



General Assembly

Distr.: General

10 May 2024

Original: English

Open-ended Working Group on Ageing
Fourteenth session
New York, 20–22 and 24 May 2024

Substantive Inputs on the Focus Area “Accessibility, infrastructure and habitat (transport, housing and access)”

**Working document submitted by
the Department of Economic and Social Affairs (DESA)**

Table of Contents

Page

| | |
|--|----|
| I. Introduction | 2 |
| II. Analysis of Submissions Received | 2 |
| A. National Legal and Policy Frameworks..... | 2 |
| B. Data and Research..... | 8 |
| C. Equality and Non-Discrimination..... | 12 |
| D. Remedies and Redress..... | 13 |

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: accessibility, infrastructure and habitat (transport, housing and access), and participation in public life and decision-making processes. To that end, the Bureau called for substantive inputs from Member States, national human rights institutions, non-governmental organizations 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: accessibility, infrastructure and habitat (transport, housing and access).

II. Analysis of Submissions Received

A. National Legal and Policy Frameworks

3. Legal and policy frameworks in diverse areas of government were identified as relevant to the accessibility, infrastructure and habitat of older persons. Submissions addressed and provided examples from foundational legal frames such as constitutions to specific frameworks and measures related to housing, transport and education, among others, at the subnational, national and international level.
4. Submissions from Canada, El Salvador, Finland, Germany, Kenya, Mexico, the United Kingdom of Great Britain and Northern Ireland, Türkiye and multiple national human rights institutions emphasized the role played by National Constitutions, laws on equal treatment, rights and freedoms and anti-discrimination instruments as key in enabling older persons to exercise their rights and ensure the protection of individuals from violations to their human rights and fundamental freedoms. For instance, the General Act on Equal Treatment in Germany prevents or eliminates discrimination on multiple grounds, including age, thus prohibiting discrimination in the access to and provision of goods and services available to the public, housing among others.
5. Legal and policy instruments devoted specifically to older persons often seek to address and protect the rights of older persons related to accessibility, infrastructure and habitat explicitly. Such instruments were referenced in many submissions, including those of Colombia, El Salvador, Saudi Arabia and the United States of America. Inputs brought attention to efforts to develop national plans for older

persons in several Member States. For example, Kenya shared its ongoing development of legislation concerning the rights of older persons and social protection. National human rights institutions from Egypt, Guatemala and Nigeria also reported similar efforts.

6. The Law on the Rights of Older Persons in Mexico establishes the right to dignified and adequate housing, including access to safe and affordable housing options, and its National Institute of Older Persons (INAPAM) implements campaigns and conferences for the awareness of caregivers and the general population on how to make adequate housing for this age group and enable their independence in daily activities. The National Strategy for Senior Citizens 2018-2022 of Jordan extensively tackles the supportive physical environment for seniors, encompassing elements such as roads, housing, transportation, and daytime clubs. In Türkiye, the National Action Plan on the Rights of Older Persons 2023-2025 outlines activities aimed at combating age discrimination, prejudices, and stereotypes against older persons, particularly in ensuring accessibility, infrastructure, and environmental rights.
7. Many submissions identified national accessibility acts and programs - often in the context of frameworks devoted to persons with disabilities - as key in promoting accessibility, infrastructure and habitat for older persons, including those from Argentina, Belarus, Canada, Finland, Germany, Kenya, Luxembourg, Mexico, Türkiye, the United Kingdom of Great Britain and Northern Ireland and those from the national human rights Institutions of Australia, the Philippines and Poland. For example, the United Kingdom of Great Britain and Northern Ireland supports and funds home adaptations through the Disabled Facilities Grant. The United Nations Economic and Social Commission for Asia and the Pacific reported that efforts in the region to develop a comprehensive legal and policy framework recognizing older persons' rights to accessibility and inclusive infrastructure are ongoing. Factors such as urbanization, migration and changing family structures present unique challenges faced by older persons, particularly in rural and remote areas.
8. National instruments related to urban policy, housing, residential care, transport, and access to services - in particular to information and communication technologies - were addressed by a majority of submissions. Initiatives linked to the age-friendly cities initiative were also brought up by Canada, El Salvador, the Economic Commission for Europe, the Economic Commission for Latin America and the Caribbean, the Economic Commission for Asia and the Pacific and the World Health Organization.
9. Many inputs reported on regulations and measures in place to ensure accessible housing for older persons, including Argentina, Belarus, Canada, Denmark, Finland, Germany, Greece, Slovenia, Spain, the European Union and national human rights institutions from Australia, Guatemala, Mauritius, Rwanda, Ukraine, among others. National housing acts, building and constructions codes, social

