**Subject: 2023 Human Rights Council thematic report on violence, abuse and neglect of**

**older persons**

**1. Legal, policy and institutional frameworks: is there a non-discrimination law that prohibits discrimination based on age? Is there a legislation on violence against persons and/or domestic violence that includes violence, abuse and/or neglect of older persons? Does the law establish a specialised independent body receiving complaints of discrimination based on age? Is there a national plan, policy or strategy to address violence against older persons, that is overseen by a national mechanism to monitor and implement it? Please provide detailed information and relevant documents, if applicable.**

Non-discrimination and discrimination based on age are proclaimed first of all in the Turkish Constitution followed by the latter, namely the laws and regulations.

The key human rights in Türkiye, including the rights of older persons, are enshrined first of all by the Constitution of the Republic of Türkiye. The principle of equality before the law and non-discrimination including on grounds of age is regulated in Art. 10 of the Constitution which as follows: *“Everyone is equal before the law without any discrimination based on language, race, colour, gender, political opinion, philosophical belief, religion, sect or any such grounds.”* As per Article 10, *“the measures to be taken for children, older persons, persons with disabilities, the widows and orphans of martyrs of war and duty, and veterans to ensure the equality exist in practice shall not be considered as violation of the principle of equality”*. Accordingly, the positive discrimination practices to be implemented for older persons pursuant to Article 10 are not regarded as contrary to the principle of equality.

The Human Rights and Equality Institution of Türkiye (HREIT) was established in 2016 pursuant to the Law No. 6701[[1]](#footnote-1). The Institution was mandated with fighting against discrimination and acting as Equality Body, in addition to its duties as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM)[[2]](#footnote-2). In Article 3 of HREIT Law numbered 6701 discrimination against persons based on the ground of age is prohibited. In this regard, HREIT has the authority to inquire into, examine and take a final decision on and monitor the violations of 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. With the regulation concerning age discrimination, it is aimed to protect and promote the rights of the older persons, to facilitate the access of the older persons 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 older persons.

In accordance with Article 74 of the Constitution, citizens can apply to government auditor for their complaints about the functioning of public administrations. Within this context, Public Investigation Institution (Ombudsman Institution) was established in 2012. The Institution is responsible for investigating, researching and making recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness within the understanding of justice based on human rights. Natural and legal persons including foreign national have the right to apply to the institution and their identities are kept confidential on request. The applications made to the Ombudsman Institution by older persons mostly include administrative complaints within the scope of social security law, applications for social assistance, works and transactions made by the Ministry of Family and Social Services and Social Assistance and Solidarity Foundations, and services of the municipalities for older people. The Ombudsman, the highest administrative officer of the Institution, advises the administrations on the issues he deems appropriate as a result of the investigations made. The Institution submits an annual report to the General Assembly of the Turkish Grand National Assembly regarding its decisions and activities. The Institution can also prepare special reports on the issues it deems necessary within the scope of its powers, without a complaint.

The purpose of Act No. 6284 dated 8 March 2012 to Protect Family and Prevent Violence against Women.is to regulate the procedures and principles regarding the measures to be taken in order to protect women, children, family members and victims of stalking and to prevent violence against them. Persons who have been subjected to violence or who are at risk of violence can benefit from the protection offered by the Law without discrimination based on language, race, color, gender, age, political opinion, philosophical belief, religion, sect and similar reasons. In this context, older persons can also be protected from the violence they are exposed to within the scope of this law. Again, within the scope of Law No. 6284, Violence Prevention and Monitoring Centers[[3]](#footnote-3) were established in order to provide the most effective and one-stop service to victims of violence. All victims of violence can apply to these centers, and individuals older than 60 are directed to the services they need after the first evaluation in these centers. With the National Action Plans on Combating Violence Against Women, which are also prepared by the Ministry of Family and Social Services and included in detail in the answer to question 3, special policy measures are taken for older women, and older refugee women.

