

Ageing in digital societies: enablers and barriers to older persons exercising their social rights

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1 Legal and policy framework

1.1 National legislation on digital public administration

The current research concentrates on the federal legislation insofar it addresses and provides for measures and safeguards ensuring equal access to public service undergoing digital transformation. It does not assess the existence and the differences in the legislation of the Länder. On the federal level, when looking specifically for legislation that ensures accessibility and barrier-free access to public service, the most relevant is the Act to Improve Online Access to Administrative Services (Online Access Act – OZG) which obliges the federal, state and local governments to offer their administrative services digitally via administrative portals by the end of 2022.¹ Almost 600 administrative services to be digitised were identified for this purpose. In an implementation catalogue, the OZG services are assigned to 14 subject areas (e.g. "Family & Child" and "Corporate Management & Development").² According to this Online Access Act, it must be ensured that all users have barrier-free access to electronic administrative services. There is no further definition of "barrier-free access" and how to implement it is not regulated in this (national) law. Older persons or persons with disabilities are not explicitly mentioned in this Online Access Act. Further provisions on (barrier-free) accessibility may be regulated in the federal states.

Directive (EU) 2016/2102 on barrier-free access to websites and mobile applications of public bodies was implemented in July 2018 in the Disability Equality Act (BGG)³ and in May 2019 in the updated Accessible Information Technology Ordinance (BITV 2.0).⁴ The updated Accessible Information Technology Ordinance (BITV) 2.0 implements those requirements of Directive (EU) 2016/2102 on the accessibility of websites and mobile applications of public authorities that were not included in the updated Disability Equality Act (BGG) in 2018. According to the BGG, information processing systems are barrier-free if they can be found, accessed and used by people with disabilities in the usual way, without particular difficulty and generally without outside help.⁵

¹ Germany, Gesetz zur Verbesserung des Onlinezugangs zu Verwaltungsleistungen (Onlinezugangsgesetz - OZG) (2017), available at www.gesetze-im-internet.de/ozg/BJNR313800017.html

² For more information, see the webpage of the Federal Ministry of the Interior and Community webpage on www.bmi.bund.de/DE/themen/moderne-verwaltung/verwaltungsmodernisierung/onlinezugangsgesetz/onlinezugangsgesetz-node.html

³ Germany, Disability Equality Act (Gesetz zur Gleichstellung von Menschen mit Behinderungen), last change 3 May 2022, available at www.gesetze-im-internet.de/bgg/

⁴ Germany, Regulation for the creation of barrier-free information technology according to the Disability Equality Act (Verordnung zur Schaffung barrierefreier Informationstechnik nach dem Behindertengleichstellungsgesetz), available at www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html

⁵ Germany, Disability Equality Act (Gesetz zur Gleichstellung von Menschen mit Behinderungen), paragraph 4, page 3, available at www.gesetze-im-internet.de/bgg/

The Accessible Information Technology Ordinance stipulates, among other things, that information and services from public bodies that are made available electronically must be made accessible to people with disabilities. This means, for example, that information in German sign language and plain language must be provided on the home page of a website of a public body.⁶

1.2 National policy, strategy or action plan on the digitalisation of public services or digital inclusion

As far as we can see, there is no national action plan/ strategy which addresses equal access to public services undergoing digitalisation.⁷ The current coalition agreement, which forms the framework for political work in Germany over the next four years, only states that ways towards better digital participation and accessibility for all are to be examined.⁸

As part of a nine-point plan for a digital Germany, Germany is promoting the further implementation of the Online Access Act.⁹ The implementation takes place in federal Germany within the framework of the *"one for all"-principle*. If a federal state develops an online service, other federal states and municipalities can make use of this development.

In the previous legislative period, the federal government bundled its digitisation projects in the "Shaping digitisation" implementation strategy.¹⁰ This included more than 130 central digital policy projects in five fields of action (digital competence, infrastructure and equipment, innovation and digital transformation, society in digital change and modern state).¹¹ This strategy was not primarily aimed at the digitisation of public services. The strategy only mentioned that the digital access to the administration must be designed in a barrier-free way without

⁶ Germany, Regulation for the creation of barrier-free information technology according to the Disability Equality Act (Verordnung zur Schaffung barrierefreier Informationstechnik nach dem Behindertengleichstellungsgesetz), paragraph 4 (Explanations in German sign language and plain language), available at www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html

⁷ As already stated above: According to the Online Access Act, it must be ensured that all users have barrier-free access to electronic administrative services. There is no further definition of "barrier-free access" and how to implement it is not regulated in the (national) law.

