates barriers to the equal enjoyment of human rights by older persons. Türkiye also observed that ageing policies that focus on health, care and support and social assistance create implicit obstacles to older persons' active participation in society. AGE Platform Europe stated that internalized ageism discourages older persons from becoming politically active and voicing their concerns.

16. Many inputs further noted that subgroups of older persons face aggravated forms of discrimination, exclusion and marginalization. Submissions referred to multiple disadvantages in participating in public life for older women, including older widows, older persons with chronic health issues, dementia or other disabilities, poor rural dwellers and older refugees, older indigenous peoples and culturally and racially marginalized communities among others. El Salvador referred to barriers for older persons who belong to ethnic or linguistic minorities. The NHRIs of Malawi and Kenya highlighted the plight of older persons who are subject to witchcraft accusation. HelpAge International stressed difficulties for older persons with low levels of education. The NHRI from Egypt mentioned that the illiteracy rate of the older population reached 53.2 per cent in 2022, with a much higher illiteracy rate for older women.<sup>8</sup> Universal Peace and Violence Amelioration Center, HelpAge International España and the German NHRI stressed that socio-cultural norms, traditional gender roles and lower levels of education and socioeconomic status marginalize older women, further limiting their participation in decision-making. Research conducted by the NHRI of Georgia showed that the needs of older women, including their daily mobility, access to transport, and time resources allocated for movement, are not adequately considered by municipalities.

17. Despite the existence of constitutional and statutory laws prohibiting age discrimination and guaranteeing civil and political rights, formal and informal barriers to older persons' equal participation in public life and decision-making processes continue to exist. HelpAge International España noted that persons over the age of 70 cannot be part of the electoral committees (mesa electoral), whereas those over the age of 65 can resign in case of appointment, an option seemingly not available to persons under the age of 65. The German Federation BAGSO notes that in Germany there are age limits for holding public office and mandates. Age Action Ireland notes that those who reside in nursing homes and are unable to travel to a polling place can register with the Special Voters List, which often means having to

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<sup>8</sup> 39.6 per cent of the total males, and 67.9 per cent of the total females.

vote prior to the completion of the various political campaigns, including prior to final debates.

18. A key challenge surfacing from the contributions is digital exclusion, which affects both older persons in low income and high-income countries. Research conducted by the European Union Agency for Fundamental Rights suggested that digital skills and modern technological tools are crucial for participating in public life.<sup>9</sup> The research also showed that there is little evidence of national initiatives to provide digital skills training for older persons or to offer financial support for reliable internet access or up-to-date devices and software. Furthermore, only one in four persons aged 65 to 74 in the 27 European Union Member States have at least basic digital skills. As public consultations and services are increasingly available only online, digital exclusion can hinder older persons from exercising their civil and political rights. The submissions suggested that older persons face digital exclusion due to limited network deployment (lack of availability), high prices (lack of affordability), lack of digital literacy or skills, lack of accessibility of digital platforms, lack of alternative non-digital options, lack of information and support and the risk of fraudulent practices which hinder older persons right to make informed decisions.

19. Other concerns included the lack of accessibility of physical spaces for public engagement and lack of opportunities for participation for marginalized or remote groups. Submissions centered around the limited opportunities for participation for older persons in care facilities and the inaccessibility of polling stations, although some special measures to enable this population to take part in elections are noted. Older persons living in rural areas face several challenges, including inadequate access to transport, social, health, and basic services, as well as economic opportunities. Age Action Ireland noted that nearly 50 per cent of women aged 65 and above in rural areas, and around 28 per cent of men have 'unmet' transport needs. It further mentioned that the existing age limits in accessing driving license further limit older persons' ability to access services and places where decisions are made. BAGSO also noted the urban-rural divide in Germany.

20. Another important barrier to civic engagement is social isolation. The loss of life partners, retirement, moving due to care and support needs, loss of social networks, living alone and mobility restrictions combined with lack of accessible environments and support can adversely impact older persons' engagement in public affairs. Social isolation is often linked with many intersectional challenges of exclusion, such as abuse and discrimination based on sexual orientation and gender. Low incomes and material deprivation can also drive social isolation and exclusion from participation in public life.