Penal Code of Türkiye (Law No. 5237 of September 26, 2004) has the following provisions on abuse and neglect of older persons:

*Article 97: “Any person, holding the duty of protection or observation of an individual who cannot care for himself (on account of age or illness), who abandons that individual so that they are alone, shall be sentenced to a penalty of imprisonment for a term of three months to two years.”*

*Article 98: “Any person who fails to assist, taking into account his position and circumstances, an individual who is incapable of caring for themselves (on account of age, illness, injury or any other reason), or immediately notify the relevant authority of the circumstances of such individual, shall be sentenced to a penalty of imprisonment for a term of up to one year, or a judicial fine.”*

*Article 279: “Any public officer who fails to report of an offence (which requires a public investigation and prosecution), or delays in reporting such offence, to the relevant authority, after becoming aware of such offence in the course of his duty, shall be sentenced to a penalty of imprisonment for a term of six months to two years.”*

*Article 280: “Any member of the medical profession who fails to report of an offence, or delays in reporting such offence, to the relevant authority after becoming aware, in the course of his duty, of any evidence demonstrating that a crime may have been committed shall be sentenced to a penalty of imprisonment for a term up to one year.”*

According to the Articles 279 and 280, public officials and members of the medical profession are obliged to report the abuse of an older persons.

The Penal Code also envisages commission of certain crimes, including intentional killing, intentional injury, torment, sexual assault, unlawful deprivation of liberty and robbery, against “individuals incapable of defending themselves physically or mentally” as an aggravated element increasing culpability.

In addition, the Department of Legal Support and Victim Services was established under the Ministry of Justice in Türkiye. The duties of the Department include the following:

* Carrying out activities related to the development and implementation of rights and services for the vulnerable group,
* Carrying out studies to inform the victims about the rights and benefits granted to them,
* Developing appropriate intervention programs for those in need of legal assistance,
* Taking preventive measures against repeated grievances and to carry out activities for the development and implementation of psycho-social support services,
* Carrying out and implementing studies to strengthen victims' access to justice,
* Carrying out activities related to the development and implementation of services for witnesses in the judicial process,
* Carrying out activities to increase social awareness in order to support the victims in all areas.

In this context, studies are conducted to develop and implement the rights and services for older victims and to inform them about the rights and benefits granted to older persons.

Furthermore, “Ageing Vision Document and Action Plan” have been drafted up with a participatory approach in order to design social services and policies to meet the current needs of the ageing population and to promote and protect the rights of older persons with the perspective of rights-based, active and healthy ageing and social inclusion. It is envisaged that regulations will be made in policy areas such as social services, rights of older persons, health, employment, education and social security. Under the title of “Rights of Older Persons”, which is one of the main policy areas covered in the Ageing Vision Document, targets have been determined to protect and strengthen the rights of older persons and to strengthen access to justice services with an inclusive approach for older persons. The basic lines of the action areas determined in line with these goals can be expressed as follows:

* Mainstreaming rights of older persons and ageing at the national level
* Raising awareness on the rights of older persons
* Increasing older persons' access to justice

Within the scope of these action areas, there are activities such as due diligence/need analysis for the rights of older persons, inclusion of rights-based approaches in ageing in the preparation of high-level policy documents, establishment of a coordination committee with relevant parties that can bring high-level solutions to the problems related to ageing and ensure the protection and strengthening of the rights of older persons, and carrying out infrastructure works to facilitate the benefit of older persons from judicial service processes.

Lastly, two main policy papers in the field of judiciary and human rights, namely, Judicial Reform Strategy and National Action Plan on Human Rights, include theme-specific goals and activities. In relation to the benchmark of “Ensuring Access to Justice”, under the Strategy document, an objective (6.5) was devoted for the measures to be taken to facilitate access of the elderly justice. National Action Plan, on the other side, has addressed the issue under three main goals in relation to three different benchmarks, namely, “Protection of victim rights (1.3)”, “Strengthening access to justice (2.7)” and “Facilitating the access of the elderly and people with disabilities to public services (8.4)”.

Under the first goal, improvement of the effectiveness of psycho-social support and information services and institutional measures in this regard has been envisaged. The second goal has placed an activity so as to facilitate remote participation of the elderly in judicial proceedings via digital solutions while the last has set specific targets to increase physical accessibility of public buildings/services, to craft measures securing full participation of the elderly in elections by facilitating their voting and to further enhance special procedures for the execution of penalties allowing elderly to serve their sentences at home.

