



Brussels, 25 September 2020
(OR. en)

11087/20

SOC 557

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	11136/20
Subject:	Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation - draft Council Conclusions

1. The Presidency presented the draft Council conclusions on "Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation" on 14 July 2020¹. They were examined in two informal videoconferences of the Members of the Social Questions Working Party on that date and on 4 September, followed by three informal written consultations on the basis of revised drafts².
2. While the well-being of older persons is a long-standing priority of the German Presidency, the COVID-19 pandemic has also given additional urgency to the topic, giving rise to various concerns, which the Presidency has aimed to address in these Conclusions.

¹ See doc. 9319/20.

² See docs. 10155/20, 10601/20 and 11136/20.

3. Based on the numerous constructive comments received from delegations, the Presidency has endeavoured to improve the text in a consensual way. The draft Conclusions take a rights-based approach to ageing and highlight the opportunities, but also the potential drawbacks, that a digitalised society presents for older persons. The Conclusions comprehensively depict the pre-existing challenges as well as the impact that the pandemic has had on this target population, especially in the context of the digital environment, inviting different stakeholders to take concrete action with a view to finding adequate solutions.
4. Following the above-described consultations, the attached text is now agreed by all delegations at the Working Party level.
5. Against this background, the Permanent Representatives Committee is invited:
 - to confirm the agreement reached at the Working Party level on the attached text, and
 - to forward it for approval as an "A" item at a forthcoming Council session.

Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation

Draft Council Conclusions

RECALLING THAT:

1. The European Union has committed itself to preserving human rights, which are indivisible and inherent to all human beings, regardless of age, inter alia through the adoption of the Charter of Fundamental Rights of the European Union, especially Articles 25, 21, 34 and 35 thereof.
2. The European Pillar of Social Rights has set out, amongst others, principles relating to better living conditions for all people, regardless of their age, and in particular: the right to education, training and lifelong learning (Principle 1), which is also stated in the United Nation's Sustainable Development Goals (SDGs); the right to equal treatment and opportunities regarding employment, social protection, education and access to goods and services available to the public (Principle 3); the right to adequate social protection (Principle 12); the right to adequate minimum income benefits (Principle 14); the right of workers and self-employed in retirement to a pension commensurate to their contributions, equal opportunities for women and men to acquire pensions rights, the right to resources that ensure living in dignity (Principle 15); the right to timely access to affordable, preventive and curative health care of good quality (Principle 16); the right to affordable long-term care services of good quality, in particular home-care and community-based services (Principle 18); as well as the right to access to essential services, including digital communication (Principle 20).

3. The European Union and its Member States are committed to the relevant international human rights treaties (ICCPR¹, ICESCR², CERD³, CEDAW⁴, CAT⁵, CRPD⁶, ECHR⁷) which are applicable to all regardless of age.
4. The Member States of the European Union have agreed within the framework of the United Nations, inter alia, the United Nations Principles for Older Persons (1991), the Madrid International Plan of Action on Ageing (2002) and the Regional Implementation Strategy for Europe (2002), as well as the Lisbon Ministerial Declaration (2017).
5. The Council has made a political commitment in the Conclusions on the ‘Economy of Wellbeing’ (2019) to promoting lifelong learning and securing the advantages of digitalisation for all persons. The Council’s political commitment to promoting lifelong learning was reiterated in its Conclusions on ‘Demographic Challenges – The Way Ahead’ (2020), also focusing on skills needed in the digitalised world, on healthy and active ageing and on raising awareness of the rights of older persons. The European Commission’s Skills Agenda (2020) further underlines the importance of achieving lifelong learning for all in facing the COVID-19 pandemic and mitigating its effects. In the Conclusions on ‘Combating Poverty and Social Exclusion: an integrated approach’ (2016), the Council has called for implementing measures against social exclusion, including measures targeted at older persons.

¹ International Covenant on Civil and Political Rights.

² International Covenant on Economic, Social and Cultural Rights.

³ International Convention on the Elimination of All Forms of Racial Discrimination.

⁴ Convention on the Elimination of all Forms of Discrimination Against Women.

⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁶ Convention on the Rights of Persons with Disabilities (the EU is a party to this Convention).

⁷ European Convention on Human Rights.

