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SUBSTANTIVE INPUT
for the fourteenth session of the
GENERAL ASSEMBLY OPEN-ENDED WORKING GROUP
for the purpose of strengthening the protection of the human rights of older persons

**Comments on Focus Area 1:
Participation in public life and decision-making processes**

HelpAge Deutschland focusses its engagement for the rights of older persons mainly in the so-called global South and less in Germany. Therefore, we comment on Focus Area 2 in view of global policies pertaining to all countries in the world. For answers to the questions relating to Germany in particular, we refer to the answers given by the German government, German National Human Rights Institute (DIMR) and by German National Association of Senior Citizens' Organizations (BAGSO).

Effective participation in public life and decision-making processes is fundamentally guaranteed to older people by the German Basic Law (Grundgesetz, Art. 2+3 GG).¹ However, case law and developments in recent years have shown a trend in the opposite direction. Older people have been excluded from certain professions or no longer allowed to take on voluntary work because of their age (as shown above). This is in stark contrast to the German Basic Law and the Charter of Human Rights. It remains to be seen whether the judgement of the Frankfurt Higher Regional Court (see page 15) will change this in the medium term. However, doubts remain.

The lack of participation of older persons in decision-making processes was made painfully clear during the COVID-19 pandemic when Governments made top-down decisions with far reaching consequences on older persons' lives, but without including or even consulting them in the process.

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth's new federal model programme of the European Social Fund (ESF) "[Strengthening the Participation of Older People - Ways out of Loneliness and Social Isolation in Old Age](https://www.esf.de/portal/DE/Startseite/inhalt.html)"² was intended to strengthen the social participation of older people (over 60) for the first time with funding from the European Union

¹ https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0016

² <https://www.esf.de/portal/DE/Startseite/inhalt.html>

(EU). The gap, however, was that this fund was explicitly aimed at people who were still working,³ and was therefore more of an employment programme than a participation model. Studies show that older people want to help decide and shape political processes. However, 70-year-olds are underrepresented in parliaments, as are those under 40.⁴ In some federal states, so-called senior citizens' councils (Seniorenbeiräte) have been set up at provincial, district and municipal level. However, as a rule, they only have an advisory vote and are not allowed to vote on important decisions that affect them, what is a clear violation of: *nothing about us- without us*, as demonstrated when the *Convention for the Rights of Persons with Disabilities* was set in force and accepted as a parole to follow, by the international community undisputed.

Almost one in three (8.7 million) of the 28.8 million people who do voluntary work in Germany are aged 65 and over. This makes them the backbone of volunteering in Germany.

In addition to political participation, *meaningful participation* also makes an important contribution to maintaining health. There are *positive correlations with quality of life and a negative correlation with anomie*, as demonstrated by an Austrian study.⁵

The fact that older people are insufficiently recognised in international treaties is also a consequence of the lack of *legally binding instruments* to enforce human rights.

The three major treaties from 2015 alone take insufficient account of older people and their needs: While older people are still included in the Sendai Treaty *Sendai Framework for Disaster Risk Reduction 2015 - 2030*⁶ as knowledge carriers in the regulations, they are completely absent from the list of vulnerable groups in the *Paris Agreement* on climate change⁷. The *SDG-2030* sustainability agenda⁸ also only considers older people three times in its 17 overall goals and 169 sub-goals (SDG 2.2; 11.2; 11.7)

As a result, rights are not mentioned in the German accountability reports either. The update of the German sustainability strategy (DNS update of March 2021)⁹ only mentions older people in terms of their contribution to the labour force participation rate (page 240), but only considers 60-64 year olds. People aged 65+ are not considered further on 391 pages.

The *Summit of the future* planned for September 2024, which Namibia and Germany are preparing as co-facilitators, does not promise any progress in this regard either. After the

³ https://www.esf.de/portal/DE/ESF-Plus-2021-2027/Foerderprogramme/bmfsfj/staerkung_aeltere.html

⁴ Of the 709 members of parliament elected to the German Bundestag in 2017, only eleven belonged to the year 1945 to 1949 and only eight from 1940 to 1944 (see https://www.bundestag.de/resource/blob/272472/6091c6dd2fee377c692200c044759787/Kapitel_03_01_Altersgliederung-pdf-data.pdf)

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<https://www.sozialministerium.at/#q=Factsheet%20Teilhabe%20im%20Alter:%20Theorie,%20Empirie,%20Praxis&pg=1&t=simple&po=&mi=>

⁶

https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf?_gl=1*_I1wvq5*_ga*MTA40TY00Tc0My4xNjk5ODAzOTI4*_ga_D8G5WXP6YM*MTY5OTgwMzkzOS4xLjAuMTY5OTgwMzkzOS4xLjAuMA..

⁷ https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

⁸ <https://sdgs.un.org/goals>

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<https://www.bundesregierung.de/resource/blob/998194/1875176/3d3b15cd92d0261e7a0bc8f43b7839/deutsche-nachhaltigkeitsstrategie-2021-langfassung-download-bpa-data.pdf>

Chapeau has been published, it will focus on the inclusion and sustainable participation of young people as one of the five pillars *MEANINGFUL INCLUSION OF YOUNG PEOPLE*¹⁰. The planned reorganisation of the United Nations and the upcoming social tasks of the coming decades thus deliberately ignore the rights of over 1 billion older people herein.

. Participation in the implementation, monitoring and reporting mechanisms established by a Convention, including at the national level, would provide a way for older persons to hold their governments to account and the recommendations from these mechanisms would feed into policymaking and reform processes.¹¹

¹⁰ <https://www.un.org/sites/un2.un.org/files/our-common-agenda-summit-of-the-future-what-would-it-deliver.pdf>

¹¹ UNECE, Meaningful participation of older persons, 2021.