



HREIT

HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE

THE REPORT ON THE RIGHTS OF OLDER PERSONS IN TÜRKİYE

Executive Summary

ANKARA, 2025



HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

**THE REPORT ON THE RIGHTS OF OLDER PERSONS
IN TÜRKİYE EXECUTIVE SUMMARY**

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

Address: Yüksel Cad. No: 23 | 06650 | Kızılay/ANKARA
Tel.: +90 312 422 78 00 | Faks: +90 312 422 78 99
www.tihek.gov.tr | tihek@tihek.gov.tr

Prepared by: Prof. Dr. Emine ÖZMETE, Ankara University, Director of Center on Ageing Studies Implementation and Research (YAŞAM)

Production

Ajans Düş Pınarı
Address: Birlik Mh. 467 Sk. No: 25/4 Çankaya/ANKARA
Tel: +90 (543) 235 12 25 - +90 (532) 658 93 11
Network: www.duspinari.com
E-mail: bilgi@duspinari.com

Place and Date of Print: Ankara, 2025

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EXECUTIVE PRESENTATION

Human Rights and Equality Institution of Türkiye (HREIT), which was institutionalized in 2016 with the aim of institutionalizing human rights at the local level, operates in the fields of “protection and promotion of human rights, combating discrimination and effectively fighting against torture and ill-treatment”. In addition to being an equality body and national human rights institution, HREIT, as a “National Preventive Mechanism” under the Optional Protocol to the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), performs its duties and powers as enumerated in the Law No. 6701 on HREIT. Article 9 of Law No. 6701 titled “Duties of the Institution” contains the provisions “To carry out activities for the protection and promotion of human rights, prevention of discrimination and elimination of violations” and “Providing information to the public opinion, publishing special reports on matters falling under its mandate in addition to regular annual reports when deemed necessary”.

On a global scale, in the last quarter of the twentieth century, discourses on the need for international action to improve the rights of older persons have become widespread. As a result of the demographic importance of this population, the human rights of older persons has become a problem area that has started to attract attention on a global scale. The COVID-19 pandemic is a period in which questions about the human rights of older persons intensified. So much so that in this period, efforts to create an international convention to protect the rights of the older persons gained momentum. Problem areas regarding the rights of the older persons cause deep fractures in terms of both socio-economic aspects and human rights. Therefore, problem areas related to the rights of the older persons require a multidisciplinary approach. It is necessary to develop many rights-based social policies on older persons' rights, from education to health, from social security to urbanization.

The aging phenomenon and the rights of the older persons are frequently on the agenda in Türkiye with the decrease in the population growth rate. In this context, it has been determined that there is a need for reporting on the evaluation of services for the older persons in Türkiye, prevention of age-based discrimination and protection of the rights of the older persons in extraordinary situations such as the COVID-19 pandemic. For this purpose, HREIT prepared the "Report on the Rights of Older Persons in Türkiye" within the framework of the above-mentioned regulations. The report provides a perspective on the situation of the older population in Türkiye. The rights of the older persons, which is a problem area on a global scale, has been evaluated through country samples. In addition, solution proposals are presented in order to improve existing policies and services and to increase the access of older persons to their rights. Services offered to the older persons in our country are explained. The creation of a document on the rights of older persons by the United Nations is considered very important. I would like to express my gratitude to Prof. Dr. Emine Özmete, Dean of Ankara University Faculty of Health Sciences and Director of Center on Ageing Studies Implementation and Research (YAŞAM), who contributed to this report with her academic competence and acquis in the field, and to the valuable members of all public institutions, academicians and valuable staff of our Institution who contributed and supported the reporting process with their opinions and evaluations on the basis of a pluralistic methodological approach and participatory partnership.