⁸ Germany, Koalitionsvertrag (2021), page 16, available at www.bundesregierung.de/resource/blob/974430/1990812/04221173eef9a6720059cc353d759a2b/2021-12-10-koav2021-data.pdf?download=1

⁹ For more information on the nine-point plan for a digital Germany, see the [webpage of the Federal Government Commissioner for Information Technology](#)

¹⁰ Germany, Deutscher Bundestag, (2021), 'Umsetzungsstrategie „Digitalisierung gestalten“', 25 February 2021, available at: <https://www.bundestag.de/presse/hib/824512-824512>

¹¹ Germany, die Bundesregierung (2021), 'Digitalisierung gestalten - Umsetzungsstrategie der Bundesregierung', available at www.bundesregierung.de/resource/blob/975292/1605036/d71af00f84eb2253ec2435d93fda5b6d/digitalisierung-gestalten-download-bpa-data.pdf

further information.¹² Again, there is no further definition of “barrier-free access” and how to implement it. Older persons or other groups at risk of digital exclusion are not specifically mentioned. Older people are only referred to in the strategy when mentioning the existing service point for “digitisation and education for older people”.¹³ This service center helps older people to use new technologies (see also 1.3).¹⁴

1.3 National recovery and resilience plans covering the digitalisation of public services

The German recovery and resilience plan includes a component that aims to improve digital administrative services in Germany at all levels.¹⁵ An estimated total of EUR 3 billion is intended for the implementation of the Online Access Act (OZG)¹⁶ with the aim of specifically strengthening and expanding digital administrative services and the associated digital infrastructure. Again, older persons and other groups at risk of digital exclusion are not mentioned explicitly in this context, but user-friendliness and digital accessibility are set out as principles of the German recovery and resilience plan.

2 Programmes and practices aimed at ensuring equal access to public services in the digital age

The still ongoing **DigitalPakt Alter** is a nationwide initiative to increase the social participation of older people and to improve their digital skills.¹⁷ The program was initiated by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The office of the DigitalPakt Alter is located at the BAGSO - Federal Association of Senior Citizens' Organisations in Bonn. The aim is to make older people aware of suitable learning opportunities and to collect

¹² Germany, die Bundesregierung (2021), ‘Digitalisierung gestalten - Umsetzungsstrategie der Bundesregierung’, see for example page 199, available at

www.bundesregierung.de/resource/blob/975292/1605036/d71af00f84eb2253ec2435d93fda5b6d/digitalisierung-gestalten-download-bpa-data.pdf

¹³ Germany, die Bundesregierung (2021), ‘Digitalisierung gestalten - Umsetzungsstrategie der Bundesregierung’, page 31, available at

www.bundesregierung.de/resource/blob/975292/1605036/d71af00f84eb2253ec2435d93fda5b6d/digitalisierung-gestalten-download-bpa-data.pdf

¹⁴ For more information, see webpage www.bagso.de/projekte/servicestelle-digitalisierung-und-bildung-fuer-aeltere-menschen/

¹⁵ Germany, Deutscher Aufbau- und Resilienzplan (2021), Bundesministerium der Finanzen, pp. . Available at www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_Bestellservice/deutscher-aufbau-und-resilienzplan-darp.pdf?__blob=publicationFile&v=8

¹⁶ Germany, Gesetz zur Verbesserung des Onlinezugangs zu Verwaltungsleistungen (Onlinezugangsgesetz - OZG) (2017), available at www.gesetze-im-internet.de/ozg/BJNR313800017.html

¹⁷ For more information on the *DigitalPakt Alter*, see the webpage www.digitalpakt-alter.de

existing good approaches to strengthen the digital participation of older people. As part of the Digital Pact Age, a low-threshold support program for 150 "places of experience" in municipalities was initiated.

Another goal of the program is to make challenges politically visible. For example, the partners of the DigitalPakt Alter have adopted a joint declaration to strengthen the digital participation of older people.¹⁸ In this declaration, they demand, among other things, that digital applications must be accessible without barriers, but also that analog services should be available until everyone can use the digital offerings to their full extent.

The website of the DigitalPakt Alter offers a wide range of information and offers relating to the acquisition of digital skills for older people. The digital platform is also designed as an interactive tool for, with the aim to network with others.

The service point for "digitisation and education for older people" is also located at the Federal Association of Senior Citizens' Organisations in Bonn. This service center helps older people to use new technologies.¹⁹ It is funded by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ).

Another still ongoing program, *the Digital Compass* offers around 200 tested materials to facilitate access to the Internet for older people.²⁰ The digital compass is a meeting place for personal exchange, for on-site and online training, and for receiving materials. At 100 locations throughout Germany, internet guides support older people. The digital compass is a project of the BAGSO - Federal Association of Senior Citizens' Organisations and *Germany safe online e.V.* (Deutschland sicher im Netz e.V.), with funding from the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.