6. The European Commission's Report on the Impact of Demographic Change⁸ identifies longer life expectancies as one major development within the Union, highlighting that women's life expectancy at birth is 5.5 years higher than men's; older persons are the fastest growing age group. Growing life expectancy is paired with an increase in years of good health. This age group is very heterogeneous, owing to differences in individual life situations, and is often highly self-determined. The report indicates the interrelationship between taking action on demographic change and recovery from the COVID-19 pandemic, and covers issues such as loneliness, social isolation and providing access to essential services and facilities.
7. The Pension Adequacy Report prepared jointly by the European Commission and the Social Protection Committee underlines that adequate and sustainable social protection systems are of key importance for older persons.⁹ The Long-Term Care Report prepared jointly by them furthermore identifies the need for ensuring access to quality care services for older persons.
8. Digitalisation entails opportunities and challenges for all groups of society, including for older persons. Digitalisation has played an important role in reaching older persons during the COVID-19 crisis. The report of the United Nations' Independent Expert on the enjoyment of all human rights by older persons (2017) and the influence of human-centred robotics and automation on the rights of older persons highlights the fact that robotics can lead to important advances for the autonomy and active participation of older persons. However, technological advances and digitalisation have the potential to threaten personal rights, such as the right to privacy. Furthermore, an increasingly digitalised world makes digital literacy more important. According to the report, digitalisation can exacerbate inequalities and/or exclude certain groups who have limited or a lack of access to digital technology; the use of assistive technology and robotics in the care of older persons can compromise the user's dignity.

⁸ European Commission Report on the Impact of Demographic Change (June 2020), doc. 8991/20.

⁹ 2018 Pension Adequacy Report: current and future income adequacy in old age in the EU, Vol. I, doc. 9523/18 + ADD 1 + ADD 2.

9. The digital divide between generations is significant and it increases with age. The 2019 Fundamental Rights survey¹⁰ shows that one in five people (20 %) aged 75 and older in the Union uses the internet at least occasionally, in comparison with 98 % of 16-29-year-olds. The Fundamental Rights Agency's survey¹¹ also points to the gap in using the internet for accessing services, with older persons using the internet less for online banking and online shopping (46 % of people aged 75 and older shop online at least occasionally, compared with 81 % of people 16-29 years old). The survey identifies a lack of access to internet services, as well as a lack of necessary skills as main barriers for older persons to use the internet.
10. Eurostat data¹² show that the gap between age groups in terms of their access to and use of modern information and communication technologies is closing. At the same time, they indicate that there is a divide between older men and older women regarding the use of digital technologies. Due to disparities in the labour market participation between women and men and to professional choices, older men seem to be more open towards digital technologies than women.

CONSIDERING THAT:

11. The European Union has set goals relating to the life circumstances of older persons in the Lisbon Strategy under the dimension of 'Inclusive Growth', THAT the employment target of the Europe 2020 Strategy explicitly focuses on older employees AND THAT, in the European Platform against Poverty and Social Exclusion, the Commission has committed itself to assessing whether social security systems are appropriate and sustainable and how to improve the access to health, social and long-term care systems.

¹⁰ European Union Agency for Fundamental Rights, *What do Fundamental Rights Mean for People in the EU*, Luxembourg 2020, EU Agency for Fundamental Rights – Fundamental Rights Survey.

¹¹ A summary of this survey concerning 'Older persons and digitalisation' is expected to be circulated by the end of September 2020; the full survey data will be published online later this year.

¹² Eurostat, *Ageing Europe. Looking at the lives of older people in the EU*, 2019, p. 134.

12. In its ‘Conclusions on Active Ageing’ (2010), the Council called for a ‘European Year for Active Ageing and Solidarity between Generations 2012’ and, in 2012, endorsed the ‘Principles of Active Ageing’. The World Health Organization has declared the years 2020-2030 the ‘Decade of Healthy Ageing’.
13. The Council, in its ‘Conclusions on supporting people living with dementia: improving care policies and practices’ (2015), called upon the European Commission and the Member States to strengthen the rights of persons living with dementia and to enable people to age in dignity.
14. During the 4th UNECE Ministerial Conference on Ageing, Ministers called in their Lisbon Declaration for a ‘Sustainable Society for all Ages: Realising the potential of living longer’ and committed themselves to supporting access to and the extension of lifelong learning and the development of skills as a requirement for a fulfilled life at any age; education, social participation and lifelong learning – in addition to the direct use of knowledge and skills for professional purposes – lead to higher quality and enjoyment of life, encourage older persons to become actively involved in social, cultural and political life and promote interaction and solidarity between the generations.
15. In 2010, the United Nations’ ‘Open-Ended Working Group on Ageing’ (OEWG-A), was set up by the UN General Assembly resolution 65/182 with the mandate to strengthen the protection of human rights of older persons by considering the existing international framework in respect of the human rights of older persons so as to identify possible gaps and determine how these can be addressed as effectively as possible, including assessing, as appropriate, the feasibility of further instruments and measures; in 2014, the United Nations Human Rights Council decided to appoint an Independent Expert on the enjoyment of all human rights by older persons and to hear his or her recommendations.