21. Submissions suggested that despite the existence of general legal and policy frameworks on citizens' participation in public life, older persons are de facto excluded from policy decisions and educational programmes. In Canada, according to the input by ILC Canada, a legislation was recently passed by the Ontario government without the consultation of older persons' representative. The so called "More Beds, Better Care Act" infringes upon older patients' fundamental rights to privacy and informed consent by permitting hospitals and placement coordinators to share their personal health information without consent and coercing them to move into long-term care homes against their wishes. AGE Platform Europe noted that consultation is often on an ad hoc and tokenistic basis. HelpAge International and HelpAge Deutschland stated that in the Philippines, Ghana, Germany and Liberia measures taken in the context of the pandemic were imposed without consultation with older persons' representatives. Japan Support Centre observed that the

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<sup>9</sup> Based on input by the NHRI from Croatia.

participation of older persons in social activities and recreation takes precedence over engagement in policy design, implementation and monitoring in the domestic context. Kenya mentioned that older persons have fewer opportunities to establish or join organizations that can represent their demands as older persons. BAGSO mentioned that in Germany political education programmes target young persons. WHO and a few NGOs mentioned the lack of information and support to engage in political processes as another key challenge.

22. Several respondents mentioned that there is discrepancy between law and practice, due to lack of government action, structural ageism, absence of legal framework, lack of monitoring, limited awareness of rights, inaccessible processes and infrastructure and lack of mechanisms of accountability and redress. NGO Relationships Australia noted that the domestic framework and action plan have not upheld the human rights of older persons or promoted their participation in public life. NGO NSINDAGIZA from Rwanda commented that the government's commitments under international and regional agreements remain largely unimplemented while national provisions are not enforced. NGO Japan Support Center mentioned that the participation of older persons in the design, implementation and monitoring of policies directly related to older persons is not sufficiently guaranteed. AGE Platform Europe deplored the inconsistent consultation of older persons in the design, implementation and evaluation of the European Union's policies and called for the inclusion of older persons in all policies that concern them.

23. Contributions indicated that several countries have national, local or regional advisory councils comprised of representatives of older persons. According to the World Health Organization (WHO), in all regions, at least two thirds of countries include older persons in such forums or committees; although the rate is lower in low-income countries. According to ESCAP, the Australian Council of Elders aims to amplify the voices of older Australians and improve inclusive governance. UNECE reported that in Denmark, all municipalities are required by law to establish a Senior Citizens Council that advises on the municipality's ageing policy, and in Cyprus, the 'Elder's Parliament' contributes to policy making related to social welfare and health. In Slovenia the government established a Council for Active Ageing and Intergenerational Cooperation in 2018 for the implementation of the Active Ageing Strategy, whereas some Slovenian municipalities include Councils of Seniors. The NHRI from Germany noted that local senior citizens' councils are only enshrined in law in Berlin and Hamburg, but not in other parts of Germany. In Croatia there is a National Council of Pensioners and more recently also councils and committees for older persons at county level. Argentina has a Federal Council of Older Persons. On the other hand, Réseau FADOQ noted that in Quebec, Canada, there is currently no independent and permanent forum that advises government on retirement issues. The same NGO also regrets the exclusion of retirees from the advisory committee that examines pension plan issues and the abolition of a consultative body focused specifically on older persons in Quebec.

24. These contributions provide evidence of significant discrepancies in coverage and scope and the absence of a consistent framework providing for and regulating older persons' participation in public affairs. Whereas many consultative bodies exist at local or provincial level, these are not always replicated at national or federal level nor equally available across all the territory of the country. Only a few inputs refer to a legal obligation for the establishment of such advisory bodies and in several cases, their establishment is linked to specific policy initiatives.