3 Research and data focused on equal access to public services in the digital age

It was not possible to find out the number of complaints registered in 2021 related to discrimination on the ground of old age in the context of **access to public services**. Every four years, the Federal Anti-Discrimination Agency (ADS) submits a report to the German Bundestag on discrimination in relation to "race", ethnic origin, gender, religion or belief, disability, age and sexual identity. The Fourth Report of the Federal Anti-Discrimination Agency, which, however, only collects data up to the end of 2020, only reports in general that older people feel disadvantaged when using digital applications which are not designed to be age-

¹⁸ For more information on the declaration, see www.bagso.de/spezial/aktuelles/detailansicht/digitale-teilhabe-ist-gesellschaftliche-teilhabe-1/

¹⁹ For more information, see webpage www.bagso.de/projekte/servicestelle-digitalisierung-und-bildung-fuer-aeltere-menschen/

²⁰ For more information on the Digital Compass, see the webpage www.digital-kompass.de/

appropriate or if they are excluded from services which are only accessible digitally.²¹

Unfortunately, despite a very extensive research, it was not possible to find empirical results in the desired subject area (findings from research studies or surveys on experiences of discrimination / unequal access to public services undergoing or having completed digital transformation with respect to older persons).

²¹ Antidiskriminierungsstelle des Bundes (2021), Diskriminierung in Deutschland – Erfahrungen, Risiken und Fallkonstellationen. Vierter Gemeinsamer Bericht der Antidiskriminierungsstelle des Bundes und der in ihrem Zuständigkeitsbereich betroffenen Beauftragten der Bundesregierung und des Deutschen Bundestages, page 249, available at www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/BT_Bericht/gemeinsamer_bericht_vierter_2021.pdf;jsessionid=4F34F5E4331EEC8689F2260669B7630E.intranet231?__blob=publicationFile&v=9

4 State of digitalisation of selected public services

		Selected public services relevant for older persons			
		Access to health records	Public statutory pensions	Social benefits ²²	Other (as relevant in your context)
Stage of digitalisation	Not digitalised (Y/N)	Yes, partly digitalised (Die elektronische Patientenakte/ The electronic patient record ²³)	Yes, it is possible to apply for public statutory pensions online. ²⁴	Yes, it is possible to apply for "Grundsicherung im Alter" (Basic security in old age) online ²⁵	
	Information is available online (Y/N)	Yes	Yes	Yes	
	Transactions are possible online (Y/N)	Patients can use their health insurance company's app to manage their data of their electronic patient record using a smartphone or tablet. With this app, patients can fill their electronic patient card with documents, doctor's letters, reports, etc.	Yes, (the process of) application is possible. Documents can be submitted online.	Yes, (the process of) application is possible. Documents can be submitted online.	
Recognition of groups at risk of digital exclusion	Service specific regulation recognises barriers to digital inclusion / vulnerable and disadvantaged groups (Y/N).	N	N	N	

²² As an example of "social benefits", we have chosen the application for "Grundsicherung im Alter". For more information, see www.deutsche-rentenversicherung.de/DRV/DE/Rente/In-der-Rente/Grundsicherung/grundsicherung_node.html#:~:text=Grundsicherung%20im%20Alter%20und%20bei,mindestens%2018%20Jahre%20alt%20sind.

²³ For more information on the electronic patient record see website of the Federal Ministry of Health at www.bundesgesundheitsministerium.de/elektronische-patientenakte.html

²⁴ For more information on this possibility see website of Deutsche Rentenversicherung www.deutsche-rentenversicherung.de/DRV/DE/Online-Dienste/Juli_2021/antrag_stellen.html

²⁵ This possibility is not yet available in all federal states.

	If yes , please list the barriers and groups that are mentioned.				
Multichannel access options	Telephone service (Y/N) If yes , please describe what kind of personalised services it provides.	N	N	N	
	Physical administrative access points (Y/N). If yes , please specify the level of availability (local, regional, national), the opening days and hours.	N	N	N	
	Specific locations that facilitate offline access to the service (Y/N) If yes , indicate the location(s). Please describe what kind of support is provided.	Insured persons can use their electronic patient record with their electronic health card and a PIN directly in the doctor's office. They can have them filled with data the doctors have in connection with the current treatment.	N	N-	
	Specific locations that facilitate online access to the service (Y/N). If yes , indicate the location(s). Please describe what kind of support is provided.	N	N	N	
	Other – please indicate any other access channels to the service.	N	N	N	
Other forms of support for online use	Please indicate any other form of support to facilitate the use of the online service for older persons such as easy-to-read versions, different language versions, etc.	-	-	-	