Prof. Dr. Muharrem KILIÇ

Chairman of Human Rights and Equality Institution of Türkiye

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EXECUTIVE SUMMARY



I.
Chapter

EXECUTIVE SUMMARY

There are social and cultural reasons worldwide such as age discrimination, neglect and abuse; economic reasons such as poverty; and legal reasons such as inadequacies in laws and regulations that cause the human rights of older persons to be violated and prevent them from enjoying their rights. These reasons increase the potential problems for the older population group, whose share in the total population is rapidly increasing day by day, and raise various concerns. Old age is not a new phenomenon in the life cycle of human beings, but it is a period of life that needs to be re-evaluated and examined in a multidimensional way with new needs today. The period of old age, which comes inevitably in the ordinary course of life, has not been evaluated in the context of human rights until today (Fredvang and Biggs, 2012). In recent years, with the demographic transformation process in the world, meeting the needs of the older persons such as care and health, participation in society, security and lifelong learning has become an area that needs to be evaluated in the context of human rights. Thus, the rights of older persons have started to be discussed as one of the main issues on the agenda of the United Nations (UN). At this point, the UN General Assembly established the “Open-ended Working Group on Ageing” with Resolution 65/182 of 21 December 2010. The working group aims to consider the existing international framework on the human rights of older persons, identify potential gaps and how to address them effectively. In recent years, the work of the UN Open-ended Working Group on Ageing has focused on dialogue with human rights organizations and civil society organizations on the rights of older persons and the dignity of older persons’ lives. In the tenth session, issues such as education, training, lifelong learning and capacity building, social protection and social security were discussed in the context of the rights of older persons, while the main agenda of the session held in 2021 was the rights of older persons during the COVID-19 pandemic. At the twelfth meeting of the UN Open-ended Working Group in 2022, legal representatives of countries as well as accredited non-governmental organizations were invited to protect and strengthen the human rights of older persons, and the rights of older persons were evaluated with a focus on their contribution to sustainable development and economic security (UN, 2022).

Türkiye attended the UN Open-ended Working Group on Ageing meetings with the Permanent Mission of Türkiye to the UN, the Ministry of Family and Social Services (MoFSS)

and Civil Society Organizations. In 2022, Türkiye was represented at the twelfth Open-ended Working Group on Ageing meeting at the level of the Minister of Family and Social Services.

All these works are based on efforts to protect and strengthen the human rights of older persons. In this context, it is advocated that the human rights of older persons should be defined as a special category under the law. The Report on the Rights of Older Persons in Türkiye aims to review the international and national dimensions of the rights of older persons, to make multidimensional assessments on the situation of the rights of the older persons in our country, where the older population is rapidly increasing, and to present data for a stronger reflection of the rights of older persons in policy-making, implementation and monitoring processes in our country.

Older Population in Türkiye: Overview

Due to rising life expectancy and declining fertility levels worldwide, the age structure of the global population is experiencing unprecedented and continuous change. Today, people are living longer and the share and number of older persons in the total population is growing rapidly. In 2020, there exist 727 million people aged 65 years and over worldwide. Women in particular make up the majority of older people, as they live longer on average than men. Over the next three decades, the number of older persons worldwide is estimated to double, exceeding 1.5 billion in 2050. All regions are projected to see an increase in the size of the older population between 2020 and 2050. Globally, the population aged 65 years and over is expected to increase from 9.3% in 2020 to 16.0% in 2050 (UN, 2020).

The rate of population aging is faster worldwide than in the past. Health and social systems in all countries are beginning to face major challenges in the face of this demographic change. Türkiye ranks 67th among 184 countries in terms of the proportion of older population. As a country in the global aging process, Türkiye's population structure has changed as a result of the decline in fertility rate, developments in the field of health, increasing living standards, welfare level and life expectancy at birth. In Türkiye, the older population is increasing at a faster rate than other age groups. According to population projections, the proportion of older population in Türkiye is predicted to be 11.0% in 2025, 12.9% in 2030, 16.3% in 2040, 22.6% in 2060 and 25.6% in 2080 (TURKSTAT, 2022). By the end of 2023, the proportion of older population in Türkiye reached 10.2% and the number of older population increased to 8 million 722 thousand 806 people. While the median age was 32.0 years in 2018, it reached 34.0 years in 2023; it was 33.2 years for males and 34.7 years for females. In 2023, 44.5% of the older population consisted of male population and 55.5% of the older population consisted of female population. When the older population is analyzed by age group, while 62.2% of the older population fell in the 65-74 age group, 28.6% in the 75-84 age group and 9.2% in the 85 and over age group; in 2018, 64.0% fell in the 65-74 age group, 28.1% in the 75-84 age group and 7.9% in the 85 and over age group in 2023. The number of older people aged 100 and