25. Many NGO and NHRI inputs noted that older persons' advisory councils have limited role and impact in practice. The Finnish NHRI conducted research, which revealed that the impact of local councils of older persons varied a lot between municipalities, while overall the views expressed by these councils were not



perceived as leading to change, and there was a lack of information regarding their processing and progress. A few NGOs were also concerned by the underrepresentation of vulnerable and marginalized groups of individuals in such advisory bodies. Contributions referred to a narrow array of issues where such bodies were asked to play a role, in particular on aspects of pensions, health, care and support and to a limited extent covering more generally ageing issues. In Luxembourg for instance, consultation of older persons appears to have a limited scope, as it is based on the law on the quality of services for the elderly. Similarly in Finland, according to the NHRI, participation is targeting decisions about health and social services and those affecting older persons' living conditions. This implies the lack of involvement of senior citizens' or older persons councils on a wider range of public issues and on an equal basis with other citizens.

26. Inconsistency, fragmentation and absence of frameworks were also reported as challenges. The NHRI from Georgia, noted that while there is a good level of representation of older persons in the country's legislative authority, the same cannot be said for local governments, which considerably lack older persons' participation. In Germany some federal states have laws for senior citizens' participation, which institutionalize older persons' involvement in advisory bodies, comment on draft laws and resolutions and other political initiatives, or contribute their expertise to committees relevant to federal, state and municipal policy. However, the German Federation BAGSO noted that these are not equally available across the country and there are no uniform binding regulations on their functioning. The lack of adequate legal frameworks that provide for civil society participation and/or regulates the role and procedure of involvement of senior councils are also mentioned by Slovenia and the NHRI of Kenya. ACAMAGE referred to the lack of proper implementation of international regional and national law in Cameroon.

27. Overall, respondents reported a wide range of challenges, often rooted in structural ageism and systemic institutional deficiencies, that limit opportunities and support for participation in public life. Responses pointed to the need for a fundamental shift in how society sees older persons that needs to be translated into tangible practices that promote inclusive governance and meaningful participation of older persons in all their diversity in decision-making. Some NGOs and NHRIs called for a dedicated legally binding framework on the right of older persons to participate in public life and in decision-making processes.

#### **D. Data and research**

28. Many contributions pointed to a scarcity of data on the participation of older persons in public life. WHO noted that ageism manifests itself in the way statistics and data are collected and compiled meaning that comparable data on older persons' participation in public life is lacking. HelpAge International suggested that data on older persons is often not collected within official statistics at local, national or global levels and that even where such data exists, they tend to lack adequate disaggregation failing to capture the diversity in characteristics, needs and levels of participation among diverse groups of older persons. NSINDAGIZA RWANDA reported that national age-disaggregated data collection predominantly focuses on the 'active' population under 49, which hampers evidence-based policymaking essential for addressing the challenges faced by older persons. The United Kingdom submitted that demographics and health surveys often only include persons between the ages of 15 and 49. The International Federation on Ageing mentioned that while indicators to monitor individuals' participation in public life and decision-making processes exist, they are not disaggregated by age. For example, most of the World Bank indicators specific to women's access to decision making are limited to those of reproductive

age, from 15 to 49 years old. Similarly, only 18 of the unique 231 Sustainable Development Goals indicators have age-disaggregated data available from any of the 193 UN Member States for at least one year from 2015. The Finnish NHRI also reported that different surveys often exclude persons over 70 or 80 years old. The Polish NHRI mentioned that national data on the situation of older persons, contained no data on the participation of the older persons in the parliamentary elections. AGE Platform Europe noted that despite European Union's research in the ageing domain, limitations persist, including age restrictions in data collection and the utilization of overly broad age categories like "the 65+ population", which neglect the diverse living realities and challenges encountered at various life stages. BAGSO also noted that in Germany there is few data on the population aged 80 and above and heterogeneity of older persons is not sufficiently represented in official statistics. The NHRI from Guatemala reported the complete lack of data in this domain.

