

April 2024

## **Input by BAGSO to the 14<sup>th</sup> Session of the Open-Ended Working Group of the United Nations**

### **Focus area: Participation in public life and decision-making processes**

Our contribution focuses particularly on challenges and barriers related to national legal and policy frameworks faced by older persons in the realisation of their right to participation in public life and decision-making processes. Particular emphasis is given to political participation.

### **National legal and policy framework**

In some federal states of Germany, there are specific laws for older persons in relation to the right to participate in public affairs and decision-making processes: the so-called senior citizens' participation laws (*Seniorenmitwirkungsgesetze*). These laws ensure the participation of senior citizens' councils or representations as advisory bodies. These politically independent bodies provide support for draft laws and resolutions and other political initiatives, or contribute their expertise to committees relevant to federal, state and municipal policy. Nationwide, there are 1,300 municipal senior citizens' councils. However, there is no uniform binding regulations for their functioning.

However, legal regulation alone is not enough. It is essential that this participation by politicians and administration is recognised, valued and supported, both at municipal and state level.

According to the Basic Law (article 33 (2)) "Every German shall be equally eligible for any public office according to his aptitude, qualifications and professional achievements". Nonetheless, there are age limits for holding public office and mandates.<sup>1</sup> According to BAGSO, they are arbitrary and unreasonable, regardless of

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<sup>1</sup> German Parliament (2015): Statutory maximum age limits for office holders and elected officials and alternative regulatory options (in German).

whether they are professional or voluntary. BAGSO therefore recommends that voters should decide who can hold office and for how long.<sup>2</sup>

Political education programmes play a particularly important role. The Centres for Political Education (both at Federal level and at the level of the *Länder*) and other education institutions should be encouraged - also financially - to develop and provide political education programmes for older people. Cross-generational approaches and formats are desirable. Furthermore, existing educational offers about political participation should be adapted and offered to the target group of older people. At present, they are mainly aimed at younger age groups.

Increasing digitalisation of information, also in the field of public life and decision-making poses barriers to older persons' participation. BAGSO therefore advocates for the right to analogue participation and started a campaign to ensure there are always ways to access municipal public services without the use of the Internet.

While the overall well-developed engagement-supporting infrastructure contributes to ensuring the participation of older people in public life, institutions like multi-generation houses, senior citizens' offices and volunteer agencies depend heavily on the personal commitment of those involved, are often not financially secure and do not exist nationwide.

In many areas, contributions of older people are indispensable and activities would not function without volunteers. However, there are no specific regulations on the framework conditions of volunteering for older people. Another challenge in the area of volunteering are gender inequalities<sup>3</sup>.

Moreover, many districts, cities and municipalities have neither the structural nor the financial prerequisites to meet the growing challenges of a contemporary municipal policy for older people. Framework conditions are needed for the development of such structures and binding regulations on responsibility and funding.

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<https://www.bundestag.de/resource/blob/412584/e289e9406daf18acd60ca473df164727/WD-3-127-15-pdf-data.pdf> (accessed on 07/04/2024)

<sup>2</sup> BAGSO (2021): Co-deciding and co-shaping. Promoting the political participation of older people (in German). [https://www.bagso.de/fileadmin/user\\_upload/bagso/06\\_Veroeffentlichungen/2021/BAGSO-Positionspapier\\_Mitentscheiden\\_und\\_Mitgestalten.pdf](https://www.bagso.de/fileadmin/user_upload/bagso/06_Veroeffentlichungen/2021/BAGSO-Positionspapier_Mitentscheiden_und_Mitgestalten.pdf) (accessed on 07/04/2024)

<sup>3</sup> The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2019): Volunteering in Germany Key Findings of the Fifth German Survey on Volunteering (FWS 2019). <https://www.bmfsfj.de/resource/blob/184604/a7cd006da6aed57d6d0dfab4a38e4212/5-freiwilligensurvey-englisch-data.pdf> (accessed on 07/04/2024)

An international legally binding instrument would help to promote the right to participation in public life and decision-making of older persons in Germany. It would not only contribute to closing normative gaps, but also challenge prevailing stereotypes about old age, help to combat age discrimination, raise awareness about older persons' human rights and their contributions and guarantee that older persons can fully participate in public life and decision-making processes.

## Data and research

In relation to older persons' political participation in public life and in decision-making processes, the German Volunteering Survey<sup>4</sup>, commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provides data on:

- Participation in petitions
- Boycott of products
- Participation in demonstrations
- Contact with politicians
- Participation in political parties, groups or citizens' initiatives<sup>5</sup>
- Rate of volunteering activities
- Rate of people involved in public community activities
- Area of volunteering
- Hours of volunteering
- Rate of involvement in management or board positions in voluntary activity
- Usage of the internet as part of the voluntary activity

The data of the Survey is disaggregated by age and gender, further breakdowns by education and migration background are available as well as geographical breakdowns.

