**Mandate of the Independent Expert on the enjoyment of all human rights by older persons**

**Call for contributions: Older persons deprived of their liberty**

Each year, the Independent Expert on the enjoyment of all human rights by older persons presents two thematic reports, one to the Human Rights Council and one to the General Assembly. In 2022, the Independent Expert will devote her thematic report to the 51st session of the Human Rights Council to the human rights of older persons deprived of their liberty.

To inform her report, the Independent Expert wishes to receive written contributions (max. 1,500 words) from relevant stakeholders, including national and local governments, national and international non-governmental organizations, national human rights institutions, international and regional inter-governmental organizations, United Nations agencies and entities, activists, academics and older persons themselves.

The Independent Expert strongly encourages sharing concrete examples of good practices.

She invites all interested stakeholders to share their views and provide information on any or all the following issues:

2.Please provide **figures and data** on older persons deprived of their liberty. Has the number of older persons deprived of their liberty increased or decreased over the past decade?

The following statistical data are available:

General statistics on persons serving prison sentences (including preventive detention)

The figures for 31 March 2021 are:

Age 60-69:

Prison Male 1559 Preventive Detention 136

Female 99 1

Age 70 +

Prison Male 444 Preventive Detention 39

Female 21 0

To compare: Figures for 31 March 2017:

Age 60-69:

Prison Male 1503 Preventive Detention 105

Female 139 1

Age 70 +

Prison Male 358 Preventive Detention 25

Female 29 0

1. What kind of **specific measures** have been taken and implemented concerning older persons deprived of their liberty in the context of **the COVID-19 pandemic**?

The challenge during the pandemic is, on the one hand, to take effective measures against the further spread of covid 19 infection and, on the other hand, to ensure the right of stakeholders to participate as far as possible. The Robert Koch Institute has issued extensive recommendations that contribute to infection control against corona infections as a whole. Particularly relevant for the care sector is the recommendation "Prevention and Management of COVID-19 in Care Facilities for the Elderly and People with Impairments and Disabilities," which is published on the Internet and updated regularly. The establishment of measures to control the spread of the novel coronavirus SARS-CoV-2 is the responsibility of the German federal States. The measures are specified in the respective legal ordinances. Exit restrictions are intended to protect nursing home residents\* from infection with SARS-CoV-2 virus, because nursing home residents are at increased risk for severe courses of COVID-19 disease. Establishment and implementation of such restrictions must be adapted primarily to the epidemic situation on the ground. The decision on this is made by the public health service. The facilities themselves draw up protection and hygiene concepts, taking into account their individual spatial and personnel resources. The federal government is aware that measures to protect against infection have had, and in some cases still have, a serious impact on social life, particularly in care facilities. The Federal Ministry of Health is therefore in close contact with the German Federal States, associations and funding agencies and is committed to finding a good compromise between infection control and social life for residents of inpatient care facilities. Relevant scientific working groups and associations have published the guideline "Social participation and quality of life in inpatient care for the elderly under the conditions of the Covid 19 pandemic", which provides recommendations for facility staff to support them in their tasks in the area of conflict between protecting against infection and enabling participation. In addition, various research projects are addressing the challenges in order to learn lessons for the future.

1. 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 National Agency for the Prevention of Torture (national body under OP-CAT) monitors all places of detention (https://www.nationale-stelle.de/en/home.html). The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) also monitors regularly places of detention in Germany. The reports of the CPT are available on the internet (https://www.coe.int/en/web/cpt).

In addition, a local prison oversight committee has to be established in every prison under section 162 of the Federal Prison Act (text in English available at (https://www.gesetze-im-internet.de/englisch\_stvollzg/index.html).

1. Please share examples of **good practices** on how to ensure that older persons deprived of their liberty can exercise their human rights.

In Germany, the Länder are responsible for prisons. Most Länder have special prison wards for elderly detainees which are equipped for special needs (healthcare, barrier-free environment etc). The prison at Singen is exclusively dedicated to elderly detainees. Some Länder are in the process of building special facilities for elderly detainees.

In Berlin, there is a special counselling service for detainees over 50 years of age, dealing with questions of social security and reintegration after release (“Drehscheibe Alter”).

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