29. The contributions pointed to the availability of more data on older persons' formal/institutionalized political participation (e.g. in elections as voters and candidates, membership in political parties or in consultative bodies), compared to other dimensions of the right to public and civic participation, although such information is not consistently available. Universal Peace and Violence Amelioration Center explained that indicators used in Nigeria and Bangladesh to monitor older persons' participation often include representation in government; community projects, participatory budgeting processes, and decision-making forums; access to information; and civil society participation. Other inputs referred to surveys focusing on older persons' living conditions and welfare (ex. Canada, Finland, Luxembourg, Saudi Arabia), without specific reference to older persons' political and civic participation. A few inputs referred to data on volunteering. Australian NHRI reported that national Statistics include participation in cultural and creative activities, participation in the workforce and participation through volunteering.

30. UNECE mentioned that the regional synthesis report on the fourth review and appraisal of the Madrid International Plan of Action and its Regional Implementation Strategy in the region provided information on progress relevant to the focus area of participation in public life and in decision-making processes during the period 2018-2022. The European Union reported that statistics are gathered by the Union's statistical office, Eurostat, and cover social and civil participation (also online), perceived experience of discrimination (also online) and e-government activities and disaggregated by age. Türkiye gathered data on the participation of older persons in public life, which will be published next year. Mexico collected disaggregated information on the participation of older persons in public life and decision-making processes in Mexico.

31. A few inputs referred to the role of NGOs in providing data and analysis on older persons' participation in public life. ECLAC mentioned that in the absence of official data, civil society organizations have an important role to play in gathering information. The NHRI of Rwanda conducted a qualitative survey, which included indicators in the participation of older persons in elections, in citizen forums and in community works.

32. Where research results were reported, they showcased inequalities in levels of participation. In Germany available data showed that people of retirement age have lower levels of political participation compared with other age groups. The NHRI from Ukraine indicated that a survey showed the need to expand older persons' opportunities to be engaged in social activities and to actively participate in decision-making processes regarding their lives. Australian statistics also demonstrated low levels of social participation among older persons.<sup>10</sup> The German NHRI mentioned

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<sup>10</sup> The Australian Bureau of Statistics and Australian Institute of Health and Welfare collects and

that the decrease of political participation in old age is not related to personal preferences or abilities, but rather to the ‘social climate that does not encourage older persons to participate politically’.

33. Many of the submissions which referred to available data indicated that there is some level of disaggregation by age and other characteristics. The inputs, however, did not sufficiently explained the level and scope of disaggregation, or whether this is an obligation. Some respondents indicated that without the consistent collection of data it is difficult to monitor how older persons are excluded from participation in public life and decision-making processes.

## **E. Equality and non-discrimination**

34. Equality and non-discrimination are fundamental principles of human rights law. Guaranteeing that individuals are not subject to differential treatment on the basis of old age is essential for the realization of the right to participate in public life and in decision making processes. As mentioned above, systemic ageism embedded in laws and policies, but also in data collection are key obstacles to older persons’ full and effective participation in public affairs.

35. According to the inputs, general equal treatment acts and constitutional provisions including either explicit or implied prohibitions of age discrimination were common. The submissions, however, did not provide sufficient evidence of the scope, enforcement, and alignment of these laws with international standards.

36. Some inputs revealed gaps and limitations of the existing equality frameworks. In Germany age discrimination is prohibited only in employment and with regard to civil law obligations. The German non-discrimination act does not cover voluntary work and includes many exceptions with regard to credit and insurance. In Türkiye, the law foresees age limits for the employment of civil servants and university faculty members. In Guatemala, according to the input from the NHRI, age discrimination is considered a crime under the national penal code, but the NHRI notes the lack of cases that deal with age discrimination. HelpAge International observed that international guarantees are not well recognized, properly understood or universally accepted, particularly because age is not explicitly listed as a ground of discrimination in the core international human rights instruments.

37. The European Union has adopted several strategies on equality, including the Gender Equality Strategy (2020-2025), the EU Anti-racism Action Plan (2020-2025), the EU Roma strategic framework for equality, inclusion, and participation (2020-2030), the LGBTIQ Equality Strategy (2020-2025) and the Strategy for the Rights of Persons with Disabilities (2021- 2030). AGE Platform Europe regretted the absence of a comprehensive European Union policy or legal framework on age discrimination.