over, which constitutes 0.1% of the older population, numbered 6,609 in 2023. Life expectancy at birth is 77.5 years for Türkiye as a whole, 74.8 years for men and 80.3 years for women at the end of 2023. In general, women live longer than men and the difference in life expectancy at birth is 5.5 years. In Türkiye, the average remaining life expectancy of a person reaching the age of 65 years is 17.1 years. The proportion of the older population who can read and write was 81.7% in 2018 and 86.5% in 2022. While the proportion of illiterate older population was 18.3% in 2018, it became 13.5% in 2022. The proportion of illiterate older women is 5.7 times higher than the proportion of illiterate older men in 2022. While the rate of illiterate older women was 21.2%, the rate of illiterate older men was 3.7%. In 2023, 6 million 458 thousand 465 out of 26 million 309 thousand 332 households in Türkiye had at least one person aged 65 years and over. In other words, 24.5% of households had at least one older person. In Türkiye, 1 million 669 thousand 270 older people are observed to live alone. Of these households, 74.4% consisted of older women and 25.6% of these households consisted of older men (TURKSTAT, 2024).

When the health status of older persons in Türkiye is analyzed; while the obesity rate in the population aged 65 years and over was 25.0% in 2012, this rate increased to 28.4% in 2022. When the obesity rate of the older population is analyzed by sex, while it was 16.2% in 2012, this rate increased to 18.3% in 2022 for older men and while it was 33.1% in 2012, it became 36.4% in 2022 for older women. While the proportion of older people who died from Alzheimer's disease was 4.6% in 2018, this rate became 3.2% in 2022. When the proportion of older people dying from Alzheimer's disease is analyzed by sex, the proportion of older men who died from Alzheimer's disease in 2022 was 2.3%, while the proportion of older women was 4.1% (TURKSTAT, 2024). In Türkiye, older women live longer than older men, but healthy life expectancy is lower than that of men. Healthy life expectancy in Türkiye is 58.3 years in total; 59.9 years for men and 56.8 years for women (TURKSTAT, 2020a). While life expectancy at birth is 81 years for women, the healthy life expectancy of 56.8 years means that the remaining years will be unhealthy. These expected unhealthy years are considered as the gap/difference between active and healthy aging. While the proportion of individuals in the 65-74 age group using the Internet was 17.0% in 2018, this rate increased to 40.7% in 2023. It was observed that older men use the Internet more than women. While the proportion of older men using the Internet was 49.8% in 2023, the proportion of older women using the Internet was 32.7 (TURKSTAT, 2024).

Objective and Scope

The number of older persons in the total population is increasing rapidly in our country. In line with the information obtained from population projections, it is estimated that the proportion of the older population in the total population in Türkiye will be over 25% in 2080 (TURKSTAT, 2022). On the other hand, the older persons are one of the population groups whose rights are systematically violated globally and who face various difficulties in accessing

their rights. Therefore, the challenges faced by the older persons and their needs at all levels need to be addressed within a rights-based framework in order to ensure that the growing older population can lead their lives in safety, health and well-being.

The Report on the Rights of Older Persons in Türkiye was prepared with the aim of assessing the situation of the rights of older persons in the light of policy arrangements and services provided to the older persons in Türkiye and presenting recommendations for restructuring and improving existing policies and services in line with the needs of older persons and ensuring access to rights by the older persons.

In addition, drafting a Document on the Protection and Promotion of the Rights of Older Persons in the World by the UN is considered a necessity and a trial document on the rights of older persons is included at the end of this document.

Method

In the preparation of the Report on the Rights of Older People in Türkiye, a comprehensive literature review was conducted, including international and national reports on the older population in the world and in Türkiye, statistics obtained from databases, constitutions, laws, regulations and policy documents reflecting the global and local aspects of the rights of older persons, as well as printed and electronic publications addressing the problems that prevent older persons from enjoying their human rights and the needs of older persons. The information obtained from the literature review is organized and presented in accordance with the purpose of the Report.

Basis

The first paragraph of Article 9 titled “Duties of the Institution” of the Law No. 6701 on the Human Rights and Equality Institution of Türkiye (HREIT), which entered into force upon publication in the Official Gazette dated 20/04/2016 and numbered 29690, contains the following provisions.

“The duties of the Institution are as follows: a) Working to protect and promote human rights, prevent discrimination and remedy violations., ..., f) Inquiring into, examining, taking a final decision on and monitoring the results of violations of human rights - ex officio, ..., l) Providing information to the public opinion, publishing special reports on matters falling under its mandate in addition to regular annual reports when deemed necessary.”