housing acts and housing assistance frameworks are among those identified as relevant.

10. In Denmark, publicly funded social housing is built and run by social housing organizations while municipalities have the full competence to decide on the construction of new social housing. Social housing for older persons (almene ældreboliger) is social housing that must be rented out to older people or people with disabilities. The municipal board has an obligation to ensure that social housing for older persons is provided to the necessary extent.
11. Other types of regulations and measures to ensure accessible housing for older persons include relevant work carried out since 2007 in Belarus in accordance with construction standards “Habitat for physically impaired persons”, establishing the mandatory application of accessibility requirements to facilities, taking into account an integrated approach to their design and construction; establishing rules for ensuring accessibility for persons with disabilities to social, transport and industrial infrastructure, and ensuring access and use of residential premises, inter alia. Germany has been implementing a funding programme for private individuals that subsidizes measures aimed at reducing housing barriers for older persons. In Luxembourg, a law on the quality of services for older persons establishes a better quality of accommodation structures for this age group, and sets out the conditions under which a building or dwelling may be sold or rented to an older individual. In Finland, the Action Programme for housing of the older population in 2020–2022 supported the forecasting and preparation of housing for older persons and the development of age-friendly housing and living environments.
12. Several submissions, including those of Argentina, Germany and Saudi Arabia provided examples of initiatives aimed at promoting intergenerational living. In Argentina, the “Intergenerational Cohabitation Program (Río Negro)” (Bill 3798) seeks to organize and support coexistence between older people who offer accommodation and university students who provide company and collaboration in some expenses and different tasks, while its “own home-active home” program enables affiliates to fulfil the dream of homeownership, preserving the privacy of the home combined with spaces for collective development. In Germany, living at home as long as possible in old age is promoted, including when support and care is needed. A focus on community and intergenerational form of habitation puts forward models for setting up support and care structures independently from family structures and thus enable independence and self-determination as well as participation also for very old persons. A Royal Decree in Saudi Arabia protects the right of older persons to live with their family and stipulates the responsibility of family members to provide shelter and care.
13. Frameworks regulating residential care were identified by Greece, Luxembourg, the United Kingdom of Great Britain and Northern Ireland, and the national human rights institutions of Egypt and Mauritius, among others. In Egypt, its Ministry of Social Solidarity administers around 168 residential care homes, serving

approximately 4700 beneficiaries. The Residencial Care Homes Act in Mauritius establishes standards and codes of practice for private residential care homes for older persons and ensures general supervision and control.

