

Fundamental rights of older persons: ensuring access to public services in digital societies

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Major demographic, social and political developments in the EU

Population ageing

- in 2020 – 21% of the population was 65 years and older, in 2050 projected to reach 30%
- in 2020 – 10% of the population was 75 years and older, in 2050 projected to reach 20%

Digitalisation

2030 Targets of the European Union Digital Decade policy programme

80 % of the 16-74 years-old with at least basic digital skills

- in 2021, 54 % of 16-to-74, 42 % of 55-to-64 and 25 % of 65-to-74-years-old had at least basic digital skills

100 % of key public services online and 100% eHealth records accessible online

- In 2021, 53 % of 55-to-64 and 38 % of 65-to-74-years-old had been in contact with public services using the internet in the last 12 months.

EU Legal Framework

Treaty on the Functioning of the European Union

- Article 10, establishes non-discrimination as one of the fundamental principles of EU law, which must be observed in the EU and national legislation and policy frameworks.

EU Charter of Fundamental Rights

- The Charter does not “distinguish or limit the enjoyment of rights on the basis of age”
- Article 21: Non-Discrimination
- Article 25: The Rights of the Elderly
 - Lead a life of dignity and independence and to participate in social and cultural life
- Article 41: Right to Good Administration
 - Includes equal access to public services in the process of digitalisation.

Council Conclusions on “Human Rights, Participation and Well-Being of Older Persons in the Era of Digitalisation” 2020

- The Council invites the FRA to explore the impact of digitalisation on the fundamental rights, active participation, and well-being of older persons
- Stresses the need to maintain some non-digital public services and call for respect of older persons’ rights and needs
- Emphasises that policymakers should take into account the diverse living conditions of older persons

EU Policy context

- European Digital Decade Policy Programme (monitoring through the Digital Economy and Society Index - DESI)
- European Declaration on Digital Rights and Principles
- European Pillar of Social Rights and its Action Plan
- European Skills Agenda for Adults Learning (70 % of 16 – 74-year-olds should have at least basic digital skills by 2025.)
- Green paper on ageing

The European Pillar of Social Rights & European Declaration on Digital Rights and Principles underline the principle "**no one should be left behind**" as society advances

Findings: National legislation

All EU Member States, North Macedonia (MK) and Serbia (RS):

- **guarantee the general principle of non-discrimination** in their constitutions or basic laws
- **legal frameworks are in place regulating the digitalisation of public services**
- **vary in degree/ways** they address equal access and the principle of non-discrimination in the context of digitalisation
 - Generic “e-government laws” (10 MS + RS) (7 explicit guarantee / 6 general principle of non-discrimination)
 - Specific/sectorial legislation (e.g. access to social security, ...) (15 MS +MK) (14 explicit / 4 general principle of non-discrimination)
 - Both: 2 MS (FR and LV)
- **laws addressing groups at risk of digital exclusion:** older persons (4 MSs), persons with disability (22 MSs +RS)
- **mostly insufficient coherent monitoring mechanisms** – no systematic evaluation of discrimination/maladministration
- **complaints mainly about discrimination in the access to public services**, not mentioning age
- **good practices: Helplines for older persons and mediators for pensions receive most complaints**

Findings: National Policies (1)

- **All EU MSs, MK and RS** have policies, strategies, action plans or comparable policies related to digitalisation
- **17 countries** have policy frameworks **explicitly mentioning equal access to public services** undergoing digitalisation

The Portuguese Strategy for the Reorganisation of Government Services promotes geographical, economic and social cohesion. In part, that involves providing the population with equal conditions and access to services, regardless of their geographical location or “social vulnerabilities”. **Older persons and persons with disabilities were recognised as most at risk of digital exclusion because of insufficient digital skills or difficulties in dealing with new technologies. Therefore, some measures were set out to protect the right to equal access to government services.**

One of the core principles of the Italian strategy Digital Republic is “ensuring inclusive and accessible services”. That means that **public administrations must design digital public services that are inclusive and meet the diverse needs of people and territories.**

- **5 countries (BG, MK, PL, RS, SE)** have policy instruments that **explicitly recognise the principle of non-discrimination** in accessing public services. **PL, RS, SE specifically address older persons**

In Poland, the draft programme adopted by the Council of Ministers **mentions people vulnerable to digital exclusion owing to their age, health conditions and disabilities.** Moreover, to achieve sustainable social and economic development, it is necessary to ensure that women and men enjoy equal participation in all spheres of social life, regardless of their ethnic origin, age, health condition, residence, economic status, parental status, religion or worldview, sexual orientation, etc.

