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SUBSTANTIVE INPUT
for the thirteenth 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 2; Social Inclusion

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 and by and by German National Association of Senior Citizens' Organisations (BAGSO).

As early as 1994, Germany amended its Grundgesetz (Basic Law), Article 3, Paragraph 3, to the effect that the state must not treat anyone differently from all other fellow citizens of our society on the grounds of disability.¹ This milestone-inclusive idea has been extended through several legislative initiatives at international, national and state level in recent years paving the way for inclusion as part of social participation at all levels as a mandatory element of policy and defined the concept of inclusion, which is clearly different from that of integration.

Inclusion means that people no longer have to adapt their lives to existing structures. Rather, society is called upon to create structures that enable every person to be a valuable part of society from the very beginning.²

Inclusion in the community is thus also an expression of recognition of the dignity of older people. As people age, the need for inclusion and interaction with others remains, but too often age and the impairments more common in older adults are used as justification for exclusion from the community.³

¹ <https://www.ohchr.org/sites/default/files/cescr.pdf>

² <https://www.stmas.bayern.de/inklusion/begriff/index.php>

³

World Health Organization. Global report on health equity for persons with disabilities [Internet]. 2022 [cited 2023 Feb 2]. Available from: <https://apps.who.int/iris/rest/bitstreams/1481486/retrieve>

However, the idea that inclusion is not synonymous with integration is only slowly gaining acceptance - also in the policy fields. After years of discussion, a small success was achieved in the state of Lower Saxony, which in its coalition agreement of 2022 stipulated that building regulations be changed so that housing is designed to be inclusive in the future. ⁴

This has not yet been achieved at national level but is still being pursued by German civil society as another important interim goal for achieving full inclusion. While in Germany at least the problem is moderately recognised, and as far as social support is concerned, is reflected among other things in social legislation (SGB IX)⁵ but also the General Act on Equal Treatment (AGG)⁶, social inclusion plays a rather subordinate role, especially in the Global South, where issues such as malnutrition and combating poverty dominate the agenda, which is understandable, but the fundamental importance of social inclusion must not be lost sight of.

UN Secretary-General Guterres had already pointed this out in his policy brief in 2020, calling for strengthening social inclusion as well as solidarity and stressing the obvious gaps in the legal protection of older people. ⁷ Although signed by 146 states, we do not see any significant progress in the past three years.

Social protection, and closely related to it, social inclusion, is based on value ideas and thus has a high need for legitimacy, which is fed by 21st century values such as "justice, equality, solidarity, but also inclusivity and universalism". In global debates, the focus is usually only on the dimensions: "social rights" and thus means social laws and increasing the coverage of social security. The human right to social protection, however, requires strengthening in the service dimensions, such as coverage benefit levels/standards, and also social foundations, such as legal, administrative, fiscal, normative and political foundations. ⁸

Currently, only 47% of the world's population is covered by at least one social security system, with only 25% in LMICs. Universalistic welfare regimes exist in only about 10% of Southern countries. Even some large MICs have only marginal social security, e.g. India, Indonesia, Nigeria, which are reaching their limits due to demographic development and economic challenges and therefore have only implemented an imperfectly inclusive benefit system for the elderly in particular.⁹

The Decade of Healthy Ageing proclaimed by the WHO emphasises the positive effects of social inclusion and does not limit this to social services alone, but calls for the entire environment to be considered and included,¹⁰ i.e. also taking into account the positive physiological aspects and linking them to other activities, such as maintaining cognitive

⁴ https://www.spdnds.de/wp-content/uploads/sites/77/2022/11/Unser_Koalitionsvertrag.pdf Page 22ff and Page 77

⁵ https://www.gesetze-im-internet.de/sgb_9_2018/

⁶ <https://www.gesetze-im-internet.de/agg/>

⁷ <https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2020/05/COVID-Older-persons.pdf> Page 3

⁸ Prof. Lutz Leisering: Keynote: Social security at VENRO, February 10th, 2023

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¹⁰ <https://www.decadeofhealthyageing.org/>

abilities, as described by the World Social Report 2023.¹¹

Both the *UNECE Ministerial Conference on Ageing 2022*¹² in Rome and the *Multistakeholder Meeting on the human rights of older persons*¹³ in Geneva in 2022 discussed i.a. the topic of “social inclusion” but highlighted that so far that in all discussions only particular areas of consideration for the full participation of older persons and thus the implementation of social inclusion are taken into account. Both concluded their final reports that only a new *legally binding document* can eliminate this gap for the full inclusion of older persons in all areas of their lifespan. This document than would outline and protect the rights of older people in our ageing world and provide signatory states with guidelines for their obligations.

HelpAge Deutschland therefore calls on UN member states to be aware of their responsibility for all vulnerable groups and to push for the adoption of a Convention on the Rights of Older Persons now.

¹¹ <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2023/01/2023wsr-fullreport.pdf>

¹² https://unece.org/sites/default/files/2022-10/ECE-AC.30-2022-2-E_0.pdf

¹³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/615/30/PDF/G2261530.pdf?OpenElement>