14. In the area of transport, submissions from El Salvador, Finland, the United States of America and Greece, among others, identified frameworks such as land transportation laws, transit and road safety regulations, and measures specifically geared towards enabling persons with accessibility challenges to access services as relevant. El Salvador's "Special Law for the Protection of the Rights of the Elderly" delineates the responsibilities of public and private welfare institutions regarding accessibility, transportation, removal of barriers, and the provision of preferential parking and lanes. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act in the United States enable persons with disabilities, regardless of age, to fully participate in society both socially and economically. These laws also mandate that public and private transportation services and organizations ensure accessibility. Greece and the national human rights institution of the Philippines provided information on accessibility measures adopted for air transport services.
15. In 2023 Finland released a vision with a national target for enhancing the accessibility of the transport system and digital services. The fundamental principle of the vision emphasizes that accessibility should not be treated separately from other planning processes but rather integrated into all aspects of transport planning. Regarding accessibility to public transport, Greece launched a policy to promote electric mobility by the creation of infrastructure. A prerequisite to obtain public financing in relation to this policy is the provision of seats for persons with reduced mobility. In Malta, concession agreements with private providers stipulates that all buses need to be accessible to persons with disabilities, especially those with mobility limitations.
16. Legal and policy frameworks promoting and enabling access to education, information and communication technologies were identified as relevant to the access of older persons to accessibility, infrastructure, and habitat. Programmes to enhance access to information and communication technologies and improve digital literacy among older persons were reported by Canada, Saudi Arabia, the national human rights institutions of Argentina and Egypt, and the United Nations Regional Commissions for Asia and the Pacific, Europe and Latin America and the Caribbean. The significance of social protection systems, including those related to health, was recognized by Greece, Kenya, Malawi, the United States and several national human rights institutions, including those of Croatia, Rwanda and Ukraine.
17. Sub-national, regional and international frameworks also play a key role in promoting accessibility, infrastructure and habitat for older persons. Several submissions identified the role played by local and sub-national actors in the implementation of relevant legislation and policies. For instance, Slovenia noted that municipal housing funds and municipalities in the country launch public

tenders for the allocation of housing, alongside the traditional tenders for the allocation of housing, through which they offer care housing for rent.

18. At the international level, submissions identified CRPD, ICESCR, the United Nations Declaration on the Rights of Indigenous Peoples as among the relevant frameworks as well as the work carried out by the Special Envoy of the UN Secretary General for Road Safety.
19. Inputs emphasized the great impact of binding regional legal and policy instruments in national legislation. Signatory countries to the Inter-American Convention on the Rights of Older Persons identify it as a key instrument in guiding and enforcing modifications and improvements to their national legal and policy frameworks. According to Argentina, Article 26 of the Inter-American Convention establishes the right to accessibility and personal mobility. This article ensures an independent life and a guarantee that corresponding actions are taken to provide older persons with equal access to the physical environment, transportation, information, and communication. Colombia noted that, in approving in its constitutional and legal framework the Inter-American Convention, it assumed the right to housing, the right to autonomy, the right to accessibility and personal mobility, the right to property, the right to freedom of expression and opinion, and access to information, and the right to independence of older persons.
20. In the European Union, numerous instruments guide the work of their members on this area, such as the EU charter of fundamental rights, The European Accessibility Act, EU Passenger Rights Regulations, European Care Strategy and the Strategy for the Rights of Persons with Disabilities 2021-2030, among others.

Challenges and barriers

21. Submissions identified the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access). Inputs from Member States such as Argentina, Belarus, Colombia, Denmark, El Salvador, Finland, Germany, Greece, Kenya, Luxembourg, Malta, Mexico, Saudi Arabia, Spain, Türkiye, the United Kingdom of Great Britain and Northern Ireland, the United States of America as well as several national human rights institutions including those from Argentina, Australia, Croatia, the Democratic Republic of Congo, Egypt, Germany, Guatemala, the Republic of Korea, Malawi, Mauritius, Nigeria, the Philippines, Rwanda, South Africa and Ukraine highlight a variety of barriers and challenges that older persons often face in exercising their rights.
22. Limited access to public transportation, inadequate income, age discrimination, and a lack of age-friendly roads in both urban and rural areas are also identified as common barriers faced by older persons. Additionally, insufficient architectural accessibility, inadequate reasonable accommodation, and a lack of universal design

in public facilities pose significant challenges. Furthermore, many older persons face a shortage of suitable housing options. Where regulations are lacking, urban and architectural projects often do not meet the needs of older persons and thus pose a barrier.