Article 3 of the Paris Principles contains the following provisions of the similar nature to the above provisions.

“A national institution shall submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise

of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights."

This Report has been prepared by the HREIT in line with the fulfillment of the aforementioned duties.

While increased longevity in many parts of the world is an indicator of the progress made in human development and health over the last decade, it has also highlighted the lack of adequate protection mechanisms and gaps in policies and programs to appropriately address the demographic transformation that is taking place as the population ages. Especially with the COVID-19 pandemic, critical gaps in the protection of the human rights of older persons, such as discrimination targeting older persons, lack of access to social protection and health services, problems in autonomy and participation in decision-making processes, violence, neglect and abuse, have increased and inequalities have become more visible. Despite this, older persons remain invisible in the existing international legal framework. Today, there are still no universally applicable standards for the protection of the rights of older persons, which could serve as a reference for developing and implementing draft legislation. In the current international legal framework, efforts to ensure that the older persons enjoy their human rights are not holistic, they fall short in setting standards and being inclusive. Therefore, in recent years, there have been important calls for action to promote the full enjoyment of all human rights by older persons (UN High Commissioner for Human Rights, 2021).

Recent meetings of the UN Open-ended Working Group on Ageing have emphasized the need to take steps to develop proposals for international legal instruments to protect and promote the rights and dignity of older persons and the need for the active participation of civil society organizations, national human rights institutions and all other stakeholders in this process (Bachelet; UN High Commissioner for Human Rights, 2022).

In addition to the work of international organizations such as the UN, non-governmental organizations and human rights documents, studies such as the National Ageing Action Plan, National Ageing Action Plan Implementation Program, Türkiye Healthy Ageing Action Plan of Türkiye and Implementation Program, 10th Development Plan Report of the Special Specialization Commission on Ageing, 11th Development Plan Report of the Specialization Commission on Ageing, 12th Development Plan Report of the Specialization Commission on Ageing, realization and preparation of the report of the First Council on Ageing were carried out in Türkiye.



OVERVIEW OF THE RIGHTS OF OLDER PERSONS IN THE WORLD



II. *Chapter*

OVERVIEW OF THE RIGHTS OF OLDER PERSONS IN THE WORLD

The rights of the older persons is an important category of rights that should be addressed in terms of the protection and promotion of human rights. The aging of the population is a worldwide phenomenon with the increase in life expectancy and the decrease in birth rates. In addition, since birth rates are lower in developed countries than in underdeveloped countries, it can be stated that the rate of increase in the older population is higher in developed countries.

The increase in the older population group brings with it many issues such as care and health services, access to technological opportunities, access to justice, and older -friendly cities that need to be provided as rights. In addition, discrimination against the older persons is a violation of human rights that is frequently encountered throughout the world. While individuals who make up the older population can play an important role in the development of the country if they express their potential, they often cannot benefit from employment opportunities sufficiently and are excluded. This can prevent older persons from living independently. This is because one of the most fundamental factors that enable older persons to act independently is the existence of economic resources.

The fact that the human rights of the older population group, which is expected to reach such a high number, have not yet been defined specifically for the period of old age is considered as a major deficiency. In some parts of the world, in various countries, the rights of the older persons are not constitutionally protected and they are still subjected to discrimination in many areas of society. Common rights issues faced by older persons include age-related job discrimination (e.g. mandatory retirement age), lack of access to medical treatment due to age-related disabilities, age-related loss of function/disability and perception of neediness in society, reduced mental and physical capacity, lack of access to technology and lack of ability to use technology, vulnerability to financial, physical, psychological, social and sexual abuse. For these reasons, older persons experience great difficulties in accessing human rights and justice.

With the increase in the older population in the world since the second half of the last century, international organizations such as the UN and its agencies, the European Union

(EU) and the European Commission have published documents and established programs to protect the older persons and to improve the rights of the older persons. However, it is noteworthy that these efforts for the older persons are less than those for other population groups with special needs and in need of protection.