ACKNOWLEDGING THAT:

16. All human rights and fundamental freedoms as enshrined in the human rights treaties are universal, indivisible, interdependent and interrelated; they are applicable to older women and men in the same way as to any human being and must also be guaranteed without exception to older persons. In particular, this includes the fundamental right to equal treatment – regardless of age – especially with respect to the protection and the provision of support to those who need it. The former also holds true during health crises, such as the COVID-19 pandemic, during which access to affordable health care of good quality is paramount.
17. Older persons have considerably contributed to the functioning of free and democratic societies through solidarity and continue to do so. According to Eurostat’s publication ‘Ageing Europe’, older persons dedicate a lot of time to unpaid work. More than one fifth of older persons aged between 65 and 74 participate in formal volunteering. Persons aged 75 and older remain highly engaged, their health permitting. Furthermore, especially older women provide unpaid care work, mainly within their families, be it caring for their partners or for children, thereby supporting the middle-aged generation in balancing work and family life. During the COVID-19 pandemic, older persons have taken on tasks for the community, either by returning from retirement as medical or nursing staff, or in voluntary services to relieve others in their everyday lives.
18. The participation of older persons in the labour market has been increased in some Member States through various measures, such as prolonging working lives, adopting voluntary decisions extending retirement age, pursuing active and healthy ageing, improving accessibility and reasonable accommodation or offering flexible and gradual transitions to retirement.

19. Older persons are affected more than others by the measures taken to contain the COVID-19 pandemic, as shown in the bulletins of the Fundamental Rights Agency (FRA) and the reports of the European Centre for Disease Prevention and Control (ECDC).¹³ Owing to their higher age and prevalence of underlying health conditions, they are at a higher risk of severe health complications as a result of contracting the disease. The measures taken to contain the pandemic, such as social distancing rules, lockdown measures, the closing of institutions etc., affect older persons to a high degree. People living in care homes, the majority of whom are elderly and have medical needs and/or disabilities, were or still are, inter alia, not allowed visitors, including relatives. In addition, they suffered from constraints on account of staff shortages. Older persons living alone, owing to lockdown and other measures, have been facing difficulties taking care of everyday tasks. The provision of health care services unrelated to COVID-19 and out-patient care has also been scaled back. Very old persons, in particular, often do not have access to and do not participate in digital communication causing them to face additional restrictions in terms of access to information, social interaction and participation.
20. Older persons have a right to full participation in public, social and cultural life, as well as in education, continuous training and lifelong learning. Digital activity increasingly guarantees active social, cultural and economic participation and inclusion, and helps prevent social isolation, and not only in times of a pandemic. For some older persons digitalisation can also be an obstacle. Hence, there is a need to improve digital skills and the accessibility of digital services.

¹³ European Union Agency for Fundamental Rights, Coronavirus pandemic in the EU – Fundamental Rights Implications – Bulletin 3, Luxembourg 2020, <https://fra.europa.eu/en/publication/2020/covid19-rights-impact-june-1> and European Center for Disease Control, <https://www.ecdc.europa.eu/en/covid-19-pandemic>.

WELCOMING THAT:

21. The Member States have made noticeable progress at national, regional and local level in implementing the ten commitments of the UNECE RIS/MIPAA¹⁴, which inter alia calls for the elimination of age discrimination, neglect, abuse and violence against older persons.
22. As parties to the Convention on the Rights of Persons with Disabilities, all Member States and the EU are to ensure within their respective competences that all measures related to decision-making and the legal capacity of older persons with disabilities (including possible limitations which may be necessary for their protection) include adequate and effective protective schemes to prevent abuse;

THE COUNCIL OF THE EUROPEAN UNION,

INVITES THE MEMBER STATES AND THE EUROPEAN COMMISSION, IN THEIR RESPECTIVE AREAS OF COMPETENCE AND AT THE APPROPRIATE LEVELS, WITH DUE REGARD FOR THE PRINCIPLE OF SUBSIDIARITY, TO:

23. ADOPT an age-integrated approach including a rights-based and a life-cycle perspective to ageing, bearing in mind the differences between women and men, through, for instance, the promotion of positive communication on and images of ageing, a focus on the opportunities and challenges of ageing, as well as an acknowledgement of the wide range of differences between older persons and a greater understanding of the contribution that older persons make to social cohesion and economy;
24. CONSIDER a rights-based approach in shaping their exit strategies from the COVID-19 pandemic;

¹⁴ Regional Implementation Strategy for Madrid International Plan of Action on Ageing for the UNECE Region.