23. Inadequate levels of both institutional and societal knowledge and awareness, insufficient accessibility, monitoring and evaluation processes, and inadequate budget allocations are among the most prominent reasons for difficulties in realizing the right to accessibility, infrastructure and habitat. According to the national human rights institution of South Africa, there is furthermore a flawed perception in society of the role of older persons in the country, leading to the belief that older persons should not have a voice or a say in how the country is governed. As a result, older persons are overlooked in policymaking.
24. Inputs from El Salvador identified that the increase in urban demographic ageing is presented as a challenge, specifically from the Ministry of Public Works and Transportation, as well as globally, which is why new and corrective inclusive urban designs must be accelerated and aimed at promoting people-friendly and age-friendly cities. However, one of the great challenges encountered is the budgetary limitation to correct previous planning or execution gaps presented by cities or buildings that were not designed for everyone; with deep and substantial changes often unaffordable.
25. Older persons often face barriers such as the lack of accessible infrastructure, especially in rural areas, and a shortage of public transportation adapted to their needs. Spain identifies that physical barriers are the main elements that hinder older persons enjoyment of their rights to accessibility, infrastructure use and habitat; for example, sidewalks, stairs and other elements that impair the use of wheelchairs.
26. According to inputs from Germany, the lack of structural, communicative and digital accessibility continues to be the focus of many enquiries with the Federal Agency for Anti-Discrimination, the German equality body. For example, these enquires often relate to passenger transport in buses, trains and air travel, as well as access to restaurants, hotels and shops.
27. In terms of general frameworks, inputs from the European Union, Finland, Greece, and national human rights institutions from Guatemala, Malawi, Nigeria, the Republic of Korea, Ukraine, as well as the World Health Organization identified overarching relevant legal frameworks that acknowledge the many barriers and challenges faced by older persons. According to national human rights institution from the Republic of Korea, the Fourth Framework Plan for a Low Birth Rate in an Ageing Society (2021-2025) mentions that most older persons wish to continue living in their own homes, but the housing environment is inadequate to provide a safe place for some older persons to live, with many safety accidents occurring due to the ageing infrastructure of their homes. According to the World Health Organization, 77 per cent of countries that responded to a survey on the

implementation of the United Nations Decade of Healthy Ageing reported having a national programme to support activities on age-friendly environments in 2022. However, only 26 per cent reported that they had adequate resources for action to foster age-friendly environments.

28. Gaps of existing policy frameworks and measures at the national level in addressing barriers and challenges faced by older persons for the realization of their right to accessibility, infrastructure use, and habitat were also identified. According to the national human rights institution from Malawi, major barriers arise from the fact that the country has no specific legislation devoted to older persons and their needs. The national human rights institution from Guatemala reported a lack of the institutionalization of a governing body that can work with the surveillance functions, applicability and compliance with current internal law and promote new policies to innovate the programmes focused on removing barriers. These barriers prevent older persons from having access to efficient public transportation, housing and age-friendly infrastructure.
29. Inputs from a variety of non-governmental organizations also identified barriers and challenges for older persons to realize their rights to accessibility, infrastructure and habitat. Inputs highlight that Italian towns and villages have not been designed to meet the new needs imposed by the challenges that may be associated with demographic change. Measures to improve the functional housing quality of dwellings, buildings and neighbourhoods still do not meet those aimed at supporting the needs for social inclusion, protection and independent living. The experience of the pandemic, although dramatic, has highlighted the limitations of the living environments for populations in a vulnerable situation, including older persons.
30. In Jordan, non-governmental organizations have observed that the built environment may not consistently accommodate the needs of individuals with limited physical mobility, including older persons and persons with disabilities. The importance of accessible public transportation was also highlighted by civil society, noting that many older persons depend on public transport to get around, but this often remains inaccessible, unaffordable or unavailable due to elevated steps, little time to find a seat, or lack of accessibility for wheelchair users. According to submissions from these organization, addressing the situation of older persons displaced by armed conflict in accessing adequate housing presents a significant challenge. This is primarily due to rising housing costs and limited employment opportunities upon displacement. Furthermore, many older persons lack access to pensions or other forms of social protection, especially in low-income countries.

B. Data and Research

31. Member States employ different methods to gather data on accessibility, infrastructure and habitat (transport, housing and access) concerning older persons.