38. The inputs received showed no evidence of laws and policies that include an obligation to eliminate ageism from national frameworks. This represents an important deficiency in the protection of the right to equality and non-discrimination, which involves comprehensive guarantees, including far reaching obligations that are not covered by the domestic arrangements (for legal and policy reforms, awareness raising) etc. The NHRI from South Africa underlined that legislation does not stipulate necessary steps to prevent discrimination, but solely states what type of

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publishes data about certain topics related to the participation of older persons in public life. This includes participation in cultural and creative activities (19.3 per cent of men aged 65 and over; 35.8 per cent of women aged 65 and over), participation in the workforce (15 per cent of people aged 65 and over) and participation through volunteering (25 per cent of people aged 70 and over).

conduct is prohibited. This implies that the existing frameworks lack obligations to fulfil the right through positive action. While there is reference to measures taken to improve accessibility, especially in voting procedures, the inputs do not refer to an accessibility requirement, or an obligation of support or reasonable accommodation to address existing inequalities of access. In several cases, accessibility measures are explicitly linked with disability provisions in national, regional and international norms. Several submissions also refer to the need for additional protections to address multiple and intersectional discrimination.

39. To overcome existing barriers and to guarantee the equal enjoyment of the right to participation in public life and decision-making processes in older age, some inputs argued that appropriate legal frameworks are needed.

## **F. Accountability and redress**

40. Inputs received referred to a wide array of general judicial and non-judicial mechanisms of redress that exist under constitutional and secondary law. These included access to the general courts of the state, but also targeted judicial bodies, such as equality, administrative or labour courts. Many respondents referred to the role of NHRIs in receiving complaints. A few mentioned administrative processes, such as health inspection bodies. Alternative dispute resolution options, such as mediation and community-based services were reported in the United States by AgeWell Foundation as did NHRIs in Argentina, Luxembourg and Rwanda. WHO commented on the lack of information about the level of protection, implementation, awareness and monitoring of existing remedies.

41. Bearing in mind the interconnected dimensions of the right to participation in public life and the lack of integrated policy and legal frameworks covering all these aspects, the fragmentation and duplication of avenues for accountability and redress was not uncommon in the submissions received. In Canada, both the Radio-television and Telecommunications Commission and the Commission for Complaints for Telecom-Television Services can receive complains for accessibility of communication services for instance. In the United Kingdom individuals can seek redress via the Local Government and Social Care Ombudsman, but it is unclear where older persons should complain in case of failure to be included in national public affairs. In Australia an older person who has been treated unfairly in the area of public life can lodge a complaint with the Commission's Investigation and Conciliation Service; whereas an older person wishing to complain about aged care and support service providers or unfair treatment in employment has to make a complaint in distinct bodies (Aged Care Quality and Safety Commission and Fair Work Commission respectively). In Finland, the Parliamentary Ombudsman for Older People is an autonomous and independent authority, with a duty to promote and assess the realization of basic and human rights of older persons in legislation and decision-making but does not have the authority to resolve issues related to older individuals. The Parliamentary Ombudsman's tasks include oversight of legality related to the rights of older persons. Finnish citizens can file a complaint with the Chancellor of Justice for issues not covered by the Parliamentary Ombudsman. None of the reported mechanisms are targeted specifically to the right to public participation, or to older persons.

