



Human Rights Approach Could Bridge Digital Divide

Gema Ocaña Noriega*

Abstract: COVID-19 intensified the shift to online services, already accelerated in the wake of the 2008 financial crisis. But digitalisation excludes many older people, whose lack of computer skills, devices and internet access, may prevent them from receiving essential information and banking, health and social care services.

'I am old, not stupid.' At the beginning of 2022, a retired Spanish doctor started a campaign in [change.org](https://www.change.org) to denounce the treatment he was receiving from the banks. Carlos San Juan expressed his concern about the increasing branch closures and their replacement by ATMs which are often not particularly user-friendly:

I am almost 80 years old and sad to see that many banks have forgotten elderly people like me. Now, every bank transaction must be done online and not everyone understands new technologies. We

* Gema Ocaña Noriega is a PhD candidate at Queen's University Belfast and member of the [Health and Human Rights Unit](#) where she is developing her PhD on Privatisation of Health Care and its Compatibility with International Human Rights Law. She holds a [European Master's Degree on Human Rights and Democratisation](#). Gema is a member of the [Global Health Law Groningen Research Centre](#) and works as senior advisor in [EU research affairs](#) at the University of Groningen.

do not deserve this exclusion, that's why I am asking to be served by human beings.

He denounced the lack of human contact in banks, pointing out that in the few cases where face-to-face consultations are offered, there is limited availability. Moreover, he added, these in-person appointments must be arranged by phone, but calls are automated and callers redirected to voice mail which they might not know how to use. Sometimes, customers must travel to an unfamiliar branch far from home in order to be seen, creating yet more obstacles for elderly people.

His campaign garnered more than 600,000 signatures, attracting Spanish and international media coverage and the attention of the [Economy Minister](#) Nadia Calvino, though she declared that the government was already working on this issue. Meanwhile, Carlos is determined to pursue his fight:

Many elderly people are alone with nobody to help them and many others, like me, want to be independent but if technology gets more and more complicated and bank branches continue to close, they are excluding those who cannot use internet or who have mobility problems.

Digital exclusion: a topical issue in Europe and beyond

According to the [ECB](#), the 2008 economic crisis triggered many bank branch closures. The increasing economic cuts justified more cost-effective approaches, so bank employees were replaced by chatbots and ATMs operated by biometric recognition. COVID-19 accelerated this digitalisation. Many banks reduced public contact during the pandemic and then never reinstated it, thus widening the digital divide.

Banking is not the only sector that has been digitalised. Health and social care services are increasingly delivered online, with the COVID-19 pandemic accelerating this trend. A study carried out in [Finland](#) concluded that the older people get, starting from around the age of 60, the less likely they are to use online services for receiving test results, renewing prescriptions and scheduling appointments. The exclusion is [not only digital](#): older adults who are frail and are not online, many of whom are in long-term care facilities, struggle with the double burden of social and digital isolation.

The [digital divide](#) refers not only to access to internet, computers and other electronic devices but also quality of access and the skills to utilise new information and communication technologies. Thus, it negatively impacts those 'who either lack the skills and opportunities to access information technology or who are in a less equal position in terms of use', according to [Sanders](#) and [Scanlon](#).

A 2021 Finance Watch [study](#), 'A Wrinkle in the Process: Financial Inclusion Barriers in an Ageing Europe', showed how age limits, digitalisation, poverty and low income form the main barriers to older people accessing a basic package of financial tools and services. That package might include easy access to cash, payments and savings accounts; pension products; motor, health and home insurance. One of the [authors](#) concluded: 'The current financial landscape puts older people at risk of exclusion.' The report focused on the 27 European Union member states plus the UK, however, this issue goes beyond EU borders as evidenced in a [HelpAge International](#) study the same year which included examples of how the shift to online services has disadvantaged many older people across the globe.

Ageism and the digital divide: a human rights concern

Claudia Mahler, the United Nations (UN) Independent Expert on the enjoyment of all human rights by older persons, defines ageism as stereotypes, prejudice and/or discriminatory actions or practices against older persons, based on their chronological age or on a perception that the person is 'old' or 'elderly'

According to the Independent Expert, responses to COVID-19 exposed ingrained ageism in many areas. In this context, a [first report](#) presented to the UN General Assembly in 2020 contained an initial assessment of the pandemic's impact on the human rights of older persons. It stated that digital exclusion significantly impeded availability of essential information and related health and socio-economic measures to older persons due to their lack of access to devices plus limited digital skills and assistance.

In a [second report](#), Ms Mahler examined and raised awareness of the prevalence of ageism. She discovered many cases of age discrimination in the provision of goods and services and how COVID-19 responses as well as green and digital transitions are exacerbating this.

International human rights law must explicitly recognise age discrimination

Under international human rights law (IHRL), discrimination is defined as any distinction, exclusion or restriction that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in any field.

However, IHRL [lacks](#) a clear and comprehensive prohibition of age discrimination. The proscription of discrimination on the grounds of 'other status' has been interpreted as applying to age. However, as highlighted by the UN Independent Expert, existing international and regional frameworks do not have specific obligations in relation to equality rights in old age. In order to address this gap, Ms Mahler has called for the introduction of a

comprehensive, binding legal instrument recognising the rights of older persons and prohibiting age discrimination.

A human rights approach to ageism: preparedness for future crises

The UN Independent Expert has reiterated that a [human rights-based approach](#) is the most appropriate and effective framework to challenge ageism and has requested that states prioritise the improved integration of such approaches into laws, policies and institutional practices related to ageing and older persons. According to Ms Mahler, the human rights-based approach should be rooted in the paradigm shift from a welfare model to a rights bearers' model and should guarantee dignity, equality, autonomy and participation during the entire life course.

The reports and studies mentioned in this post offer some lessons that might inform a human rights approach to ageism in the field of digital exclusion. These arguments—helpful as preparedness points for future crisis—can be summarised as follows:

- **Keeping bricks along with clicks:** as stated in the Financial Watch report, society and policymakers must consider how digitalisation affects financial inclusion in the pre-retirement and retirement stages of life. Branch closures will continue as lower-cost online and mobile banking proliferates. Preserving bricks-and-mortar premises while adding digital resources (clicks)—plus addressing other barriers—can positively impact services to the vulnerable who depend on cash frameworks and physical offices.
- **Digital empowerment:** older people need access to and assistance in using digital tools such as video-conferencing facilities and messenger apps so they can adhere to physical distancing measures without disadvantage.
- **Accessible online services and clear guidance for those with limited digital knowledge:** Lifelong learning programmes should include digital literacy, support and infrastructure necessary to provide essential information, services and internet access for older persons.
- **Intersectionality:** Access to financial tools and services is frequently restricted not only by age but also by poverty, low income and/or gender parity. Intersectional vulnerabilities faced by individuals within their local contexts must be taken into account when constructing equitable solutions.