For example, the American Housing Survey (AHS) captures the quality of housing, thus producing information on the level of accessibility in U.S. housing. Similarly, in Germany, data on accessibility for older persons, infrastructure, and habitat are routinely gathered through surveys such as the German Ageing Survey (DEAS), the Survey of Health, Ageing and Retirement in Europe (SHARE), and the Socio-Economic Panel (SOEP). In Türkiye, the Profile of the Older Persons Survey was conducted in 2023 to develop holistic and evidence-based policies and practices in the field of ageing. Data were collected under 10 categories, including participation in independent living, environment, and social life, based on various variables such as gender, age, disability, and income. The survey gathered data on accessibility, infrastructure, and environmental rights of older persons.

32. Some central statistics offices capture and maintain a variety of data, including information regarding housing size, quality, costs, and barrier-free access to buildings. In Saudi Arabia, the General Authority for Statistics conducts periodic reviews that capture demographic, social, and economic data covering older persons. Spain reported that while the National Institute of Statistics provides data in the field of housing, data disaggregation does not include information on the accessibility by older persons in their homes. Data on accessibility in the country are often provided by associations of persons with disabilities and organizations focused on older persons. Regarding transportation, Spain noted that public providers (such as public transport companies), along with other stakeholders, offer data on the usage of various modes of transportation by older persons (including railway, road, air, and maritime).
33. Kenya reported on recent publications that offer insights into housing and population dynamics, namely the 2019 Kenya Population and Housing Census Results Report, and the 2015/16 Kenya Integrated Household and Budget Survey Report. Colombia highlighted a series of publications comprising seven post-census studies. These studies involve analyses and comparative assessments of the phases of the demographic transition, utilizing data from the 2018 National Population and Housing Census. They also examine the potential impact of demographic transition processes on the 2030 Agenda for Sustainable Development.
34. Inputs from the United Kingdom of Great Britain and Northern Ireland highlight the significance of the Titchfield City Group on Ageing and Age-disaggregated data, endorsed by the United Nations Statistical Commission in 2018, as a crucial source of information on older persons. However, there are notable gaps in data collection for this age demographic due to the absence of tools to gather relevant information. Many general surveys omit groups aged 59 and above, and fail to collect pertinent data on older persons. The United Kingdom of Great Britain and Northern Ireland further emphasized that data privacy for older persons, as well as ensuring informed consent and confidentiality, is paramount. Therefore, the Data Protection Act 2018 governs the collection and retention of personal data, underscoring the importance of safeguarding older persons' information. The input

further noted that public services must consider the needs of customers in protected groups and those requiring additional support, including older persons. While digital services offer expedited online self-service options, there remains a potential gap in assisting older persons who may need digital support. Furthermore, upholding the right to participate in society entails facilitating access to information, which may necessitate support in navigating digital platforms or alternative arrangements.

35. Several national human rights institutions reported on available data, statistics and research related to accessibility, infrastructure and habitat (transport, housing and access) concerning older persons. The national human rights institution from the Republic of Korea reported on a survey on the status of older persons' which is conducted every three years in accordance with the Welfare of Senior Citizens Act. The national human rights institution from Australia noted that the Australian Institute of Health and Welfare (AIHW) collects and publishes data on older persons' housing and living arrangements. This data includes information on home ownership amongst older persons, as well as renting and social housing (public housing, community housing). In relation to access to public transport, AIHW also publishes data on the proportion of older persons living with a disability who can use all forms of public transport with no difficulty. Argentina Defensoría del Pueblo reported that the National Population, Households, and Housing Census 2022, conducted by the National Institute of Statistics and Censuses, reveals insights into housing patterns. Among the findings, approximately 30 per cent of collective dwellings are designated as old age homes.
36. The national human rights institution from Nigeria noted that the National Bureau of Statistics (NBS) conducted a living standards survey in 2019, capturing indicators such as accessibility, infrastructure, and habitat (public transport, housing). However, there were no specific indicators related to the accessibility of older persons. It also observed that the National Senior Citizens Centre identified a multi-indicator survey for older persons as one of the strategies it would adopt to cater to their needs. In doing so, Goal 11 of its strategic roadmap outlines the facilitation of the production of comprehensive and disaggregated data through an ageing multi-indicator survey, in collaboration with NBS and the National Population Commission.
37. The national human rights institution from the Philippines, the Commission on Human Rights, reported on available research, namely the 2020 National Human Rights Situation of Older Persons and the Survey on the Enjoyment by Older Filipinos of their Human Rights. Both studies provide information on the Commission's assessment and recommendations regarding older persons' rights to accessibility, infrastructure, and habitat in the country. The national human rights institution from Rwanda reported that the fifth national population and housing census provides crucial statistics on the older population, while a survey is conducted to assess the respect for the human rights of older persons.