The UN's (i) Universal Declaration of Human Rights (1948), (ii) International Covenant on Economic, Social and Cultural Rights (1966), (iii) Declaration on Social Progress and Development (1969), (iv) 1st Vienna World Assembly on Ageing (1982), (v) UN Principles on Improving the Quality of Life of Older Persons (1991), (vi) Copenhagen Declaration on Social Development (1995), (vii) WHO Action Plan for Older Persons (1999), UN Millennium Declaration (2000), (viii) 2nd Madrid World Assembly on Ageing (2002) and (ix) UN 2030 Sustainable Development Goals are reference documents for the rights of older persons.

The UN General Assembly, for the first time in its resolution 33/52 dated 14 December 1978, acknowledged the need to draw attention to the problems arising with the increase in the older population in the world and decided to organize in consultation with member states. For this purpose, the first World Assembly on Ageing was organized in Vienna in 1982 with the participation of member countries and specialized organizations in the relevant field to draw worldwide attention to the issue of ageing. Within the context of the meeting, works was undertaken to launch an international program of action aimed at guaranteeing the economic and social security of older persons, as well as their opportunities to contribute to national development.

The Vienna International Plan of Action on Ageing, the first international instrument on ageing, which provides a basis for formulating policies and programmes on ageing, was prepared and approved by the UN General Assembly in 1982 (in resolution 37/51) with the aim of enabling governments and non-governmental organizations to deal effectively with the ageing of the population and to strengthen their capacity to meet the development potential and dependency needs of older persons. This first action plan includes 62 recommendations for action based on the rights of older persons, including research, data collection and analysis, education and training, as well as sectoral areas such as health and nutrition; protection of older consumers; housing and environment; family; social welfare; income security and employment; and education, and encourages regional and international cooperation. In order to monitor these actions, October 1 was declared as the World Day of Older Persons and monitoring reports were started to be requested in order to assess the status of countries' implementation of the actions.

In 1991, the General Assembly of the UN Human Rights Council established principles on quality of life standards to guide and encourage the development of government programs to protect the rights of older persons by ensuring their independence, participation, care, self-realization and dignity (Figure 1).

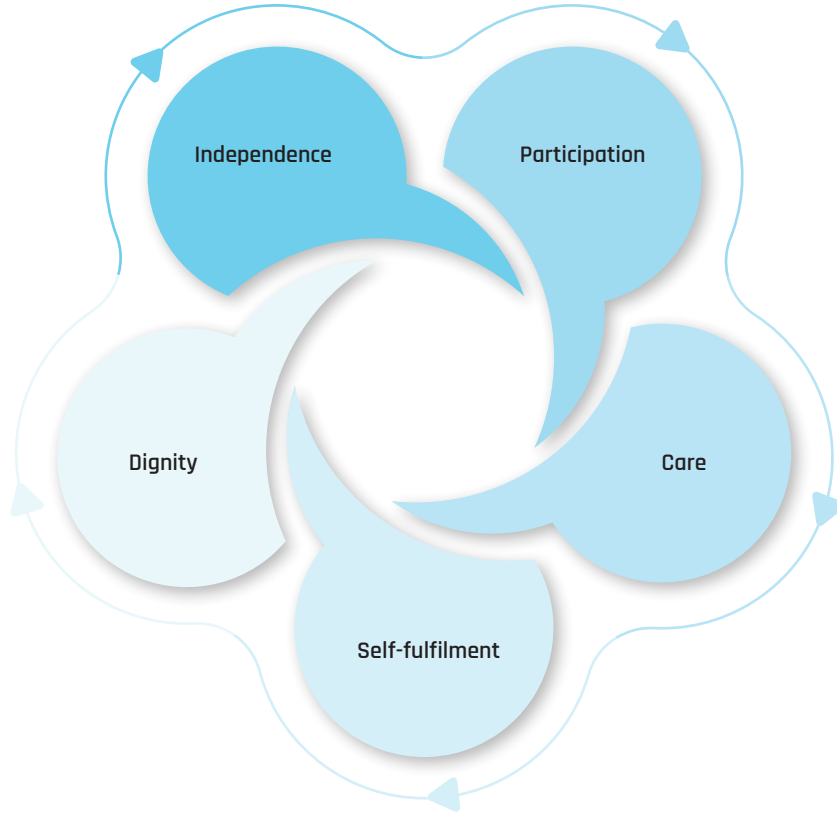


Figure 1. UN Principles for Older Persons

Twenty years after the First UN World Assembly on Ageing in Vienna in 1982, the Second UN World Assembly on Ageing was convened to help develop policies to ensure that older persons continue to contribute substantially to society to their full potential. In addition to examining the outcomes of the First World Assembly, the Second World Assembly adopted a revised plan of action that takes into account the new social, cultural, economic and demographic realities of the 21st century. At the heart of the Second UN World Assembly on Ageing is the full recognition and realization of the human rights and fundamental freedoms of older persons and their representation. The most important strategy in this action plan is to emphasize the need to include the phenomenon of old age in all national and international action programs, human rights and all basic documents on social and economic development (UN, 2002a).

