

**Questionnaire on Focus Area 2 for the thirteenth session of the United Nations'  
Open Ended Working Group on Ageing**

**Guiding questions for the thirteenth session Focus area 2: Social Inclusion**

**The Scope:**

Social inclusion is a precondition for the ability of older persons to exercise multiple human rights. Social inclusion is the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status through (1) enhanced opportunities, (2) access to resources (3) voice and (4) respect for rights

**The guiding questions:**

**What are the legal provisions, policy frameworks and/or measures in your country that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic or other status? *(This may include addressing older populations on frameworks dedicated to other marginalized groups such as women, persons with disabilities, migrants, minorities, homeless people etc.; or addressing marginalized groups within frameworks devoted to older persons)***

The National Skills Strategy was implemented in 2019 under the direction of the Federal Ministry of Labour and Social Affairs and the Federal Ministry of Education and Research in close collaboration with the strategic partners, which include the Federal Ministry for Economic Affairs and Energy, the Federal Employment Agency, the Conference of Economic Ministers and Standing Conference of Education Ministers of the Länder, trade unions, and employer and business associations.

In September 2022, all 17 partners of the National Skills Strategy presented an update paper (Sep. 2022): Together for a Decade of Continuing Education - Moving Towards a Continuing Education Nation. The National Skills Strategy is a long-term, interministerial process, across legislative periods. The goals include increasing the participation of low skilled adults and increasing the number of people with at least basic digital skills.

Accessibility benefits everyone. Statistically, however, it is above all older people who are affected by disabilities or have limited mobility. The Federal Government wants to increase accessibility in all areas of life, thus making life easier for many people, especially older people. It has therefore launched the Federal Accessibility Initiative. The Federal Government will revise laws and ordinances to enhance accessibility in the public and private sectors as part of this federal initiative. Through targeted public relations work, the Federal Government will also raise general awareness in society about how a lack of accessibility can be bad for people. The initiative will focus on mobility, housing, health and digital issues first.

Another reason for marginalization is the phenomenon of loneliness. Loneliness is subjective and affects people of all age. The feeling of loneliness has increased during the Covid-19 pandemic. Younger persons reported a higher increase in loneliness during that time than older persons, however, many older persons living in institutions suffer from loneliness. Since 2018 The German Government, beginning with loneliness in old age, strives to move the issue of loneliness into the focus of society. Starting in 2021 all age groups are addressed and a strategy to counter loneliness is currently under development, combining existing programs like the ESF-Plus program "[Strengthening the participation of older people - countering loneliness and social isolation](#)" ("Stärkung der Teilhabe älterer Menschen – gegen Einsamkeit und soziale Isolation" (over 70 partners), the project "Together for each other: contact and community in old age" ("[Miteinander – Füreinander: Kontakt und Gemeinschaft im Alter](#)"), by Malteser Hilfsdienst e.V. addressing very old persons at more than 100 locations, or the project "Together against loneliness" ("[Verein\(t\) gegen Einsamkeit](#)") of the German Olympic Sports Confederation (Deutscher Olympischer Sportbund (DOSB) which aims at more than 87.000 member organisations. In Fall 2022 a first campaign was started to reach out to the general public. (<https://www.bmfsfj.de/bmfsfj/service/publikationen/gem-einsam-strategie-gegen-einsamkeit-208784>)

Another reason for social exclusion for older women is the experience of gender-based violence. To overcome the obstacles in the support system for women victims of violence the Federal Program "Together against violence" aims at improving the support system by closing the existing gaps for accessing support institutions and counselling services. One of the groups experiencing high thresholds are older women. Thus, the program strives to achieve barrier free accesses and the nationwide availability of specialized services.

**What legal age limits exist in your country that prevent the full and equal participation of older persons in societies in areas such as employment, education, healthcare, financial goods and services, or others?**

All residents in Germany, irrespective of age and state of health, receive health insurance cover by law either in the statutory or private health insurance system.

There is no general, legally defined maximum age for employment in Germany. Furthermore, the General Act on Equal Treatment (AGG) prohibits unjustified discrimination on the grounds of age.

The German Federal Antidiscrimination Agency comments as follows:

Although there are no statutory age limits in labour law in Germany, collective bargaining agreements are of great relevance here. Currently, the general retirement age is 67 years of age. The employment relationship then ends without termination being required. Established case law does not see this as discrimination on the basis of age and recognizes general age limits in collective agreements as admissible. In the literature, however, there are also different opinions that do not follow this line of argument and advocate more flexible solutions.

With regard to age limits, the Federal Anti-Discrimination Agency mainly receives inquiries in which complainants inquire about the legality of age limits in associations and access to voluntary work. There are such regulations, for example, for access to lay judges. According to the Courts Constitution Act, only persons who are at least 25 years of age and younger than 70 at the beginning of their term of office should be appointed as lay judges.

**What measures are in place, if any, to ensure that older persons in institutions segregated from their communities -such as institutional care systems or prisons- can continue participating in their society?**

This answer refers only to institutions of the care system. The two examples mentioned cannot be compared and should not be put in the same question.

The legally based standards and principles of good quality care state that nursing homes are obliged to ensure the participation of persons in need of care in social and cultural life. It is also underlined that nursing homes are part of the community / quarter. They need to foster contacts of persons in need of care with other persons, groups and institutions within the community, open up to voluntary work and thus enable persons in need of care to get in touch with others. This includes contacts e.g. to associations, churches and other organisations.

Regarding the example of persons deprived of liberty we would like to draw attention to the 2022 report of the Independent Expert, Dr. Claudia Mahler to the HRC on this topic.  
(<https://www.ohchr.org/en/calls-for-input/2022/report-older-persons-deprived-their-liberty>)

**States have an obligation to use maximum available resources to progressively achieve the full realization of economic, social and cultural rights. What is the share of national public expenditure budget targeted to older persons as a distinct group?**

A total of 327 billion euros was spent on old-age provision in Germany in 2020 under a comprehensive definition of pension expenditure in accordance with the EU Convention. This includes not only statutory pension insurance but also other old-age provision systems such as civil servants' pensions and occupational pensions. This corresponds to 9.6 percent of gross domestic product (GDP). The measure of pension expenditure in relation to GDP shows how much of the overall economic output is ultimately spent on provision in old age. A further 60 billion euros is spent on provision for surviving dependants, the vast majority of which also benefits older people. This corresponds to 1.8 per cent of GDP.

Just under 3.9 billion euros (2021) were also paid out for basic income support in old age (cash benefits) to people who have reached the legally required age of 65 to 67.