42. Some NGOs referred to the low numbers of complaints and the lack of adequate redress, due to the complexity and gaps of the existing mechanisms. Several inputs commented that the lack of an adequate legal framework on older persons' right to participate in public affairs and the absence of comprehensive and explicit provisions on equality and non-discrimination in old age are important obstacles to accountability and redress. ECLAC mentioned that where countries have

strengthened existing institutions or created new ones to provide specific legal protection and assistance to older persons have proven effective to provide information, legal advice and response to abuse. The United Nations Office on Drugs and Crime (UNODC) stressed the risk of fraud, which impacts older persons' financial situation, lowers their levels of trust and confidence in their capabilities and limits their ability to engage in public life and decision-making processes and calls for comprehensive policy and legislative responses to prevent and combat fraud and protect vulnerable populations effectively. Relationships Australia deplored the fact that the proposed domestic aged care and support legislation, expressly excludes older persons from directly enforcing their rights in a court or tribunal. BAGSO suggested that the lack of comprehensive protection under a single framework leads to low levels of awareness of rights and how to complain in case of violation. While some isolated initiatives of legal aid are reported, a few respondents also noted the lack of support for older persons to claim their rights and access remedy.

## **G. Promising practices**

43. Contributions received referred to a number of promising practices, which cover diverse aspects of the right to participation in public life and in decision-making processes. These include awareness campaigns, capacity-building or training programs, establishment of consultative bodies or other platforms for participation, support for the exercise of civil and political rights as well as law and policy reforms aimed at fostering age-friendly environments, enhancing accessibility and combating ageism.

44. Efforts to promote digital literacy and inclusion are considered essential to engage in public affairs and decision-making processes, but also to have access to information and services, which predominantly exist in digital means and platforms. For example, ESCAP referred to the Republic of Korea's Digital Literacy Training for older persons, which aim to bridge the digital gap by equipping older persons with necessary digital skills, enhancing their access to information and services, and enabling their active participation in digitalized public spheres. ESCAP is also implementing a project "Developing tools to increase digital literacy of older persons" aiming to foster greater social inclusion of older persons through enhanced digital literacy. The European Commission published in 2021 the report "Protecting Fundamental Rights in the Digital Age", which discussed, amongst other topics, how to address the digital divide and enable active participation in society. The NHRI in Mauritius reported that older persons are given the opportunity to pursue continuous learning and training through adult literacy and numeracy programs as well as training in acquiring basic skills in information and communication technology in order to allow them to fully participate in social and community life. El Salvador offered educational programs and training for older adults about their rights, civic participation skills, and use of technological tools.

45. State financial support to older persons' organizations and advocacy groups can help amplify their voices in public affairs and increase capacity to take part in decision-making processes. Argentina provides funding to organizations that bring together older persons, and that are registered in the National Registry of Retirees and Pensioners Entities. The European Union also grants organizations that support equal participation and autonomy and raise the voice of older persons. Thanks to this funding AGE Platform Europe was able to financially support its members across the European Union countries in organizing meetings and debates with political parties and candidates, and to fully take part in the upcoming European Parliament elections.

46. Public awareness campaigns, national policies and media outreach efforts contribute to raising awareness about the rights and contributions of older persons,

challenge ageist stereotypes and foster a culture of respect and inclusion in public life and decision-making processes. The Age Demands Action Campaign launched by HelpAge International has been running for more than 10 years and aims to make sure the voices of older persons are heard. In Belarus the Ministry of Labor and Social Protection, together with the United Nations Population Fund (UNFPA), is implementing the Information Strategy for Active Longevity for 2023-2025. The National Policy for Older Persons in India outlines strategies and initiatives to promote the well-being and participation of senior citizens in various aspects of public life, including decision-making processes.

47. As mentioned earlier, inputs received provided examples of various types of formalized consultation of older persons on ad hoc or institutional basis. According to ESCAP, Mongolia included older persons as senior advisors or members of policy-drafting working groups. Agewell Foundation indicated that in India, Senior Citizens' Welfare Committees at the local level, provided platforms for older individuals to voice their concerns, access services and influence policies. The European Union held European Citizens Panels, with active participation of citizens of all ages, including older persons, as part of its regular deliberations. In Cyprus the House of Elders brought together various civil society organizations and ensures that the voices of older persons are heard in the decision-making process.

