



## **Submission to the Independent Expert on the Enjoyment of All Human Rights by Older Persons**

Call for Input: Business and the Human Rights of Older Persons

Submitted by: Global Ageing Network (GAN)

Focus: Perspective of providers of care, housing, health, and services for older persons

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Contact:

### **1. Introduction**

The Global Ageing Network (GAN) welcomes the opportunity to contribute to this call for input by the Independent Expert on business and the enjoyment of all human rights by older persons.

GAN is a global association representing providers of ageing services, including long-term care, community-based care, housing, health, and support services for older persons across diverse economic, cultural, and regulatory contexts. Our members work directly with millions of older people and their families and are deeply engaged in the practical realities of delivering services that uphold dignity, autonomy, safety, and wellbeing.

### **2. Legal, Policy, and Institutional Frameworks**

Across jurisdictions, legal and regulatory frameworks relevant to business and older persons' rights vary widely. While many States recognise general human rights protections and age-related policy commitments, explicit application of business and human rights principles to older persons remains limited.

Key challenges include:

- Fragmented regulation of private care, housing, health and support services
- Inconsistent standards for quality, affordability, funding, access and accountability
- Limited access to effective remedies for older persons when rights are breached across business environments.

The UN Guiding Principles on Business and Human Rights (UNGPs) provide a valuable framework, but are not consistently operationalized.

### **3. Older Persons as Participants in the Economy and Labour Market**

Older persons participate in business and economic life as employees, volunteers, entrepreneurs, board members, and consumers. However, age-based discrimination in employment and business participation remains widespread.

Common barriers to full participation include:

- Bias in recruitment, promotion, and access to training
- Limited access to flexible work arrangements and reasonable adjustments
- Barriers to entrepreneurship, finance, and business support
- Forced or premature exit from the workforce

From a provider perspective, age-diverse workplaces deliver benefits including institutional knowledge, mentoring, workforce stability, and improved service quality. Business policies that actively support age inclusion are both rights-affirming and economically sound.

#### **4. Older Persons as Consumers of Care, Services, and Essential Goods**

Older persons increasingly interact with businesses as consumers of essential and often life-sustaining services, including residential and community-based care, health services, pharmaceuticals, housing and accommodation, financial and insurance products, mobility aids, and assistive technologies. These interactions occur in contexts where choice may be constrained, information asymmetry is high, and dependency relationships are common.

From the perspective of care and service providers, several human rights-related risks are consistently observed:

##### **4.1 Information, Transparency, and Informed Choice**

Providers note that:

- Service offerings, pricing structures, and contractual terms are often complex and difficult for older persons and families to understand, particularly at times of crisis or declining capacity.
- Government frameworks and systems are often inadequate, difficult to navigate and lacking integration with related systems such as acute and primary health. Information is frequently not provided in accessible formats (plain language, culturally appropriate materials, or alternative communication modes).
- In some markets, limited service availability restricts genuine choice, undermining the right to informed decision-making.

Providers report that rights-respecting service delivery requires time, clarity, and supported decision-making. However, regulatory and funding pressures can reduce opportunities for meaningful engagement unless explicitly protected through standards and practice.

##### **4.2 Affordability and Economic Exploitation Risks**

Key risks include:

- Rising costs of care, housing, and health services disproportionately impacting older persons on fixed or limited incomes.
- Inadequate public funding leading to cost-shifting to individuals, increasing financial hardship and reduced access to necessary services.
- Exposure to predatory or misleading practices in loosely regulated markets (including high-pressure selling, opaque add-on fees, or unsuitable financial products).
- Acute shortages of affordable and appropriate housing is resulting in increased numbers of older persons who are under-housed or homeless.

Providers emphasise the importance of clear consumer protections, ethical pricing practices, and effective regulatory oversight—paired with sustainable funding settings—to prevent exploitation while ensuring service continuity and quality.

##### **4.3 Quality, Dignity, and Person-Centred Care**

Providers observe that:

- Rights to dignity, privacy, autonomy, cultural safety, and participation must be actively safeguarded in business models, not treated as secondary to efficiency and supported by Government funding and regulatory mechanisms.
- Older persons' preferences and life histories should meaningfully shape care planning, service design, and daily routines.

A rights-based approach requires that quality assurance systems measure what matters to older persons—experience of care, respect, choice, safety, continuity, and connection—not only clinical indicators or compliance processes.

## **5. Digitalisation, Technology, and Data Protection**

Digital technologies and platforms are rapidly reshaping how older persons access services, manage finances, receive health care, and engage socially. Digitalization presents both transformative opportunities and significant human rights risks.

### **5.1 Digital Inclusion and Accessibility**

Providers note that:

- Many digital products and services are not designed with older users in mind, creating barriers related to usability, accessibility, and confidence.
- Limited digital literacy, sensory impairments, cognitive decline, and language barriers can result in exclusion from essential services.
- Over-reliance on digital-only service delivery risks undermining equal access and autonomy.

We advocate for universal design principles (where appropriate) , co-design with older users, multi-channel service access (digital and non-digital), and ongoing support for digital engagement as core components of equality and non-discrimination.

### **5.2 Data Protection, Consent, and Surveillance Risks**

We emphasize that:

- Older persons often share highly sensitive personal and health data with government agencies, private providers, platforms, and intermediaries.
- Consent processes are frequently inadequate, particularly for people with fluctuating or reduced capacity; supported decision-making approaches are often absent.
- Emerging technologies (e.g., monitoring systems, AI-driven care tools) can raise concerns about privacy, autonomy, and disproportionate surveillance.

