**Human Rights and Equality Institution of Türkiye’s Submission to the Call for Inputs on Violence against Older Persons 2023 HRC Report**

1. **In response to the questions about “Legal, policy and institutional frameworks”**

In the Eleventh Five-Year Development Plan (for the years 2019-2023), the “Aging Specialization Commission Report” was created by the Presidency of Strategy and Budget. In the Plan, it is explained that the phenomenon of aging, the change in the numerical data in the population structure, and the need to evaluate the social life, economic conditions, and cultural structure of the older persons[[1]](#footnote-1) (OP). The agenda for the OP was determined as active and healthy aging while the issue that affects the life of the OP in many ways and their interaction are discussed in the Eleventh Five-Year Development Plan.[[2]](#footnote-2)

The following targets are included in the Eleventh Five-Year Development Plan regarding the OP:

* With the increase in the population of OP, improving care services, increasing life-long education opportunities, and ensuring the adaptation of the OP to change and expanding and facilitating home health services, especially those living in rural areas, and strengthening preventive and curative services for the OP.
* Taking structural measures in the field of health and social security to meet the increasing needs and demands of the OP population as much as possible.
* Developing the care models aiming at the interaction of the OP with the social environment based on the active aging understanding of the OP.
* Increasing the quality of life of the OP population by creating an environment where the OP can live independently, actively, and healthily in line with their preferences, and take part in economic and social life under certain conditions.
* Facilitating the OP’s access to lifelong learning opportunities.
* Ensuring the active participation of the OP in social decision-making processes to benefit from their experiences.[[3]](#footnote-3)

On 20-22 February 2019 the 1st Council on Aging was held in Ankara by Presidency of the Republic of Türkiye with participants from international institutions such as the UN Development Program (UNDP), the UN Population Fund (UNFPA), national and international experts and ministries. In the Final Declaration of the 1st Council on Aging, the aims and targets for the creation of policies and programs related to aging that will contribute to the maintenance of the current function of older persons are determined as follows:

* Dissemination of digital applications so that OP can participate more effectively in social life,
* Establishing lifelong learning opportunities to support the independent lives of OP, developing their skills, thus supporting active aging,
* Integrated planning of health and social care within the scope of the care assurance system and ensuring the sustainability of long-term care service delivery,
* Expanding age-friendly cities in every region with the approach of the voluntary municipality,
* Carrying out remedial legislation studies for the rights of OP,
* Considering the OP’s population, whose numbers are increasing day by day as producers and consumers, in the context of the “silver economy” within the scope of income security and combating poverty.[[4]](#footnote-4)

Pursuant to Article 10 of the Turkish Constitution *“Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion, and sect, or any such grounds”*. In parallel with the regulation, the prohibition of discrimination takes part in several laws with an article such as 4857 numbered Labour Law[[5]](#footnote-5), 657 numbered Civil Servants Law[[6]](#footnote-6).

Pursuant to the Founding Law of the Human Rights and Equality Institution of Türkiye[[7]](#footnote-7) (HREIT), mandated with fighting against discrimination and act as Equality Body, in addition to its duties as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM)[[8]](#footnote-8).

Unlike other mentioned regulation, the Law directly give authority to fight against discrimination to the Institution and regulate types and grounds of discrimination detailed. In Article 3 of the Law, discrimination against persons based on the ground of age is directly prohibited. In this regard, the HREIT has the authority to inquire into, examine, and take a final decision on and monitor the violations of the 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. The regulation concerning age discrimination, it is aimed to protect and promote the rights of the OP, to facilitate the access of the OP 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 OP.

OP are exposed to discrimination not only because of their age but also because of their other qualities.[[9]](#footnote-9) When this situation occurs together with age discrimination, it points out the situation of “multiple discrimination”. Multiple discrimination defined in Law as “a discriminatory practise based on more than one grounds of discrimination”.

1. **In response to the question about “Manifestations of violence”**

On July 2022, Türkiye Rights of OP Report[[10]](#footnote-10) was published and in the Report terms of violence, abuse and neglect against OP are taken into consideration. As mentioned in the Report, the abuse of OP can be visible in the form of physical abuse, emotional abuse, sexual abuse and economic abuse. The neglect of the OP can be active (intentional) or passive (unintentional). It is stated that passive neglect may occur especially when aging spouses take care of each other or when adult children have difficulty in developing an understanding of the aging parent's situation.[[11]](#footnote-11)

On the other hand, neglect and abuse of the OP is a global problem that is not limited to any gender, religion, culture, ethnic group or income group. The details of the neglect and abuse of the OP often depend on the cultural indicators that constitute the neglect and abuse. For this reason, understanding the impact of abuse on the elderly has an important place in determining whether neglect and abuse of OP occurs.[[12]](#footnote-12)

1. **In response to the question about “Intersectionality”**

Another issue regarding the abuse of OP is the multiple risk factors associated with abuse of OP. It is thought that the identification of risk factors and the detection of protective factors may be beneficial in establishing the framework and expanding the scope of studies aimed at eliminating the abuse of OP.[[13]](#footnote-13)

In a study conducted with OP who applied to a family health center in rural areas in Türkiye, it was concluded that being a woman, being widowed or divorced, not having an additional income, having a chronic/psychiatric disorder, social isolation, and poor family relationships were risk factors for abuse of OP in rural areas. In addition, in this study, it was stated that a low frequency of interaction with the family was an important and significant predictor of abuse of OP.[[14]](#footnote-14)

1. **In response to the question about “Access to information” and “Good practices”**

Within the scope of NPM duty HREIT conducts regular visits, with or without prior notice, to the places where those deprived of their liberties or those under protection are held such as Nursing Homes, Elderly Care and Rehabilitation Centers, and prepares reports including the recommendations regarding these visits. These works of the HREIT aims 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. Since 2018, the HREIT has visited 13 nursing homes and elderly care centers within the context of NPM duty, reports on 7 of them have been published. In 2023, two elderly care home visits are planned.

