

Call for contributions: Older persons deprived of their liberty

Francesca Carpenedo
TAM – Telefono Anziani Maltrattati
OWN Italy

Question 1: What are the key human rights risks and violations affecting older persons deprived of their liberty, considering different intersectional factors?

Older people forced in / living in **care settings** (whether affected by some kind of disability and/or impairment or not) are – de facto – deprived of their liberty. And they are at risk of different forms of violations: from abuse in its different forms (physical, medical, forced confinement – especially during the pandemic) to neglect. During the pandemic Italian older people in care homes where not allowed to: 1. Exit the facility; 2. Receive relatives' visits; 3. In too many cases access health services (whether in the same care home or in hospital). Notwithstanding the recent government decree ([Gazzetta Ufficiale](#)) this situation is still applicable to a great deal of care homes that have the faculty to set stricter rules to relatives' visits for safety reasons.

Also older people **living at home** are at risk of human rights violations. I'm referring to those people with cognitive or physical impairments receiving 24h assistance at their domicile, often by non-professional or foreigners not even speaking the same language. No data are available regarding how many older people receive this kind of assistance because in too many cases the carers are not officially hired.

But deprivation of liberty is not only a physical state. It can also mean being forced in a state where older persons are not able to freely express their opinion, be heard, understood or believed. And this happens every time an older person, especially those with some kind of impairment, are subjected to decisions made on their behalf by someone else (whether a relative or not) and have no strength enough or opportunity (for instance in the form of protection services) to stand against decisions that don't take account of their desires, necessities, ect.

Question 2: Number of convicted older people (Source: Justice Ministry [Ministero giustizia](#)); Number of older people officially resident in care settings (but care settings are not compelled to participate in the census, so data might be downsized) (Source: Italian Statistical Service [Ospiti dei presidi residenziali socio-assistenziali e socio-sanitari : Anziani per età e tipo di disagio - reg. \(istat.it\)](#))

Question 4: Could you give us an overview on the national and local legal frameworks which prevent and protect older persons deprived of their liberty from human rights violations? Are there effective and available national monitoring and accountability mechanisms? Please provide a detailed answer with supporting information/documents.

The only national recognized body for the human rights' protection of people deprived of their liberty is the National Guarantor ([Garante nazionale privati libertà - Home \(garantenazionaleprivatiliberta.it\)](#)) . But until the recent pandemic its action was limited to people deprived of their liberty as a consequence of a conviction