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## 13<sup>th</sup> Session of the United Nations Open-Ended Working Group on Ageing (2023)

AGE Platform Europe submission on Normative elements: Contribution of older persons to sustainable development

This answer is submitted in reply to the call of the Chair of the Open-Ended Working Group on Ageing (OEWG) to non-governmental organisations. AGE Platform Europe (AGE) has ECOSOC status and is accredited to the OEWG since 2012.

As the largest European network of self-advocacy organisations of older people, our position aims to reflect the situation at EU level on behalf of the 40 million older citizens represented by our members. Our contribution is based on written answers received from organisations of older people in several EU Member States and webinars open to all AGE members.

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## 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?**

Article 25 of the EU Charter of Fundamental Rights aims to guarantee older people's right to participate in social and cultural life, but it does not explicitly refer to economic life. Article 23 of the Revised European Social Charter aims to 'enable elderly persons to remain full members of society, but only *or as long as possible*'. This provision enshrines the right to information, but only as it relates to '*services and facilities available for elderly persons and their opportunities to make use of them*'. Hence, this framework fails to provide for the full and effective participation of older people in sustainable development.

## 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; b) elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices; c) right to freedom of expression, including freedom to seek, receive and impart information; d) right of peaceful assembly; e) right to freedom of association; f) right to take part in the government of his country, directly or through freely chosen representatives; 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.**

Older persons should enjoy these rights on an equal basis with others. At European level, there are general provisions on the rights to freedom of expression (Art11 of Charter of Fundamental Rights-CFR; Art10 of European Convention on Human Rights ECHR), right of access to information (Art11 and 42 CFR; Art10 ECHR) and peaceful assembly and association (Art12 CFR; Art 11 ECHR). There are also general provisions on protecting and enhancing civic space, but without referring specifically to representing the voice of older persons (Art2 and 11 Treaty of the European Union; art 15 Treaty on the Functioning of the EU; Art 44 on petitions CFR and 2018 Council of Europe [recommendation](#) on the need to strengthen the protection and promotion of civil society space in Europe). There is no specific obligation to eliminate all forms of ageism in relation to participation and sustainable development. Likewise, there is no explicit obligation to include older persons and their representative organisations in matters related to sustainable development.

## State obligations

- 3. 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?**

The right to participation should apply to every aspect of life without limitation.

States Parties shall have a duty to take all appropriate measures:

- to adopt laws that explicitly prohibit discrimination on the basis of age in participation in every aspect of life
- to modify or abolish existing laws, regulations, customs and practices that limit older persons' participation in sustainable development
- to review all policies, decisions and laws, in particular age limits and age proxies, with regard to their impact on older persons and ensure that these do not undermine their opportunities to participate in sustainable development.
- to ensure protection from multiple and intersectional discrimination, including for those groups who are at particular risk of exclusion, such as people in care settings and their caregivers
- to eradicate harmful ageist social norms and practices
- to promote information, research and public awareness around the role and contributions of older people, inter alia, by:
  - Raising awareness of the rights, capacities and contributions of older persons
  - Promoting awareness of the benefits of age equality and of investing in older age
  - Promoting a positive image of ageing
  - Promoting intergenerational interactions and solidarity.
- To ensure data is collected, disaggregated, analysed, utilised and disseminated by all ages, and apply an intersectional approach.
- To provide accessible, appropriate information and training to older persons on their rights and entitlement to benefits and resources to enable their full participation to sustainable development
- To ensure the genuine and meaningful involvement of older persons as partners and active participants in shaping policies and public programmes which relate to all aspects of sustainable development at all levels (local, national and international)
- To ensure that civil society, in particular older persons and their representative organizations, are involved and participate fully in the implementation and monitoring of these rights
- To provide funding for representative organisations of older people, including marginalized and at-risk groups to build capacity and participate in sustainable development
- To ensure the accessibility of all participation processes
- To enhance capacities and digital skills to promote equal opportunities for participation in sustainable development

## 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?**

The existence of general legal or policy frameworks does not always translate into actual protection of these rights in old age, due to a lack of awareness, implementation or lack of financial support. In several EU countries there are councils and other types of consultative committees of older people at national or local level. However, AGE members attest to the fact that these bodies do not always offer meaningful platforms of consultation. Key drivers of this tokenistic engagement of older people are pre-existing attitudinal barriers and negative sociocultural practices towards older persons and lack of support, information and training for older persons to be actively engaged in consultative processes. In addition, such consultations are often under the remit of single Ministry (ex. Health or social affairs) and do not offer possibilities for older people to contribute more generally on all aspects of sustainable development. There should be an obligation to consult with older people's organisations across all aspects of sustainable development.