The works carried out by HREIT on protection and promotion of human rights of OP and prevention of discrimination against persons based on the ground of age are as follows:

* On 2 December 2019, the “*Workshop on the Rights of OP*” was held, in which various aspects of the rights of the OP and discrimination against the OP were discussed. Following the workshop, the “*Consultation Committee Meeting*” on the rights of the OP was held and as a result of the activity, “*Workshop Book on the Rights of the OP[[15]](#footnote-15) and Final Declaration of the Workshop on the Rights of the OP[[16]](#footnote-16)*” was published.
* The results of the public survey "*Perception of the Ageing and Their View of Their Own Problems of the OP over the Age of 60*”, which was conducted by HREIT on 1-14 March 2021 with the participation of 5,600 people across Türkiye (in 71 provinces out of 81), published.[[17]](#footnote-17)
* On 22 March 2021, “*Forum on the Rights of OP*” was organized on the occasion of the 18-24 March OP’ Week. The event was held on two main themes as: "*Rights of the OP in Law and Practice*" and "*Rights of the OP in the COVID-19 Pandemic Period".[[18]](#footnote-18)*
* On 15 June 2021, interview with OP within the scope of World Abuse of OP Awareness Day published.[[19]](#footnote-19)
* On July 2022, Türkiye Rights of OP Report was published.[[20]](#footnote-20)
* On September 2022, fact sheet themed Elderly Rights published.[[21]](#footnote-21)
* On 20 December 2022, handbook themed “*Discrimination on the Basis of Age*” published.[[22]](#footnote-22)
1. It will be referred as to “OP” later in this article. [↑](#footnote-ref-1)
2. Ministry of Development, Aging Specialization Commission Report, Ankara Aging Specialization Commission, 2018. [↑](#footnote-ref-2)
3. Presidency of Strategy and Budget, 100th Anniversary Türkiye Plan - Eleventh Development Plan 2019-2023, 2019. [↑](#footnote-ref-3)
4. Ministry of Family, Labor, and Social Services, Final Declaration of the First Council on Aging, 2019. <https://www.aile.gov.tr/media/6168/i-yaslilik-surasi-sonuc-bildirisi.pdf> (Access Date: 28.02.2023) [↑](#footnote-ref-4)
5. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64083/77276/%20F75317864/TUR64083%20English.pdf> (Access Date: 28.02.2023) [↑](#footnote-ref-5)
6. <https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70499> (Access Date: 28.02.2023) [↑](#footnote-ref-6)
7. It will be reffered as to “the Law” later in this article. [↑](#footnote-ref-7)
8. <https://www.tihek.gov.tr/public/editor/uploads/1660833133.pdf> (Access Date: 26.01.2023) [↑](#footnote-ref-8)
9. <https://www.tihek.gov.tr/kategori/pages/pdf/zff5ok.pdf> p.80. (Access Date: 26.01.2023) [↑](#footnote-ref-9)
10. <https://www.tihek.gov.tr/kategori/pages/pdf/zff5ok.pdf> (Access Date: 26.01.2023) [↑](#footnote-ref-10)
11. Daichman, L. S., Aguas, S., & Spencer; Elder Abuse. *International Encyclopedia of Public Health,* 2017, p.310-315. [↑](#footnote-ref-11)
12. Glasgow, K., & Fanslow, J.: *Family Violence Intervention Guidelines: Elder abuse and neglect.* Wellington: Ministry of Health, 2006. [↑](#footnote-ref-12)
13. <https://www.tihek.gov.tr/kategori/pages/pdf/zff5ok.pdf> p.75. (Access Date: 26.01.2023) [↑](#footnote-ref-13)
14. Pak, M.; *The prevalence and associated risk factors of elder abuse among OP applied to the family health center in the rural district of Turkey*, Social Work in Health Care, 59(4), p.236-256. [↑](#footnote-ref-14)
15. <https://www.tihek.gov.tr/kategori/pages/Yasli-Haklari-Calistayi-Kitabi/> (Access Date: 26.01.2023) [↑](#footnote-ref-15)
16. <https://www.tihek.gov.tr/kategori/pages/Yasli-Haklari-Calistayi-Sonuc-Bildirisi/> (Access Date: 26.01.2023) [↑](#footnote-ref-16)
17. <https://www.tihek.gov.tr/60-yas-ustu-yaslilarin-yaslilik-algisi-ve-kendi-sorunlarina-bakisi-konulu-kamuoyu-arastirmasinin-sonuclari-aciklandi/> (Access Date: 26.01.2023) [↑](#footnote-ref-17)
18. <https://www.tihek.gov.tr/kategori/pages/Yasli-Haklari-Forumu/> (Access Date: 26.01.2023) [↑](#footnote-ref-18)
19. <https://www.tihek.gov.tr/15-haziran-yaslilara-yonelik-siddet-ve-yasli-ihmali-farkindalik-gunu-roportaji/> (Access Date: 26.01.2023) [↑](#footnote-ref-19)
20. <https://www.tihek.gov.tr/kategori/pages/pdf/zff5ok.pdf> (Access Date: 26.01.2023) [↑](#footnote-ref-20)
21. <https://www.tihek.gov.tr/public/editor/uploads/Elderly%20Rights.pdf> (Access Date: 26.01.2023) [↑](#footnote-ref-21)
22. <https://www.tihek.gov.tr/kategori/pages/pdf/6sreqx.pdf> (Access Date: 26.01.2023) [↑](#footnote-ref-22)