

Questionnaire of the Review of Focus Area 1 of the twelfth session of the United Nations' Open Ended Working Group on Ageing

**Guiding questions for defining the normative content of the issues examined at the twelfth session
Focus Area 1: Contribution of older persons to sustainable development**

Definition

- 1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

Answer:

In our view it is of utmost importance to ensure the full enjoyment of all human rights without any age limitations, thus applying mainstreaming ageing in all legal frameworks and policies relating to older persons' participation in national, regional, and international frameworks.

Scope of the rights

- 2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as;**

- a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of sustainable development; and
- b) elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices;

Answer:

The right to equality and prohibition of all forms of discrimination against older persons is guaranteed in Art. 3 of the Basic Law (constitution, GG) and in addition in section 1 of the General Act on Equal Treatment (AGG).

GG

Article 3

[Equality before the law]

- (1) All persons shall be equal before the law.
- (2) Men and women shall have equal rights. The state shall promote the actual implementation of equal rights for women and men and take steps to eliminate disadvantages that now exist.
- (3) No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability.

AGG

Section 1

Purpose

The purpose of this Act is to prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation.

c) right to freedom of expression, including freedom to seek, receive and impart information;

Answer:

The right to freedom of expression is enshrined in Art. 5, para 1 of the Basic Law for everyone, including older persons.

GG

Article 5

[Freedom of expression, arts and sciences]

(1) Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship.

d) right of peaceful assembly;

Answer:

The right of peaceful assembly is enshrined in Art. 8 of the Basic Law for everyone, including older persons.

e) right to freedom of association;

Answer

The right to freedom of association is enshrined in Art. 9 of the Basic Law for everyone, including older persons.

GG

Article 9

[Freedom of association]

(1) All Germans shall have the right to form societies and other associations.

(2) Associations whose aims or activities contravene the criminal laws or that are directed against the constitutional order or the concept of international understanding shall be prohibited.

f) right to take part in the government of his country, directly or through freely chosen representatives;

Answer

There are no age limits for older persons on participation in government or elections on any level.

g) right to development, including older persons as active participants and beneficiaries of development;

h) active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes;

i) access to prompt remedies and redress when older persons' above mentioned rights are violated. Access to remedies and redress is not constrained by any age limits for older persons.

State obligations

- 2. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' contribution to sustainable development?**

Answer

Full implementation of the international human rights standards and of the guiding principle “leave no one behind” must include all generations.

Implementation

4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons’ contribution to sustainable development?

Answer

The Federal Ministry of Education and Research of Germany has set up a multi-stakeholder process to promote education for sustainable development in the education system in an approach of lifelong learning also including non-and informal education and addressing all generations.