**The Contribution of Human Rights and Equality Institution of Turkey (HREIT) to the Report on Normative Standards and Obligations Under International Law Regarding the Protection and Promotion of the Human Rights of the Older Persons to be Prepared by the UN High Commissioner for Human Rights (OHCHR)**

Pursuant to the Law No. 6701, published in the Official Gazette dated 20.04.2016 and numbered 29690, the Human Rights and Equality Institution of Turkey (HREIT) was established and the Institution was mandated with fighting against discrimination and acting as Equality Body, in addition to its duties as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM).[[1]](#footnote-1)

Pursuant to Article 10 of the Turkish Constitution, “*Everyone is equal before the law without any distinction as to language, race, colour, sex, political opinion, philosophical belief, religion, sect or any such grounds. Measures to be taken for children, the elderly, people with disabilities (…) shall not be considered as violation of the principle of equality.[[2]](#footnote-2)”*According to Article 61 of the Constitution “*The aged shall be protected by the State. State assistance to, and other rights and benefits of the aged shall be regulated by law.*[[3]](#footnote-3)*”* Within this context, it is prohibited under the Law No. 6701 to *“discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age.[[4]](#footnote-4)”*

In this regard, HREIT has the authority to inquire into, examine and take a final decision on and monitor the violations of non-discrimination principle – ex officio or upon an application. In case of violation of the prohibition of discrimination, it has the authority to impose administrative sanctions on institutions, organizations and/or private law legal entities and real persons who discriminate. With the regulation concerning age discrimination, it is aimed to protect and promote the rights of the older persons, to facilitate the access of the older persons to public and private sector services, to ensure that people are not deprived of their basic rights due to their advanced age, and to meet the changing needs of older persons.

On the other hand, the HREIT acts as the NPM in Turkey within the framework of the provisions of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In this context, it conducts regular visits, with or without prior notice, to the places where those deprived of their liberties or those under protection are held, and prepares reports including the recommendations regarding these visits. Among these places, there are Nursing Homes, Elderly Care and Rehabilitation Centres as well. HREIT conducts the visits to prevent torture and ill-treatment and to ensure that the old persons stay in a better environment in nursing homes, to improve conditions it makes recommendations after these visits. These visits and recommendations within the framework of the NPM mandate are examples of good practices that contribute to protecting the enjoyment of all human rights and dignity by older persons. Since 2018, our Institution has visited 9 nursing homes and elderly care centers within the context of Its NPM mandate.[[5]](#footnote-5)

**Various activities carried out by the TİHEK to contribute to the protection and promotion of human rights of older persons, as follows**:

1. On 2 December 2019, the “*Workshop on the Rights of Older Persons*” was held, in which various aspects of the rights of the older persons and discrimination against the older persons were discussed. In the workshop; two sessions were held, titled “*Rights of the Older persons as a Neglected Field*” and “*Discrimination Against the Older persons as a Type of Discrimination*”. Following the workshop, the “*Consultation Committee Meeting*” on the rights of the older persons was held. As a result of the activity, “*Workshop Book on the Rights of the Older persons and Final Declaration of the Workshop on the Rights of the Older persons[[6]](#footnote-6)*” was published.

2. On March 22, 2021, “*Forum on the Rights of Older Persons*” was organized on the occasion of the 18-24 March Older Persons’ Week. The event was held on two main themes as: "*Rights of the Older Persons in Law and Practice*" and "*Rights of the Older Persons in the COVID-19 Pandemic Period"*.[[7]](#footnote-7) In the first session, in which the general situation of the rights of the older persons was discussed, public services offered to older persons were analysed as well. In addition, the status of the rights of the older persons in the legal system has been expressed in the context of administrative law and human rights law. In the second session of the event, the problems faced by older persons, during the pandemic process, especially stigmatization and age discrimination were addressed.

3. The results of the public survey "*Perception of the Ageing and Their View of Their Own Problems of the Older Persons over the Age of 60*”, which was conducted by HREIT on 1-14 March 2021 with the participation of 5,600 people across Turkey (in 71 provinces out of 81), were also shared at the Forum.[[8]](#footnote-8)

4. Interview was carried out with older persons within the scope of World Elder Abuse Awareness Day, on 15 June 2021.[[9]](#footnote-9)

5. On June 22, 2021, “*The Consultation Meeting on Rights of the Older Persons”*, hosted by HREIT was held. At the meeting including the representatives of public institutions and organizations, universities and non-governmental organizations, the problems faced by the older persons in daily life as well as the status and importance of the older persons were discussed.[[10]](#footnote-10)

**In the Conclusion Statement of the Forum[[11]](#footnote-11) and of Workshop[[12]](#footnote-12) on the Rights of Older Persons, the following issues have been determined as the main outputs:**

-National and international human rights regulations do not provide an adequate protection for older persons, although they contain many provisions on the rights of the older persons. Despite the fact that there are special international conventions on vulnerable groups such as women, children and the persons with disabilities, an international convention on the rights of the older persons has not yet been prepared. This situation hinders the monitoring of the deficiencies of the states regarding the rights of the older persons, the dissemination of good practice examples, and provision of protection and promotion of the rights of the older persons at the highest level. In order to eliminate this problem, **there is a need for an international convention binding the states on the rights of the older persons.** The Convention regarding the rights of older persons should include establishment of a committee on the rights of the older persons like the Committee on the Rights of Persons with Disabilities.

