**Age discrimination and private sector**

**Background**

Age discrimination is a key impediment for the enjoyment by older persons of their rights. This concerns in particular travel insurance, complementary health insurance, mortgages and loans and needs to be addressed by industry and banks.

Upper age limits or denial of products or services, on account of a persons’ age, including for some essential financial products is a direct form of discrimination on the ground of age. Moreover, indirect discriminatory conditions such as sharp and disproportionate increases in premiums for people above a certain age, downgraded access to alternative products, reduced coverage, etc. have a negative impact on older persons’ access to basic services.

Some insurance companies deny access or charge excessive premiums to older persons wishing to buy travel insurance to travel. Insurers claim that older persons are at a higher risk of needing emergency medical treatment when travelling abroad compared to younger age groups. There are examples, where savings made by not undertaking individual risk assessments made it possible for the insurance company to offer one single cheap flat rate to all, regardless of their age or health condition.

Upper age limits, downgraded products and prohibitive premiums also constitute barriers preventing older persons from accessing quality and affordable healthcare. With new models to finance health care systems, some States are transferring part of their services or responsibilities to the private sector. Complementary health insurance is gradually becoming an essential component for affordable hospitalisation and medical care. This implies that the holding of a complementary health insurance is becoming indispensable for older persons to complement the basic care covered by the public system. Age limits to join such schemes deny older persons an adequate level of health care. Given the ageing of populations, this means that a growing proportion of persons will be ineligible for any but the most perfunctory level of healthcare.

In most countries, banks impose age limits to access loans. These are usually set at the official retirement age. This approach is also used by many retailers who offer customers the possibility to buy and pay for goods and services by instalments. Such age limits make it impossible for older persons to buy a house or even household appliances on credit. This applies also to “bridge loans" that persons might need for example to move from their house or apartment to a smaller more accessible apartment when growing old and wishing to adapt to their new needs. Inevitably, refusing access to credit solely based on the age of the person, means that solvent customers risk to be excluded from access to loans and mortgages, having a huge impact not only on their lives but also on the market in general.

**Standard set of private sector tenets**

In the absence of a dedicated international instruments on the rights of older persons, the Independent Expert on the enjoyment of all human rights by older persons, is referring to the Guiding Principles on Business and Human Rights.

In June 2011, the Human Rights Council endorsed the Guiding Principles on Business and Human Rights, in its resolution 17/4, that were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Guiding Principles are grounded in recognition of the role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights. They apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure.

The below standard set of recommendations have been developed by the Independent Expert in examining specific aspects of the rights protection of older persons, for instance in the area of autonomy and care, and drawing on her findings during her country visits.

* **General:** On a number of occasions, including in the context of country visits, the Independent Expert took the opportunity to remind businesses that they should comply with the Guiding Principles on Business and Human Rights. She also took the opportunity to draw the attention of the Government to its obligation to ensure respect for, protection of and compliance with human rights in the sphere of business activities by public or private enterprises, and to the need to adopt appropriate legislation and regulations in conjunction with supervisory and investigative mechanisms and mechanisms to ensure accountability, in order to establish and ensure compliance with norms for business activities.
* **Meaningful engagement with older persons:** Principle 18 of the UNGPs focuses on the notion that companies should engage directly with rights holders. Meaningful engagement with older persons is essential to ensure that a human rights-based approach is embedded in the design of assistive technology. A rights-based design ensures that the technology will not stigmatize older persons and will take account of their diverse needs and preferences, paying due attention to vulnerable groups, including those with high support needs, the cognitively and otherwise impaired, digital immigrants and others.
* **Effective human rights due diligence:** Human rights impact assessments should be undertaken to address human rights concerns and ensure compliance with international standards. Auditing machine decisions and algorithms, and their compliance with human rights standards, is essential in avoiding discriminatory treatment, including through biased algorithms. There is a need to develop concrete guidelines for such human rights impact assessments in consultation with developers and manufactures, but also service providers, procurers and civil society to ensure that a human rights-based approach can be embedded in the design, procurement, supply and implementation of assistive technology.
* **Effective operational-level grievance mechanisms:** Older persons must have access to effective remedies. This includes other non-State-based grievance mechanisms, such as multi-stakeholder or other collaborative initiatives, as important means through which companies can meet their responsibility to respect human rights.

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