Findings: National policies 2

- In 9 MSs (CY, CZ, DK, EL, FR, IE, LU, MT, PT) policy frameworks **emphasise the importance of retaining offline public service options for those who cannot or do not want to engage with public services digitally.**

The Czech policy on client-oriented public administration 2030 underlines that **“the possibility of offline access will be maintained for those groups of people who do not want or cannot communicate electronically”.**

The French National Strategy for the Guidance of Public Policy **obliges administrations to implement efficient telephone reception service for users by 2022.**

- In 12 MSs policies **address specific population groups at risk of being digitally excluded.** Only AT, DE and SE do not explicitly detail population groups at risk of digital exclusion in current policy documents.
- Only 6 MSs (IT, LU, NL, PL, SK and SI) and MK **address the risk of digital exclusion in their policy documents AND have followed them up with concrete measures to strengthen digital inclusion.**
- 25 National Recovery and Resilience Plans approved by the Council broadly recognise the risk of digital exclusion for vulnerable groups, but only **9 of them explicitly address older persons.**

Findings: Promising practices for closing the (grey) digital divide (1)

• First-level digital divide - access to infrastructure and devices : affordability

Slovakia's Recovery Plan includes **distributing 'senior tablets' to people older than 70**. These tablets should contain applications **providing easy access to the internet, news applications, communication tools** (email, text messages, calls) and **health applications** (health diary, doctor's visits calendar and potentially also connection to healthcare databases). They should also **connect to selected public e-services addressing specific life situations of pensioners**.

• Second-level digital divide – internet use and digital skills: interest and training

- digital inclusion measures
- digital literacy across the life cycle
- targeted offline and digital support services
- inclusive and user-centred service design through co-creation, co-design and participatory design

The Italian national initiative Digital Republic addresses the digital divide **by building a 'digital academy'**. It **provides everyone with educational material to ensure that digital solutions become accessible to people of all backgrounds**. The initiative also promotes the development of lifelong learning programmes and materials for digital skills. It honours stakeholders by awarding National Digital Skills Awards in four categories: digital for all, digital inclusive, digital against gender gap and digital in education for schools.

Other countries, such as Estonia, Latvia, the Netherlands, North Macedonia and Sweden, **use public libraries in promoting digital literacy and providing the necessary resources for older persons to acquire digital skills**.

Findings: Promising practices for closing the (grey) digital divide (2)

- **Third-level digital divide – inequality of outcome: empowering users**

- fight stereotypes (older persons are incapable, technophobic or unwilling to engage with ICT)
- inclusive and user-centred service design through co-creation, co-design and participatory design

The National Digital Strategy in Cyprus adopts a principle-based approach towards digital transformation. ‘User-centred’ and ‘inclusive and universal’ are its guiding principles. It promotes a new delivery model for developing end-to-end high-quality digital services, called the Digital Services Factory model. **The Digital Services Factory aims to enhance citizens’ quality of life by providing 100 % of public services online, in a user-friendly, efficient and effective way. Citizens with diverse backgrounds will be involved throughout the design process to ensure the greatest possible usability.**

Ways forward

Applying a fundamental rights perspective on ageing

- Use a rights-based and life-cycle perspective
- Ensure explicit legal protections at national level of older persons' rights in digital societies
- Use coherent monitoring mechanisms that allow for a systematic evaluation
- Ensure political participation for all, as consultations etc. move online

Combating ageism

- Fight the deficit-oriented picture of older persons
- Include persons aged 65 and more systematically in all life-long learning and skills policies
- Involve older persons in designing inclusive, accessible digital services and relevant support services
- Avoid arbitrary definitions of 'old', age cut-offs or the use of "adult" to refer to 16-74 years only
- Help older persons to overcome stereotypes, to engage with new technologies and to acquire digital skills

Inclusive monitoring and data collection

- Include persons aged 75 years and older in the monitoring of digital indicators (DESI) to correctly assess their situations and address needs
- Include older persons, and others, living in „residential“ institutions in the data collection

FRA's work on older persons



- 2023 Report: [Fundamental rights of older people: ensuring access to public services in digital societies](#)
- 2018 Fundamental Rights Report – Focus Chapter: [Shifting perceptions: towards a rights-based approach to ageing](#)
- 2022 Fundamental Rights Report – Focus Chapter: [Social rights and equality in the light of the recovery from the COVID-19 pandemic](#)
- 2021 Fundamental Rights Report – Focus Chapter: [The coronavirus pandemic and fundamental rights: A year in review](#)
- FRA's Bulletins on FR implications of the coronavirus pandemic:
 - Bulletin #3 [with a focus on older people](#) ;
 - Bulletin #6 [with a focus on social rights](#)
- 2021 FRA Opinion: [Equality in the EU 20 years on from the initial implementation of the equality directives](#)

Thank you for your attention!



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