Human rights-based business practices require robust data governance, clear consent and capacity frameworks, transparency about data use, and safeguards against misuse or commercial exploitation of personal data. Accessible complaint pathways and independent oversight are essential.

## **6. Economic Shocks, Crises, and Systemic Stress**

Economic downturns, inflationary pressures, public health emergencies, and workforce crises disproportionately affect older persons and the services on which they rely.

### **6.1 Disproportionate Impact on Older Persons**

We observe that:

- Rising living and care costs erode retirement savings and fixed incomes.
- Reduced affordability can force older persons to delay or forgo essential care and support.
- Vulnerability increases during crises, particularly for those without family or community support, and for those living alone or with complex needs.

### **6.2 Impact on Care and Service Providers**

Providers report that:

- Workforce shortages, wage pressures, and higher operating costs threaten service continuity and access.

- Financial instability can undermine quality, staffing levels, and investment in rights-based practice (training, supervision, quality improvement).
- Short-term crisis responses can conflict with long-term human rights obligations unless guided by clear standards and supported by adequate resources.

We stress the importance of predictable funding, crisis planning, supply-chain resilience, and collaboration between States and businesses to ensure older persons' rights are protected during periods of instability.

## 7. Intersectionality and Compounded Discrimination

Older persons are not a homogenous group. Many experience multiple, intersecting forms of discrimination that intensify vulnerability to human rights violations in business contexts.

### 7.1 Groups Facing Heightened Risk

Providers consistently observe increased barriers for:

- Older women (including economic insecurity linked to lifetime earnings and unpaid care histories)
- Older persons with disabilities, cognitive impairment, or mental health needs
- Older Indigenous peoples and ethnic minorities
- Older migrants, refugees, and people with limited language access
- Older LGBTI persons who may face stigma or exclusion
- Older persons living in poverty, insecure housing, or rural/remote areas

### 7.2 Implications for Business and Regulation

We emphasize that:

- Standardised business models may fail to meet diverse cultural, linguistic, and accessibility needs.
- Discrimination can manifest in service denial, inferior service quality, exclusion from consumer markets, or failure to provide reasonable adjustments.
- Intersectional disadvantage is often invisible in policy and corporate reporting, limiting targeted prevention and accountability.

We call for intersectional human rights approaches embedded in relevant business policies, service design, workforce training, procurement, and regulatory oversight. Meaningful engagement with affected communities is essential to design safeguards that work in practice.

## 8. Data Gaps, Monitoring, and Evidence

A persistent barrier to effective protection of older persons' rights in business contexts is the lack of reliable, disaggregated data.

### 8.1 Key Data Gaps

Providers note gaps including:

- Limited age-disaggregated data across business sectors on consumer harm, service access, and outcomes.
- Insufficient evidence comparing rights outcomes across public, private, and mixed service models.
- Poor visibility of rights violations in private, informal, or under-regulated settings.
- Many data sets stop collecting data on persons after age 50, creating enormous gaps in actionable knowledge.

### 8.2 Implications

Without adequate data:

- Policy responses are reactive rather than preventive.
- Regulatory systems struggle to identify systemic risks and emerging harms (including in digital services).

- Good practices are not consistently identified, evaluated, or scaled.

We support improved data collection that is ethical, proportionate, and respectful of privacy, and that meaningfully informs policy and practice. Data governance should include safeguards to prevent discriminatory profiling or exclusion from services.

## 9. Good Practices and Recommendations

Drawing on global provider experience, the Global Ageing Network identifies the following good practices and recommendations to strengthen protection of older persons' human rights in business contexts:

### 9.1 Strengthening Legal and Policy Frameworks

- Explicit inclusion of older persons in national business and human rights action plans and corporate reporting expectations.
- Alignment of care, housing, consumer protection, and financial services regulation with human rights standards, including accessibility and non-discrimination.

### 9.2 Promoting Rights-Respecting Business Models

- Person-centred and relationship-based models that protect autonomy, privacy, cultural safety, and participation.
- Transparent pricing, plain-language contracts, and accessible consumer information at points of decision.
- Ethical marketing and contracting practices, with safeguards against pressure selling or unsuitable product targeting.

### 9.3 Workforce Investment

- Fair wages, safe staffing levels, training, and supervision for care workers as prerequisites for rights-based care.
- Inclusive and age-diverse employment practices across the economy, including training and advancement opportunities for older workers.
- Recognition of workforce conditions as a determinant of human rights outcomes for older persons receiving services.

### 9.4 Digital and Technological Safeguards

- Age-friendly design standards, including co-design with older users and accessibility testing.
- Supported digital inclusion initiatives delivered through community organisations and service providers.
- Strong data protection, transparency, and accountability mechanisms, including clear consent processes and independent review of high-risk technologies.

## 10. Conclusion

As global populations age, the role of business in shaping older persons' enjoyment of human rights will continue to expand. Providers of care and services occupy a critical position at this intersection and can contribute valuable insight into practical, rights-based solutions.

The Global Ageing Network supports the work of the Independent Expert and stands ready to contribute further evidence, case studies, and provider perspectives to advance the human rights of older persons worldwide.