

Questionnaire of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons

The Human Rights Council, in its resolution 24/20, requested the Independent Expert on the enjoyment of all human rights by older persons, Ms. Rosa Kornfeld-Matte, to assess the implementation of existing international instruments with regard to older persons while identifying best practices and gaps in the implementation of existing law related to the promotion and protection of the rights of older persons and gaps in the implementation of existing law.

Pursuant to this request, the Independent Expert has prepared this questionnaire to identify best/good practices. The responses to the questionnaire, as well as the country visits undertaken will contribute to the comprehensive report of the Independent Expert that will be presented to the Human Rights Council in September 2016.

In order to enable the Independent Expert to consider the submissions in good time for the report, all stakeholders are encouraged to submit the responses to the questionnaire at their earliest convenience and no later than 18 December 2015.

Kindly indicate whether you have any objection for the responses provided to be made available on the OHCHR webpage of the Independent Expert on the enjoyment of all human rights by older persons.

Definition of good/best practices

The term “best practices” is defined broadly in order to include different situations that could be considered positive and successful in a country and could inspire others. Therefore, practice is understood in a comprehensive way, including legislations, policies, strategies, statute, national plans, regulatory and institutional frameworks, data collection, indicators, case law, administrative practices, and projects among others. The practice could be implemented by different actors, State, regional and local authorities, public and private providers, civil society organisations, private sector, academia, national human rights institutions, or international organisations.

To be a good/best practice, the practice should integrate a human rights based approach when implementing existing international instruments related to the promotion and protection of the rights of older persons.

The questionnaire should preferably be completed in English, French or Spanish. The responses to the questionnaire can be transmitted electronically to the Independent Expert, Ms. Rosa Kornfeld-Matte and to be sent to olderpersons@ohchr.org, with copy to Mr. Khaled Hassine, khassine@ohchr.org by 18 December 2015.

Please include in your submissions the name of the State/organization submitting the practice, as well as contact details. Feel free to attach additional pages if you have several good/best practices to share.

Your contact details:

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The Independent Expert would like to thank you for your support!

For more information on the mandate of the Independent Expert, please visit:
<http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx>

Questionnaire

of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons

1. Name of the practice:

Residential home welcoming elderly LGBTI persons

2. Area concerned:

- Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)
- Violence and abuse
- Adequate standard of living (e.g. resource availability, housing, etc.)
- Independence and autonomy
- Security (e.g. legal guardianship, accessibility, etc.)
- Participation
- Social protection (e.g. social security, incl. pension)
- Education, training and lifelong learning
- Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)

3. Type of practice:

- Legal (Constitution, law, etc.)
- Policy/Programme/Strategy/Action Plan on Ageing
- Institution
- Regulation
- Administrative practice
- Case law/jurisprudence
- Disaggregated statistical data by age/gender
- Training programme
- Other (please specify):.....

4. Level of implementation:

- National
- Local (Sub-national, community, urban/rural area)
- Other (please specify):.....

5. Please describe the practice, including a) its purpose; b) when and how it was adopted; c) how long it has been used/implemented; and d) its geographic scope.

- a) LGBTI persons getting older often experience an even stronger lack of social inclusion, as many have no children and perhaps no connections to other family, due to prejudice. Especially when caring became necessary, many 'went back into the closet'.
 - b) About five years ago some elderly members of LGBT Danmark formed a group, Gay and Grey, to fight for a non-discriminating residential home.
 - c) Four years later the health mayor of Copenhagen agreed that this aim should be possible. In November 2014 a local residential home got prepared for a 'rainbow profile' – indicating that here LGBTI people should be welcomed. The whole staff – whatever their job – then became educated in LGBTI questions and norm critical views, three hours for each smaller group plus nine hours of related topics. In August 2015 the rainbow profile at 'Slottet' was opened. The nursing part of the staff will be updated regularly.
 - d) 'Slottet' is situated in Copenhagen and will undoubtedly have most applicants from the metropolitan area, but in principle people from all over Denmark can apply for a small flat there.
6. **Which actors are involved in the development and implementation of such practice?** For instance, national and local authorities; private and public sector; academia; civil society organizations; international or regional organizations; older persons themselves, among others. **Please look above.**
7. **Which rights of older persons does the practice promote and protect?** **The right not to be discriminated against because of one's sexual orientation or gender identity.**
8. **How does the practice promote or protect such rights?** **_____** **The staff's knowledge – about how sexual orientation and gender identity influence one's living conditions and health – can prevent ongoing discrimination and instead lead to respect for diversity also in this area.**
9. **What groups of older persons** (for instance, older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, and refugees, among other groups), **if any, particularly benefit from the practice?** **_____** **LGBTI persons – lesbians, gay men, bisexual, transgender, and intersex people.**

10. How has the practice been assessed and monitored? Please provide specific information on the impact of the practice, with data, indicators, among others, if any.

It is too early, yet, to see any results of the project, but we have great hopes.

11. What lessons do you believe could be learnt from this practice? How could it be improved?

12. How could this practice be a model for other countries?

We think the part with LGBTI lessons would be good to 'export'.

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