-Studies show that older persons do not have sufficient knowledge about their rights. For this reason, sometimes they are not aware of the fact that they have been exposed to violations of their rights and cannot convey their complaints to the complaint units and mechanisms. Therefore, all public institutions, organizations and non-governmental organizations in solidarity and simultaneously should carry out awareness-raising activities on the rights of the older persons.

-A separate general directorate for the older persons should be established within the Ministry of Family and Social Services. There is only one organization under the Ministry of Family and Social Services, the General Directorate of Service for Persons with Disabilities and the Elderly. Considering the fact that not every disabled person is old, and not every old person is disabled; mentioning disability and old age together is not correct. Therefore, a separate general directorate should be established for the older persons, like the General Directorate on the Status of Women.

-Social services for the older persons are public services. All public institutions and organizations should approach the rights of the older persons and services for the older persons with a holistic approach.

-Loneliness and poverty are among the main problems that make old age period more difficult. In order to eliminate these problems, practices based on intergenerational interaction and social solidarity should be implemented.

-The phenomenon of old age and ageing cannot find a place for itself in the media, which is a public service tool for the society. Old age is treated as a state of misery that is remembered only in the context of "victim" in moments of crisis. While this situation strengthens the negative prejudices about the older persons in society, it pushes the older persons to loneliness. The older persons cannot find a place for their demands and problems in the media, which is a means of obtaining information, and cannot access information about their rights. In order to eliminate this situation, the media should deal with the phenomenon of old age and aging in a regular and inclusive way. In this context, it is thought that it would be meaningful to employ experts on old age and aging in the media.

-Although the COVID-19 pandemic has affected all individuals, its medical, social, physical and psychological effects on the older persons are more severe. Indeed, global data on the pandemic revealed that COVID-19 is a higher risk for older persons. Especially the older persons living together in nursing homes and rehabilitation centers have been at high risk, and in some countries it has been observed that the older persons are almost left to die in nursing homes. The negative impact of the COVID-19 pandemic on the older persons and their rights is not limited to the right to life and health alone. The practices carried out by the states in order to prevent the spread of the virus and to protect the life of older persons have made older persons dependent on care providers, apart from meeting their basic needs. In addition, older persons have also been affected by the increasing inequality and discrimination in societies during the pandemic period, and many obstacles such as bearing the costs, accessibility, age-based discrimination and age-related stigma in accessing quality health services have made the lives of older persons more difficult.

-During the pandemic period, many protective measures were taken to protect the health of the older persons, and the whole society was mobilized in this regard. However, with the prolongation of the process, it is seen that the capacity of the society to support the older persons decreases, and the older persons experience some physical and psychological problems due to the full lockdown (curfew). During the curfew, older persons could not find the opportunity to socialize and face many physical and psychological problems because the limited hours allowed were not sufficient. Especially, mental health problems such as introversion and embarrassment are frequently seen in the older persons. In addition, it has been observed that disrespectful and discriminatory language against the older persons is occasionally used on various platforms, especially on social media. In order for these and similar mistakes to occur less frequently, projects and measures should be put into practice that encourages more common and visible examples of behaving with dignity and respect towards the older persons in every situation.

1. The Founding Law of the HREIT <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6701.pdf> [↑](#footnote-ref-1)
2. The Constitution of the Republic of Turkey, Article-10. <https://global.tbmm.gov.tr/docs/constitution_en.pdf> [↑](#footnote-ref-2)
3. The Constitution of the Republic of Turkey, Article-61. <https://global.tbmm.gov.tr/docs/constitution_en.pdf> [↑](#footnote-ref-3)
4. The Founding Law of the HREIT <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6701.pdf> [↑](#footnote-ref-4)
5. Examples of some NPM Reports on this issue can be found:

   [https://www.tihek.gov.tr/kategori/ulusal-onleme raporlari/page/2](https://www.tihek.gov.tr/kategori/ulusal-onleme%20raporlari/page/2) , <https://tihek.gov.tr/upload/file_editor/2020/06/1592476982.pdf>,

   <https://www.tihek.gov.tr/kategori/ulusal-onleme-raporlari-2019/page/1>,

   <https://www.tihek.gov.tr/kategori/ulusal-onleme-mekanizmasi-raporlari-2020/page/1>,

   <https://www.tihek.gov.tr/kategori/ulusal-onleme-mekanizmasi-raporlari-2021/> [↑](#footnote-ref-5)
6. <https://www.tihek.gov.tr/yasli-haklari-calistayi-kitabi-ve-sonuc-bildirgesi-yayinlandi/> [↑](#footnote-ref-6)
7. <https://www.tihek.gov.tr/yasli-haklari-forumu-2021-ankarada-gerceklestirildi/> [↑](#footnote-ref-7)
8. <https://www.tihek.gov.tr/kategori/kamuoyu-arastirmalari/index.html> [↑](#footnote-ref-8)
9. <https://www.tihek.gov.tr/15-haziran-yaslilara-yonelik-siddet-ve-yasli-ihmali-farkindalik-gunu-roportaji/> [↑](#footnote-ref-9)
10. <https://www.tihek.gov.tr/tihek-ev-sahipliginde-yasli-haklarina-yonelik-istisare-toplantisi-duzenlendi/> [↑](#footnote-ref-10)
11. The Conclusion Statement of the Forum <https://www.tihek.gov.tr/upload/file_editor/2021/06/1623708435.pdf> [↑](#footnote-ref-11)
12. Conclusion Statement of Workshop (Eng) <https://www.tihek.gov.tr/upload/file_editor/2021/06/1623931616.pdf> [↑](#footnote-ref-12)