Data on participation in elections, e.g. those of the German Bundestag, is disaggregated by age.<sup>6</sup> Data on the (age) composition of the German Bundestag is

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<sup>4</sup> The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2019): Volunteering in Germany Key Findings of the Fifth German Survey on Volunteering (FWS 2019). <https://www.bmfsfj.de/bmfsfj/meta/en/publications-en/volunteering-in-germany--184606> (accessed on 07/04/2024)

<sup>5</sup> Arriagada et al. (2022): Political participation (in German). [https://www.ssoar.info/ssoar/bitstream/handle/document/76156/ssoar-2022-arriagada\\_et\\_al-Politische\\_Partizipation.pdf?sequence=1](https://www.ssoar.info/ssoar/bitstream/handle/document/76156/ssoar-2022-arriagada_et_al-Politische_Partizipation.pdf?sequence=1) (accessed on 07/04/2024)

<sup>6</sup> Statista: <https://de.statista.com/statistik/daten/studie/1312578/umfrage/bundestagswahl-2021-wahlbeteiligung-nach-altersgruppen/> (accessed on 07/04/2024)

also available.<sup>7</sup> In sum, an analysis<sup>8</sup> of this data shows that political participation among older persons is lower than in other age groups (with the exception of contact with politicians and participation in political parties/groups/citizens' initiatives). Participation in elections increases with age but starts to decline after the age of 70. Older persons are underrepresented in the German Bundestag, in particular those aged 80 years and over. In general, there is few data on the population group aged 80 and above and heterogeneity of older persons is not sufficiently represented in official statistics.

## Equality and non-discrimination

The challenges and barriers faced by older persons with regards to specific areas of participation in public life and in decision-making processes are already laid out above. Cross-cutting challenges and barriers include:

- Age discrimination
- Lack of accessibility, including in the physical, social and digital environment, in particular for older persons with disabilities
- Lack of competencies and skills, including digital skills

There is also a considerable urban-rural divide in Germany. The rural population in particular has to contend with other aggravating factors, such as inadequate public transport and a lack of information about participation opportunities.

Often people face intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds. Persons with cognitive impairments, such as dementia, suffer from stigmatisation hindering their full participation in public life and decision-making processes. The German Alzheimer Society therefore calls for more sensitivity around dementia and the establishment of adequate discussion formats to include persons with dementia in research projects and the implementation of the National Dementia Strategy.

To overcome existing barriers in the physical, social and digital environment and guarantee the right to participation in public life and decision-making processes for people in older age, appropriate legal frameworks are needed.

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<sup>7</sup> German Parliament: <https://www.bundestag.de/dokumente/parlamentsarchiv/datenhandbuch/03/kapitel-03-475934> (accessed on 07/04/2024)

<sup>8</sup> Tesch-Römer, Clemens (2024). Politische Partizipation älterer Menschen. Teilhabe am öffentlichen Leben und an Entscheidungsprozessen. Input für die Sitzung der nationalen Vorbereitungsgruppe für die OEWG-A am 25. Januar 2024, [https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/PDF/Rechte\\_Aelterer/Tesch-Roemer\\_Vortrag\\_Politische\\_Partizipation\\_2024-01-24\\_Fachgesprach.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/PDF/Rechte_Aelterer/Tesch-Roemer_Vortrag_Politische_Partizipation_2024-01-24_Fachgesprach.pdf) (accessed on 07/04/2024)

## Accountability

To complain and seek redress, older people can address themselves to the Federal Anti-Discrimination Agency (FADA). There is, however, no mechanism in place specifically for older persons.

In this context, it is also important to highlight that there are only isolated instances of public protest or demonstrations by older people against discrimination. Older people's human rights and age discrimination are not very visible in the public, despite the fact that it is this group of people who had driven politics in the past. Legal action is rarely taken, even when older persons are familiar with the relevant institutions, and if legal action is taken, then it is usually an intersectional characteristic, not age, that is in the foreground. The fact that age discrimination is not seen as something worth fighting for is a structural social problem and should definitely be questioned as a pattern. Although there is a broad spectrum of documented rights for older people, these are not compiled in a uniform document. There is also a lack of a binding instrument to implement these rights.<sup>9</sup>

The lack of a legal framework at national, EU and international level covering age discrimination is an important barrier to complaining and seeking redress in case of human rights violations in older age. The lack of such frameworks is related to low awareness about human rights and how to complain in case of violation of human rights.

## In conclusion

To ensure older people's right to participation in public life and decision-making, BAGSO is calling for a UN Convention on the Rights of Older Persons. Such a dedicated international legally binding instrument would be benefiting older persons not only in Germany but all around the world and be an important contribution to challenging prevailing stereotypes about old age, raise public awareness about older persons' human rights and initiate a systemic change away from a welfare-based to a human rights-based approach centered around equality, dignity and inclusion of older persons. It would be a means to prohibit discrimination based on age and contribute to state accountability of human rights violations against older persons,

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<sup>9</sup> German Institute for Human Rights (2023): Rights of older people. Older people's right to health - Social inclusion – Debriefing (in German). <https://www.institut-fuer-menschenrechte.de/publikationen/detail/rechte-aelterer-menschen-1> (accessed on 07/04/2024)

empower older persons as rights holders and contribute to a societal change, in the same way other dedicated human rights treaties, such as UN-CRPD.



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### **BAGSO – The voice of older people**

BAGSO, the German National Association of Senior Citizens' Organisations, represents the interests of older generations in Germany. It stands up for active, healthy and self-determined ageing in social security. BAGSO is an umbrella organisation of more than 120 civil society organisations that are run by or work for older people.