25. CONSIDER that the living conditions of older persons differ and depend on various circumstances and factors. This must be taken into account when developing effective policies that directly or indirectly affect older persons;
26. STRENGTHEN social inclusion and mutual solidarity between the generations and MAINSTREAM ageing in all policy fields in order to help societies and economies to adapt appropriately to demographic change with a view to developing societies that accommodate the needs and interests of persons of all ages;
27. RAISE AWARENESS among younger generations for the valuable contributions of older persons towards society, thereby strengthening intergenerational bonds and reducing ageism;
28. ACTIVELY INVOLVE older persons, in particular older women, in all decision-making processes affecting their lives and BALANCE the benefits and risks of these decisions in each individual case with full respect for the rights and participation of older persons, taking into consideration an adequate balance and solidarity between generations;
29. FURTHER DEVELOP, where appropriate, mechanisms for the participation of civil society in decision-making in relation to older persons in the digital world;
30. ENSURE that the necessary protective measures in times of health crises are proportionate in the extent to which such measures affect older persons' rights, interests and wellbeing, especially their psychological health and quality of life;
31. PROVIDE adequate social protection for all older persons with special attention to particularly vulnerable groups, in order to inter alia prevent poverty amongst older persons;
32. PROMOTE active and healthy ageing – including by using the positive impact of digital technology in public services, e.g. in health and social services – and longer working lives, for example by enabling voluntary late retirement, and flexible and gradual transitions to retirement;

33. SUPPORT and STRENGTHEN different forms of education and training, life-long learning opportunities and the development of skills, including technological and digital skills. These are highly important for the participation in the digital world and in social life and should also be utilized to address the digital divide between women and men;
34. SHAPE digitalisation with regard to, in particular, such public services as health, social and long term care services, in such a way that these services are easily accessible, user friendly, and as barrier-free as possible, while ensuring that non-digital services are maintained. Special focus needs to be placed on the rights (including data protection rights) and needs of older persons, including older persons with disabilities. The objective is, especially, to
- a) CONTRIBUTE to reducing social isolation through high quality, accessible and easy to use forms of digital communication;
 - b) FACILITATE, where possible, easy online access to a wide range of cultural, educational and learning facilities, such as libraries, seminars, different kinds of classes, inter alia language courses, so as to lower the threshold for persons with disabilities, who are often older persons;
 - c) ENABLE remote participation in social, educational and cultural events;
 - d) ENABLE participation in political decision-making, including elections, if these are organised digitally;
 - e) SUPPORT older persons in developing digital skills, including the safe and responsible use of digital technologies through target group specific life-long learning initiatives;
 - f) ASSIST and EMPOWER older persons regarding everyday tasks and situations, such as shopping, communicating and keeping in touch with friends and family and social interaction with others, through accessible digital products and infrastructure;

- g) FURTHER IMPROVE economic participation by providing safe access to e-commerce and online-banking as well as by improving older persons' knowledge of consumers' rights, particularly in e-commerce;
 - h) MAKE AVAILABLE and SIMPLIFY telemedicine services and the use of digitally enabled health-related tools as an additional option for persons at any age, thus lowering the risk of infections brought about through direct contact with sick persons in waiting areas and facilitating access to medical and social advice;
 - i) ADDRESS the challenges resulting from a rising demand for long-term care due to ageing and EXPLORE how digitalisation and welfare technology can be better integrated into care services to improve the accessibility and delivery of services, such as telecare, including relevant stakeholders, patients as well as the social partners in the process;
 - j) ENSURE that any tracking devices used during health crises are, as far as possible, barrier-free, accessible and easy to use, as well as in compliance with data protection regulations and thus easily operable with the aim of not disproportionately compromising the freedom of movement of certain age groups;
 - k) ENSURE that public services are transparent to guarantee a more resilient and digital future to the benefit of older persons;
35. EXPLORE the benefits of smart urban and rural planning, public mobility infrastructures and smart homes in facilitating older persons' participation in social, economic and cultural life, including older persons with disabilities, and offering new models of positive ageing while empowering older persons to maintain independence, well-being and higher quality of life;