48. Community based initiatives, services and support can secure the inclusion of older persons in decision-making processes. The NHRI in Egypt reported that "Elderly Companion" project was launched by the Ministry of Social Solidarity to provide home-based care for the elderly as an alternative to institutional care and is expected to help older persons actively participate in public and social life. Other countries reported on measures to promote participation in elections.

### **III. Summary and conclusions**

49. Participation in the conduct of public affairs directly or indirectly, as well as in elections and in other decision-making processes is an important human right. Contributions revealed the fragmentation and inconsistency of laws and policies that cover the multiple dimensions of the right to participate in public life and in decision-making processes, as well as the lack of specificity with regard to older age. From the contributions received, it is apparent that the right of older persons to participate in public affairs and decision-making processes has not received sufficient attention in national laws and policies and that significant normative and protection gaps exist both at national and international levels.

50. Structural barriers, including inadequate infrastructure, limited transportation options, and inaccessible voting procedures or public spaces, alongside entrenched ageist attitudes and stereotypes perpetuate social exclusion and limit opportunities for older persons' engagement and representation. Inputs also identified formal barriers, such as age limits which impinge on older persons' equal participation in public life. Inputs suggested that States should therefore take action to eliminate the discrimination of older persons in political and public life, by abolishing legislative, institutional, physical, and attitudinal barriers and by adopting human rights frameworks, based on the principles of equality, participation, and inclusion.

51. Furthermore, States should facilitate the participation of older persons in public life and decision-making processes through positive measures, training and adequate support or reasonable accommodation. Existing legal and policy frameworks have not consistently included provisions outlining these obligations. Some aspects of the right are generally protected under constitutional or statutory provisions targeting the

whole population, but the lack of specific provisions to address the needs of older persons had led to systematic failures to fully realize this right for older persons.

52. Public participation concerns not only individuals but also groups that represent the collective voice and interests of older persons. Inputs suggested that States must also encourage and support the development and operation of networks, civil society organizations and other forms of participation, such as older persons' councils at national, regional and local levels to enhance the capacity to represent the collective interests of older persons and increase opportunities for participation and exchange. The submissions documented a number of policy initiatives and promising practices that provide for institutionalized forms of participation. At the same time, they also noted discrepancies, inconsistencies and the lack of legal frameworks that regulate the operation of such consultation mechanisms and create an obligation to consult older persons and ensure equitable access and availability across the territory and across all levels of decision making. Moreover, many of these initiatives tend to focus on allowing older persons to express their views only on aspects that relate directly to their living conditions, health, and care and support.

53. Older persons, as citizens on an equal basis with others, must have a say about everything that happens in society and not only on issues that are strictly associated with old age, such as pensions or care and support. The meaningful involvement of older persons on a wider range of issues is a way to overcome some of the structural barriers to their participation, to prevent exclusion and isolation, to develop age-sensitive laws and policies and to render more visible their ongoing contributions and their potential. The current framework lacks a general obligation for States and an enforceable right to be included in the development and implementation of law and policies and in other decision-making processes that span beyond old age-specific measures. Hence, an explicit obligation to ensure that older persons can participate in public life and decision-making on an equal basis with others may be necessary to extend the scope of existing standards.

54. Promising practices and main challenges all point to the need for concerted multi-sectoral efforts to address systemic barriers and promote autonomy and inclusion. The protection of this right depends on a complex web of provisions, with diverse levels of coverage and scope and significant gaps. Many of the inputs focus on political participation which implies that not all dimensions of this right are equally well regulated and enforced. Inputs do not provide evidence of a general enforceable right to participate in public life as individuals or through representative entities.

55. There also needs to be increased monitoring and accountability mechanisms to ensure that involvement is not tokenistic but can genuinely inform policy decisions. The CRPD is a good example in that regard, in that it gave persons with disabilities an official role in the implementation of the Convention.

56. When decisions and policies are made without consulting older persons, they do not adequately address the needs and concerns of older persons, further marginalizing this demographic group and hindering their participation in public life. In order to address this vicious circle, responses indicated the need for specific and more detailed guidance on the normative elements of the right to participate in public life and in decision-making in old age.