**2. Manifestations of violence: what forms of violence, abuse and neglect are older**

**persons facing? In which settings does it happen? Please provide detailed information.**

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**3. Intersectionality: how does violence, abuse and neglect affect specific groups of older**

**persons (e.g. older women, older LGTBI persons, older persons belonging to ethnic and**

**indigenous groups, older refugees and internally displaced persons, older persons with**

**disabilities, etc.) Please provide detailed information.**

Violence, neglect and abuse is a social problem area that develops worldwide due to multidimensional and multiple factors. With advancing age, many individuals may become more vulnerable in these areas. “National Action Plans on Combating Violence Against Women”, prepared by the Ministry of Family and Social Services in order to include all parties in the process of combating violence against women in Türkiye, and to determine targets and activities in terms of relevant legislation and public policy, include specific, vulnerable groups requiring special policy, including older women and older refugee women. In this context, within the scope of the current 4th National Action Plan covering the years 2021-2025, there are targets for Access to Justice and Legislation, Policy and Coordination, Protective and Preventive Services, Social Awareness, Data and Statistics. Within the scope of the first target, victims' access to justice and effective implementation of the legislation, it is aimed to review and effectively implement the legislation on combating violence, to punish acts of violence against women in an effective and proportionate manner, and to facilitate access to justice by effectively exercising the rights of the victims in the judicial process.

**4. Data: are data available at national and local level about violence, abuse and neglect of**

**older persons? Are national surveys about violence including experiences of older**

**persons? If available, please provide figures and data.**

Local and national data on violence, abuse and neglect against the elderly are kept in administrative and judicial records by public institutions and organizations, especially the Ministry of Interior and the Ministry of Justice.

One of the objectives set within the framework of "Age Disaggregated Data and Monitoring", which is one of the main policy areas included in the Ageing Vision Document, is *"to ensure that demographic and socioeconomic data disaggregated by age and gender are taken as a basis in the formulation of policies for older persons"*. In this context, an area of action has been created for “collecting age-based disaggregated data and creating comparable statistics through indicator monitoring processes and research”. With this field of action, it is aimed to carry out researches for policy development regarding the problems faced by older persons and their solutions.

**5. Access to justice: how does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their human rights have been violated as a result of violence, abuse and neglect?**

The aim of the Presidential Decree No. 63 on the Support of Victims of Crime[[4]](#footnote-4), which entered into force on 10/06/2020, is to regulate the principles regarding the services and assistance provided to victims of crime and the duties, powers and responsibilities regarding the fulfilment of these services. According to the 7th article of the Law in question, "Women, older persons and victims with disabilities, in particular, can be considered as victims who are understood to be more affected by the crime and need to be protected, upon the evaluation to be made taking into account the personal characteristics of the victim, the nature and gravity of the crime, and the conditions in which the crime was committed. The services to be provided through the legal support officer to the victims who are found to be in the vulnerable group as a result of the individual assessment are as follows:

* At the request of the victim, the public prosecutor or the judge, to explain the environment, the relevant persons and the process in order to reduce the level of anxiety before the victim is heard,
* To inform the public prosecutor or judge that the necessary measures are taken so that the victim can express himself or herself comfortably, and to be with the victim while he or she is being listened to,
* To prepare a social examination report upon the request of the public prosecutor or judge,
* To suggest to the public prosecutor or judge that statements be made in the judicial meeting room,
* To guide victims who need treatment or rehabilitation,
* To implement case management in services for victims who are assessed to need effective support throughout the judicial process.

Children, women, older persons and persons with disabilities in need of protection as victims who apply to the legal support and victim services directorates are notified to the provincial directorate of the Ministry of Family and Social Services or to social service centres.”

Furthermore, measures that have been taken to ensure accessibility to the justice system prioritize measures to strengthen the mechanisms for claiming rights or the ways to seek their rights and to raise awareness of victims, including vulnerable groups. As a policy adopted in Türkiye, it is essential to eliminate the risk for victims in the vulnerable group in terms of the possibility of re-victimization and to develop activities for psycho-social support of older victims in the judicial system for this purpose. In this context, “the Directorates of Judicial Support and Victim Services” were established in 2021. These Directorates provide information and guidance to victims and they can easily access accurate information about their rights and obligations throughout the judicial process. In practice, a legal support plan, case management and follow-up programs have been developed for victims in the vulnerable group, and it was envisaged that the necessary planning, implementation, monitoring and coordination processes will be carried out by a single legal support officer in order to provide services to victims in a systematic and timely manner. Older victims receive psycho-social support throughout the judicial process, thus minimizing the effects of the crime on the judicial process. With the objective No. 6.5 of the Judicial Reform Strategy (2019-2023), it is envisaged to take measures to facilitate the access of older people to justice. In this regard, specially equipped Judicial Interview Rooms (AGOs) operate in 81 provinces across the country. An AGO is a room in the courthouse, with high-technology equipment and designed to minimise secondary victimisation and ensure safe and less intimidating judicial interview that is in accordance with the age, the level of development and the psychology of vulnerable victims of crime.