38. The United Nations Economic and Social Commission for Asia and the Pacific highlighted that the lack of systematically collected, analysed and disseminated data on older persons' needs and the challenges they face limits the effectiveness of targeted policies and programmes designed to support them. About 13 of 22 countries from the Asia-Pacific region responding to the Fourth Review and Appraisal of the MIPAA survey reported that a lack of age-disaggregated data is a concern for the Government. Only 4 of the 22 countries responding to the survey acknowledged knowing about the Titchfield City Group or being active in the group. This gap underscores the urgent need for enhanced data collection methods, increased research on ageing populations and the development of indicators that accurately reflect the accessibility and inclusivity of infrastructure and services for older persons.
39. The World Health Organization noted that there is limited age- and gender-disaggregated data to inform policies and programmes, including basic information, such as the distribution of the population in cities, towns, and rural areas. There is also limited research with robust study designs on the impact of interventions to create age-friendly environments as well as on the population distribution of those impacts, with less evidence in relation to low- and middle-income countries, and varying levels of evidence available for different domains of action.
40. Inputs from non-governmental organizations highlighted significant gaps in data disaggregation in various national contexts, particularly concerning older persons. This exclusion from data collection infringes upon the fundamental human rights of older persons and exacerbates the existing inequalities they face. Submissions from these organizations noted that surveys commonly overlook older persons, contributing to the lack of comprehensive data on their experiences, particularly regarding accessibility, infrastructure, and habitat. Furthermore, official statistics often fail to adequately collect and disaggregate data on older age groups, both locally and globally. This lack of detailed data hinders efforts to understand the diversity among older persons. In humanitarian emergencies, aid agencies frequently overlook older persons' specific needs due to insufficient data collection and analysis.
41. Non-governmental organizations also noted that the limited availability of disaggregated data specifically addressing older persons' accessibility needs within countries further complicates policy formulation and implementation. The existing data often lacks granularity, impeding effective policymaking. To address these challenges, there is a pressing need for improved data collection mechanisms, standardized indicators, and enhanced monitoring systems to ensure the fulfilment of older persons' rights to accessibility and infrastructure at the national level. Non-governmental organizations highlighted the importance of recognizing the heterogeneity among older persons, including those with disabilities, and improving data collection efforts to better represent their situations and needs, particularly for individuals 75 years of age or older.

C. Equality and Non-Discrimination

42. Equality and non-discrimination are fundamental principles of human rights law. They provide the guarantee that individuals should not be subject to differential treatment on the basis of individual or group characteristics, including old age. Inputs from Colombia, El Salvador, Finland, Germany, Kenya, Mexico, Spain, Türkiye and the United States of America, underscore that countries are implementing diverse strategies to promote the equality of older persons and combat ageism, along with its associated stereotypes, prejudices, and behaviours. These strategies include enacting laws, establishing legal regulations, forming federal agencies, ensuring constitutional protections, and conducting educational and awareness campaigns aimed at eliminating barriers hindering older persons' rights to accessibility, infrastructure, and living conditions, encompassing areas such as transportation, housing, and accessibility. Such national legal provisions, policies and programmes are detailed under section A “National legal and policy frameworks”.
43. Some Member States, including Egypt, Kenya, Luxembourg, Malaysia, Malta, Mexico, Spain, Türkiye, along with several non-governmental organizations, have reported implementing awareness campaigns and educational programmes to combat ageism. Malaysia's Age-friendly City pilot project in Taiping, Perak, serves as a notable example of creating environments designed to encourage and support the active participation of older persons in society. Kenya has intensified advocacy and awareness efforts regarding the rights, privileges, and opportunities for older persons through commemorations such as the United Nations International Day for Older Persons (UNIDOP) and the World Elder Abuse and Awareness Day (WEAAD). These efforts have targeted public awareness through initiatives by the National Gender and Equality Commission and the National Commission on Human Rights. Additionally, some non-governmental organizations advocate for raising awareness among all audiences about the importance of adapting housing and services for older persons. This not only combats isolation and promotes mobility, comfort, and safety but also optimizes existing resources.
44. Submissions from national human rights institutions and non-governmental organizations underscored that while some Governments have adopted measures to combat age discrimination, the policy implications are often not thoroughly developed or are still in progress. These submissions also indicate that some Governments have not prioritized the implementation of effective measures to safeguard the rights of older persons. Additionally, it was noted that some Member States lack effective measures to adequately protect the rights of older persons.