36. STRIVE TO ENSURE that digitalisation is an inclusive process improving access to services and that the European Accessibility Act (EAA)¹⁵ is implemented fully and in a timely manner, and TAKE OTHER MEASURES to make digitalisation accessible to all;
37. ENSURE through alternative means that those who cannot fully use digital technologies can enjoy the same rights as other groups of the population;
38. TAKE INTO ACCOUNT the discussions of the Joint Conference of the Age Platform Europe, BAGSO¹⁶ and the German Presidency in further policy-making on the rights of older persons;
39. GUARANTEE the right to health care and long-term care, in line with the European Pillar of Social Rights, including access to health care on an equal basis, that is based on informed and specific consent, and BASE decisions in medical matters on ethical principles which focus on inherent human dignity, the protection of human rights, gender equality and obtaining the highest standard of well-being, as well as on the achievement of the highest possible quality of life. Criteria such as a person's age should not be the sole determining factor for accessing or continuation of health care services but should only be applied within the context of a clinical assessment of an individual patient's health condition;
40. USE EU funding, in particular the European Social Fund and regional and structural policy measures, to facilitate active and independent ageing in the sense of lifelong participation, especially in the digital world and the support of the autonomy of older persons, for example by improving affordable quality social services and infrastructure as well as by supporting relevant stakeholders, including local and regional public actors and civil society organisations who implement these measures where older persons live;

¹⁵ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements of products and services, OJL 151, 7.6.2019, p. 70-115.

¹⁶ Bundesarbeitsgemeinschaft der Seniorenorganisationen (German National Association of Senior Citizens' Organisations).

41. TAKE relevant comparable data, disaggregated by sex, on the rights and situation of older persons, such as Eurostat's data collection and analysis 'Ageing in Europe' into account in developing further policy measures; and
42. CONTINUE TO CONTRIBUTE to the UN OEWG-A meetings and UNECE process; GIVE ADDITIONAL EMPHASIS to the human rights approach of the EU's external policy in this field;

INVITES THE EUROPEAN COMMISSION TO:

43. CONSIDER dedicating a chapter of its 'Green Paper on Ageing' to the rights of older persons, including older persons with disabilities, with a particular focus on granting older persons autonomy and participation in society to the fullest extent possible, while taking gender equality aspects into account, with a special focus on older women; FOCUS on ageing as an opportunity for societies and on how this can serve as an underlying basis for all further policy measures in this area;
44. CONTINUE TO SUPPORT Member States in actions aimed at the prevention of chronic diseases, health promotion, disability management and strengthening the development of long-term health care policies, with a focus on digitalisation, as well as to empower older persons to use digital technologies to better monitor their health independently;
45. CONTINUE data compilation through Eurostat providing a Union-wide comparable and disaggregated set of data, such as Eurostat's analysis 'Ageing Europe', as a basis for future policymaking;

46. EXAMINE SETTING UP a digital platform on 'Participation and volunteering after working life', which could be linked to existing projects geared towards European civic engagement. This platform could provide incentives and information for older persons to engage in cross-border voluntary work using their acquired knowledge, skills and abilities. It could furthermore inform local authorities and other actors on strategies and projects to involve older persons in volunteer work and provide a space for interested people to receive further guidance on finding volunteering opportunities.
47. PROMOTE further intergenerational exchanges, through volunteering activities, that may provide opportunities for younger people to support and interact with older persons, including by building on relevant EU programmes, such as the European Solidarity Corps, which is intended to help young people to make a meaningful contribution to society while acquiring useful competences and skills for their personal and professional development;
48. CONSIDER a separate chapter on older persons in the announced 2021 'Action Plan on the Implementation of the European Pillar of Social Rights' assessing how measures at EU-level can be designed to achieve and enhance the autonomy of older persons in times of digitalisation and promote the participation of older persons in active life and in shaping society, thus improving the well-being in older age. This should include measures to enhance participation in democratic processes, and other relevant measures set out in paragraph 27. This assessment could be used by the Commission and the Member States as well as involved organisations; and
49. CONTINUE, together with the Social Protection Committee, its comparative analysis of the sustainability and adequacy of the pension systems in the EU through the pension adequacy reports;

INVITES THE FUNDAMENTAL RIGHTS AGENCY TO:

50. EXPLORE the impact of digitalisation on the fundamental rights, active participation and well-being of older persons; and
51. PROVIDE input and expertise to Member States in the framework of the Subgroup on Equality Data (EU High Level Group on Non-Discrimination, Equality and Diversity) on collecting disaggregated data shedding light on inequalities related to age, including data distribution according to socioeconomic background;

INVITES THE SOCIAL PROTECTION COMMITTEE TO:

52. CONTINUE TO FOSTER a life-course perspective into their reflections on the policy fields within their remit;
53. CONTINUE TO PROMOTE mutual learning and sharing of best practices on how to better address the needs and ensure the well-being and a life in dignity of older persons as well as their access to the digital world; and
54. CONTINUE its WORK, in cooperation with the Commission, related to the mechanism for monitoring the implementation of the Recommendation on Access to Social Protection for Workers and the Self-Employed.