The "Guidelines on Approaching Victims", which includes the basic principles of approaching victims by public officials who are in contact with victims of crime, has been prepared and the principles of approaching to older victims are also included in this guide. An easily accessible, plain and understandable website[[5]](#footnote-5) has been prepared for victims of crime. Victims who visit the website can easily learn what rights they have based on the type of victimization they have experienced, which services they can receive from which institutions and what kind of procedure they should follow.

In addition, brochures containing information about some fundamental rights and types of crimes were prepared and made accessible in courthouses in order to inform crime victims about the judicial process.

Moreover, Human Rights and Equality Institution of Türkiye (TİHEK) and Ombudsman Institution (KDK) work within the scope of protective and preventive measures regarding violence, neglect and abuse. According to the Law No. 6701 on Human Rights and Equality Institution of Türkiye, TİHEK has three basic duties:

* To protect and promote human rights,
* To combat torture and ill-treatment and to fulfill the task of the National Prevention Mechanism (NPM) in this context,
* To combat discrimination.

According to the Law No. 6328 on the Ombudsman Institution, the KDK is responsible for examining, researching and making suggestions to the administration in terms of compliance with the law and equity, with an understanding of justice based on human rights, upon a complaint about the functioning of the administration. In this scope, cases of neglect, abuse and violence against older persons are examined by the KDK.

**6. Access to information: How do you raise awareness about violence against older persons in the public? How does information about access to essential services (e.g. healthcare, legal assistance, social services, access to shelters) is made accessible and available for older persons?**

Accessibility is the ability for everyone to access and use any service, anywhere, independently and securely. Acting with the principle of an accessible and inclusive society and being the focal institution in the field of disability and ageing in Türkiye, Directorate General of Services for Persons with Disabilities and the Elderly affiliated with the Ministry of Family and Social Services has an "Access to Information Unit"[[6]](#footnote-6) within the scope of the Department of Accessibility. The Unit is responsible for identifying the issues related to accessibility particularly faced by persons with disabilities and older persons in electronic services, information and technology infrastructures and information services, searching for solutions and working on eliminating the problems experienced, ensuring cooperation and coordination with relevant public institutions and organizations, local governments, universities, private sector, civil society organizations and other stakeholders, and working to disseminate good practice examples.

As for the judicial front, a dedicated website for the victims of crime (<https://magdurbilgi.adalet.gov.tr/>) was created. Together with victim service units established within the courthouses that allow in-person consultations (please refer to the previous answer for detail), the aforementioned website –*also available in English and Arabic*- provides individuals with the information and guidance that they need in the course of judicial process.

In the field of awareness of violence against older persons, various public institutions and organizations effectively use media tools such as advertisements, public service announcements and brochures within their field of activity.

In addition, various awareness activities are carried out within the scope of informing older persons. “Information Guide for Older Persons”[[7]](#footnote-7) was prepared by the Ministry of Family and Social Services, which includes the basic rights of older persons in Türkiye and all the services provided by the government to older persons. The aforementioned guide can be accessed from the publication/resource section[[8]](#footnote-8) on the website of the Ministry of Family and Social Services, Directorate General of Services for Persons with Disabilities and the Elderly.

It is vital to inform older persons about their rights and services, especially in times of humanitarian crises such as disasters and emergencies. During the COVID-19 pandemic period, “Coronavirus Information Guides”[[9]](#footnote-9)[[10]](#footnote-10) have been prepared for information purposes, about the precautions and procedures that institutions should take to protect the health and ensure the safety of those who receive service from nursing homes and care and rehabilitation centres for older persons providing service in Türkiye and the personnel in these centres.

“Digital and Financial Literacy Training” is another implementation provided to make older persons recognize, learn and use the technological approaches that they will need, to inform them within the scope of basic services and accessing these services. In this context, by the end of 2022, 1.923 older persons who receive long-term care service from nursing homes affiliated with the Ministry of Family and Social Services in 43 provinces across the country were given training on topics such as "safe internet use, internet and telephone fraud, things to consider while internet shopping"[[11]](#footnote-11)\*. It is aimed to disseminate these trainings in 2023.

In order to ensure older persons full participation in information and knowledge societies, each citizen including older persons can access the services offered by public institutions from a single point, quickly and securely through e-Government which is developed as accessible and user-friendly. On the e-Government system, there are applications and services such as e-Pulse, the Presidential Communication Center (CIMER), web-deed, disability identity card application, accessing title deeds, retirement information, pension and allowance transactions and etc. In addition, a call center has been established for persons who have difficulties in using these web based public services.