D. Remedies and Redress

45. Submissions from several Member States report on the establishment of mechanisms for older persons to submit complaints and seek redress for the denial of their rights to accessibility, infrastructure, and habitat. While some countries have multiple administrative functions dedicated to addressing such complaints, others primarily utilize the offices of the ombudsperson for this purpose.
46. In Luxemburg, the law on the quality of services for older persons establishes a national mediation service, offering support tailored to older persons. Participatory mechanisms, including public consultations and advisory committees, allow older persons to voice concerns and advocate for improvements. In Germany, the lack of accessibility can constitute age discrimination under the General Equal Treatment Act, with provisions for damages and compensation. Additionally, mediation and other mechanisms offer avenues for resolving discrimination complaints.
47. In Argentina, older persons can file writs of constitutional remedies before the courts to request the protection of their rights when they are affected by lack of accessibility or inadequate habitat conditions. These actions can expedite the judicial process and ensure a prompt response to rights violations. Inputs from Slovenia note that older persons, like all passengers, possess the right to file a complaint within intercity line passenger transportation and city traffic, if they perceive the service provided as inadequate. Moreover, infrastructure designed for persons with disabilities also serves the needs of individuals with diverse disabilities.
48. The European Union reported on the Passenger Rights Regulations, which mandate Member States to designate national bodies to handle complaints of discrimination against passengers with disabilities or reduced mobility, or those who have not received entitled assistance. The forthcoming European Accessibility Act, effective from June 2025, requires Member States to establish effective means for ensuring compliance. This includes provisions allowing consumers to take legal action to enforce compliance with the Act's directives and enabling public or private entities to engage in enforcement procedures on behalf of complainants.
49. Several inputs from national human rights institutions shed light on mechanisms for older persons to seek redress for the denial of their rights to accessibility, infrastructure, and habitat in various countries. The Philippines established mechanisms such as the Department of Transportation Task Force on Accessibility and the National Commission of Senior Citizens to address complaints related to accessibility and senior citizens' rights. In Ukraine, older persons can seek protection of their violated rights through the Ukrainian Parliament Commissioner for Human Rights or through judicial channels. Nigeria and Malawi provide avenues for older persons to address human rights violations through their court systems and dedicated departments within their respective human rights

commissions. In Australia, its national human rights institution noted that the absence of a national human rights act limits the recourse available to older persons whose rights have been breached, with enforceable remedies only accessible in cases of unlawful discrimination under specific legislation.

50. Inputs from non-governmental organizations highlight various challenges faced by older persons in accessing justice and seeking redress for the denial of their rights to accessibility, infrastructure, and habitat in various countries. In Germany, despite the existence of avenues for lodging complaints, there is no dedicated mechanism specifically for older persons, which accentuates the need for comprehensive legal frameworks that address and cover age discrimination. Non-governmental organizations emphasized the lack of awareness among many older persons about their human rights and available redress mechanisms, for example, under the European Union Charter of Fundamental Rights. In some countries, challenges persist in ensuring accessibility and legal aid for older persons, which necessitate the establishment of dedicated administrative and judicial remedies. Some respondents underscored the digital divide in accessing justice, with older persons facing challenges in utilizing online platforms for lodging complaints. Other respondents emphasized the role of Governments in spearheading mechanisms for redress, including subsidies for affordable housing and funding for culturally competent advocates to assist older persons through legal processes.