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 **Submission to**

 **The Office of the United Nations High Commissioner for Human Rights**

**On Normative standards and obligations under international law in relation to the promotion and protection of the human rights of older persons**

Submitted by

The National Human Rights Institution – The Public Defender
(Ombudsman) of Georgia

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The Public Defender’s (Ombudsman) Office of Georgia (hereinafter PDO) oversees the observance of human rights and freedoms in Georgia. PDO also analyses the state’s laws, policies and practices, in compliance with international standards, and provides relevant recommendations. PDO presents this submission to draw attention to the inadequacies in the protection of the human rights and fundamental freedoms of the older persons by the Government of Georgia.

The population is aging rapidly in Georgia. According to the latest census, every fifth person in Georgia is 60 years old and older. By 2021, the share of the population aged 65 and older will be 15.2% of the total population, and by 2030, it will increase to 21%.

In Georgia, older persons are a vulnerable group and find themselves at a higher risk of poverty compared to the rest of the population. They often depend on social benefits and pensions and live in difficult socio-economic conditions. More than 25% of the population registered in the Targeted Social Assistance Program are older persons. There are 41,995 socially vulnerable and lonely older people in Georgia.

Georgia still faces many challenges pertaining to the enjoyment of human rights by older persons. The Public Defender annually discusses these problems and provides the responsible state institutions with recommendations. Nevertheless, the state fails to take effective measures to improve the well-being of older people.

A state policy document on older persons - a new action plan for the state policy concept on aging has not been developed in Georgia. The obligations foreseen by the National Action Plan for the 2017-2018 State Policy Concept on the issues of Aging in Georgia have not been properly implemented. The main reason for this was the delay in the adoption process of the Action Plan. The responsible agencies had only one year to fulfill the obligations enshrined in the document. Moreover, more than half of the commitments have not been fulfilled.

The Public Defender has been talking about the systemic problems on lack of visibility about violence against older people for years. This is also related to important issues such as identification of risk factors triggering violence and ill-treatment, inhuman and degrading treatment or other forms of violence against older persons, and production of comprehensive statistics, as well as adequate responses to the cases of abuse and effective oversight system. According to the resolution 43/8 states should collect and analyze data disaggregated, as appropriate, by age, gender, disability, area of residence, and other relevant criteria, in order to identify and render visible inequalities, discriminatory patterns, including structural aspects of discrimination, and to analyze the effectiveness of measures taken to promote equality. Unfortunately, no data was collected on violence against older persons until 2021. The Ministry of Internal Affairs of Georgia (MIA) did not register incidents of domestic violence against older persons. The MIA has been producing unified statistics on violence against people above the age of 45, which, of course, did not reflect accurate data on violence against older persons. The lack of detailed information about mistreatment and abuse and violence against older persons made it impossible to identify the circumstances triggering violence, thus impeding the development of adequate preventive measures and their further improvement. As mentioned, since 2021, the MIA has been producing statistics on domestic violence against older persons aged 61+. Based on the collected data for the upcoming year it would be important to evaluate the effectiveness of state response towards domestic violence and to plan target-oriented prevention and protection measures for older persons.

For years, the Public Defender has been discussing the challenges faced by older persons at the local level. These are the difficult socio-economic and living conditions, the threat of poverty and homelessness, inadequate targeted programs, the lack of measures for the welfare of older persons, the necessity for the assessment of the needs of older persons living in municipalities as well as for planning targeted programs tailored to their interests.

Besides, there are significant challenges in terms of long-term care for the older persons in the country both at the institutional and home-based. In residential care facilities and in nursing homes there are the following problems: hygiene, food quality, lack of social programs and compliance with the standards of the situation in the institutions. The cases examined by the PDO revealed that the issue of placing older persons in specialized daycare facilities takes lengthy consideration. Based on an application drafted by an older person, his/her family member, or the findings of a social worker, an applicant has to wait for a long time to be admitted to the residential care facilities. There is no time limit determined for the period from filing an application to the placement. Furthermore, there is no statistical information maintained on the period of placement in the facility. This deficiency makes it difficult to assess the situation.

Insufficient steps have been taken to develop models of integrated care, based on the bio-psycho-social approach and the provision of social assistance to older persons. The main activities in this area should be the development of the home-based care program and the establishment of a long-term care concept and its implementation strategy. An important problem in implementing a home-based care program for older persons is the scale of access to the service.

In addition, it is also important to ensure access to palliative care for older persons. In this case, like a home-based care program, the problem is the limited availability of the program; in particular, the state program of palliative care and municipality programs on home-based care provide only specific services for beneficiaries in six cities.

In addition to the above, it should be noted that the Public Defender addressed the President of the National Bank of Georgia with a general proposal relating to alleged discrimination on the ground of age. The study of the case made it clear that commercial banks operating in Georgia use the age limit as a criterion for issuing a number of loan products, beyond which a person is refused to get any of these products. In addition, in some cases, age also becomes the basis for limiting the amount of the loan. The Public Defender, referring to the relevant standards, stressed that the refusal of various types of loans for the purpose of insuring risks, as well as application of additional stricter conditions, puts older consumers in a different unfavourable position. In order to avoid this, the consumer’s condition should be assessed individually and decisions should not be based solely on age. It should be noted that in response to the general proposal, the National Bank of Georgia said it had started an examination of the case and the relevant correspondence had been sent to the commercial banks operating in Georgia.

On another note, it is important to recognize that older persons make significant contributions to our society and that we must not limit their potential. The Public Defender issued a general proposal to the Ministry of Labor, Health and Social Affairs of Georgia on the development of a mechanism to raise awareness among employers, which would include recommendations on preparing criteria for a vacancy in a way to avoid discriminatory restrictions. Besides, the large number of complaints addressed to the Public Defender’s Office about the discriminatory criteria on the account of age in publicly available vacancies, and the significant number of cases identified by the Ombudsman's initiative, have demonstrated that the placement of age discriminatory vacancies in the public sector actively contributes to strengthening the stigma against older persons. The Ministry accepted the recommendation, however, no measures have been taken in this regard so far.

**The protection of older persons during the COVID-19 pandemic**

It is especially important to analyse the needs of older persons living alone in the regions and the impact of the pandemic on their daily lives. The Public Defender maintains that special attention should be paid during the pandemic to socially vulnerable and dependent older persons living alone.

Lengthy isolation had a negative impact on the mental health of older persons. To evert this threat, psychosocial support programs should be implemented for older persons. It is also important to improve the access of older people to mobile phones and modern technologies in general to increase their access to digital technologies. Furthermore, digital exclusion significantly impedes the access of older persons to essential information regarding the pandemic and related health and socioeconomic measures. Unfortunately, these programs are not implemented by the state and it is crucially important to develop appropriate programs for promoting and effective realization of the rights of older persons.

In the process of vaccination against Covid-19, when for a long time the registration of those wishing to be vaccinated had been done only online, through a website, older people and especially those living in rural areas did not have access to this service. As a result, the proportion of older people vaccinated is very low in Georgia. According to the [World Bank](https://www.worldbank.org/en/who-we-are/news/coronavirus-covid19/covid-19-vaccine-deployment-tracker#eca), Georgia has inefficiently prioritized older people compared to other countries.