Finally, within the scope of “Accessible and Age Friendly Cities for All”, one of the areas included in the Ageing Vision Document, it is aimed to generalize accessibility in the built environment, transportation systems and information and communication technologies. In this context, many activities have been determined, such as developing smart transportation systems for older persons, increasing the accessibility of public institutions' web pages, and determining the accessibility needs that will enable older persons to benefit from emergency call services.

**7. Please provide examples of good practices for preventing, monitoring and address violence and abuse against older persons.**

* In Türkiye, all individuals including older persons, women, men, persons with disabilities and children, can reach to 183 Social Support Line[[12]](#footnote-12) of the Ministry of Family and Social Services for violence, neglect, abuse and any other social problems they need or encounter. Applications made to this line are separated according to the reason for the application and resolved by the related service units.
* "AİLEM Accessible Communication Centre", which offers free video translation service, was put into service in order to facilitate the access of persons with hearing impairment, including older persons, to information in processes such as learning and using legal rights in education, participation in social life, working life, violence, neglect and abuse, and benefiting from public services, 24 hours a day, 7 days a week.
* Violence Prevention and Monitoring Centres have been established in Türkiye in order to provide the most effective and one-stop service to victims of violence within the scope of Law No. 6284. All victims of violence can apply to these centres, and individuals older than 60 are directed to the services they need after their initial evaluation in these centres.
* On the other hand, it is possible for older women who are victims of violence to report using the KADES[[13]](#footnote-13) application. In cooperation with the Ministry of Interior and the Ministry of Family and Social Services, the Women's Support (KADES) Application was developed in order to ensure fast and effective access to the law enforcement for victims of violence, and it was opened to women as of March 24, 2018. In order for foreigners residing in Türkiye to use the KADES application effectively, to facilitate access to the application and to make the application accessible, the interfaces have been translated into 5 languages, Arabic, Persian, French, English and Russian, and updated as of 28 June 2022. It has also been translated into Kurdish, German, Uzbek, Kyrgyz and Spanish and has access to a total of 11 languages.
* During the COVID-19 pandemic and the curfew, within the Vefa Social Support Groups, the daily needs of older persons (241.367) in the Gendarmerie responsibility area were determined, such as daily food (31.123), and they were delivered to their residences by the gendarmerie personnel. All judicial and administrative procedures carried out by the Gendarmerie General Command units are carried out at the service place, unless it is mandatory, and all kinds of conveniences such as transportation are provided in mandatory cases.
* At the stage of addressing violence, AGOs (Turkish acronym for Judicial Interview Rooms) which were designed to serve victims in vulnerable situations are worth mentioning. They help victims to be interviewed in a safe and convenient judicial environment without undue confrontations with perpetrators and away from any psychologically repressive setting.

1. https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6701.pdf [↑](#footnote-ref-1)
2. https://www.tihek.gov.tr/public/editor/uploads/1660833133.pdf [↑](#footnote-ref-2)
3. https://www.aile.gov.tr/adana/kuruluslarimiz/siddet-onleme-ve-izleme-merkezi/ [↑](#footnote-ref-3)
4. https://www.mevzuat.gov.tr/MevzuatMetin/19.5.63.pdf [↑](#footnote-ref-4)
5. https://magdurbilgi.adalet.gov.tr/ [↑](#footnote-ref-5)
6. https://www.aile.gov.tr/eyhgm/sayfalar/erisilebilirlik-daire-baskanligi-gorevleri/ [↑](#footnote-ref-6)
7. https://www.aile.gov.tr/media/45960/yaslilar-icin-bilgilendirme-rehberi-3.pdf [↑](#footnote-ref-7)
8. https://www.aile.gov.tr/eyhgm/yayin-kaynak/ [↑](#footnote-ref-8)
9. <https://www.aile.gov.tr/media/41199/koronavirusson.pdf> [↑](#footnote-ref-9)
10. https://www.aile.gov.tr/media/42278/bilgilendirme-rehberi2.pdf [↑](#footnote-ref-10)
11. <https://www.aile.gov.tr/eyhgm/haberler/bakanliktan-yaslilara-guvenli-internet-kullanimi-egitimi>

    \*Note: Since the trainings have continued since the publication of the news, the number of older persons who were given training stated in the news text is lower than the number in this text. [↑](#footnote-ref-11)
12. https://alo183.aile.gov.tr/ [↑](#footnote-ref-12)
13. https://www.icisleri.gov.tr/kadin-destek-uygulamasi-kades [↑](#footnote-ref-13)