

Submission on the normative content related to social inclusion¹

14th Working Session of the Open-ended Working Group on Ageing, 2024

1. Definition and scope

Social inclusion in older age is intrinsically linked and dependent on the enjoyment of the full spectrum of human rights, including the right to social security, healthcare, education, equality and non-discrimination.

Participation, accessibility and independent living

Older persons have a right to **meaningful participation** in public and political life.² This means that all older persons have an equal right, without any discrimination:

- to participate in the conduct of public affairs, either directly or through their freely chosen representatives;
- to vote and be elected;
- to have access to public service positions; and
- to take part in decision-making processes affecting their lives and well-being.

Older persons have the right to **take part in cultural life**.³

Opportunities for older people to participate in cultural life must be available; accessible; affordable, acceptable and appropriate⁴.

¹ On social inclusion, also see HelpAge International, Including us: What older people say about the barriers they face to social inclusion, London, HelpAge International, 2023, <https://www.helpage.org/resource/including-us-report/>.

² Article 25 of the International Covenant on Civil and Political Rights. Other international human rights provisions that protect the right to participate in public and political life include article 21 of the Universal Declaration of Human Rights; article 7 of the Convention on the Elimination of All Forms of Discrimination against Women; and article 29 of the Convention on the Rights of Persons with Disabilities. At the regional level, article 27 of the Inter-American Convention on Protecting the Rights of Older Persons guarantees older persons' political rights.

³ Article 15 (1)(a) of the International Covenant on Economic, Social and Cultural Rights. It is also provided in article 27 of the Universal Declaration of Human Rights. Article 30 of the UN Convention on the Rights of Persons with Disabilities guarantees the right to participate in cultural life, recreation, leisure and sport for older persons with disabilities. Relevant regional human rights provisions include article 21 (Right to culture) of the Inter-American Convention on Protecting the Rights of Older Persons, and article 17 (Participation in programmes and recreational activities) of the Protocol on the Rights of Older Persons in Africa.

⁴ For example, States must consider the cultural values attached to food and food consumption, the use of water, the way health and education services are provided and the way housing is designed and constructed.

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Older persons have a **right to accessibility**, on an equal basis with others, to the physical environment, to transportation, to information and communication, and to public services and facilities, both in urban and in rural areas.

Older persons have the **right to live independently** and be included in the community, with choices equal to others. To ensure the full enjoyment of this right, States must take measures so that:

Commented [AW1]: Maybe say 'live independently' or 'independent living'

- older persons can freely choose where they live and with whom they live;
- older persons have access to a range of in-home, residential and other community support services that are gender sensitive - including personal assistance – to support independent living and to prevent isolation or segregation from the community; and
- community services and facilities for the general population are available on an equal basis to older persons and are responsive to their needs.

Older persons have the **right to legal capacity**. Older persons have the right to decide themselves where, with whom and how to live, irrespective of any impairment, and they cannot be placed in institutional settings without their consent.

Digital inclusion

Older persons have the right to access digital devices, digital technology and information on an equal basis with others

Older persons have the right to education, training and life-long learning, including digital learning.

Older persons have the right to accessibility of services, including those who cannot or do not wish to connect online.

States have an obligation to put in place effective safeguards to protect older persons' rights online, including their right to privacy, free and informed consent, and freedom from abuse (including online harassment, digital scams and fraud).

Access to remedies and redress

Older persons have the right to access effective dispute resolution, complaint mechanisms and administrative and/or judicial processes to seek remedies and redress when their rights related to social inclusion are violated.

2. State obligations

States have an obligation to:

- guarantee the right to reasonable accommodation;
- adopt comprehensive anti-discrimination laws;

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- tackle ageism and marginalisation of older persons through raising awareness, training and other measures;
- explicitly permit and require the adoption of positive action measures;
- enact statutory equality duties that require public authorities and other duty-bearers to assess the impact of their policies on the rights of older persons;
- collect appropriate information, including statistical and research data, to enable them to formulate and implement policies related to social inclusion of older persons.

For more information

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