The main issues related to the rights of older persons in the documents prepared and studies carried out by the UN are summarized as follows (Figure 2).



Figure 2. Key Issues on Older Persons' Rights in UN Published Documents

Source: (UN,1948;1966;1969;1982;1991;1995;1999a;2000;2002a)

The work on older persons' rights conducted by the UN at the international level continued intermittently until the establishment of the *"Open-Ended Working Group on Ageing"* in 2010. It is observed that only the First and Second World Assemblies on Ageing had a sequential structure. Intermittent work on older persons' rights in the 1990s and 2000s disrupted efforts to protect and advance these rights. The regular annual meetings of the UN Open-Ended Working Group on Ageing, initially involving experts and NGOs, and in recent years attended by countries at the ministerial level, have represented a significant development in the protection and advancement of older persons' rights. Indeed, based on information prepared by the Open-Ended Working Group on Ageing, the UN Office of the High Commissioner for Human Rights published a report in 2011 titled *"The Human Rights of Older Persons: International Human Rights Principles and Standards."* (UN High Commissioner for Human Rights, 2011). The report highlights significant challenges in accessing human rights for older persons, noting that they often lack adequate information, opportunities, and decision-making options for active participation in society. It also mentions the insufficiency of data on neglect and abuse. Additionally, the report discusses the situation of older women facing economic, social, and cultural discrimination globally under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and underscores the need for policies to address and prevent such discrimination.

The United Nations Economic Commission for Europe (UNECE), established in 1947 to address economic problems, collect data, facilitate the exchange of technical knowledge between countries, and ease trade, held the first Ministerial Conference on Ageing in Berlin in 2002, shortly after the World Assembly on Ageing in Madrid in 2002. A Regional Implementation Strategy Report was published at this conference, outlining ten key commitments regarding the protection and enhancement of the human rights of older persons: (i) mainstreaming social and economic policies that are responsive to demographic change for all ages in society, (ii) ensuring the full integration and participation of older persons in society, (iii) promoting equitable and sustainable economic growth in the context of an aging population, (iv) making adjustments in social protection systems and regulations that consider the economic and social consequences of demographic change, (v) enhancing the effectiveness of labor markets in response to the economic and social implications of population aging, (vi) encouraging the adaptation of the education system and lifelong learning opportunities to the changing economic, social, and demographic conditions, (vii) working towards maintaining independent living that includes health and well-being, ensuring quality of life at all ages, (viii) mainstreaming equality between women and men in an aging society, (ix) strengthening intergenerational solidarity and supporting family members who care for older persons, (x) promoting cooperation and the development of implementation strategies between regions (UNECE, 2002a). These commitments appear to focus on regulations at the individual, community, societal, and policy levels regarding older individuals.

After 2002, the UNECE has held Ministerial Conferences every five years, recognizing that aging is one of the most significant phenomena of our time. These conferences took place in Lyon (2007), Vienna (2012), and Lisbon (2017) (UNECE, 2002b; UNECE, 2007; UNECE, 2012; UNECE, 2017). The most recent Ministerial Conference was held in Rome from June 15-17, 2022, with the Minister of Family and Social Services representing Türkiye. At each Ministerial Conference, declarations and commitments regarding the protection and enhancement of the rights of older persons were announced.

Despite all these global efforts concerning the rights of older persons, the Global AgeWatch Index indicates that in many regions, older adults are still unable to access their fundamental human rights. The Global AgeWatch Index 2018 focuses on health, examining the extent to which the right to health for older adults is realized and the barriers that limit individuals' access to health systems and services. The most recent study consists of a report that examines twelve low and middle-income countries, including Argentina, Colombia, El Salvador, Kenya, Lebanon, Myanmar, Pakistan, Moldova, Serbia, Tanzania, Vietnam, and Zimbabwe. The report highlights the inequalities in health systems worldwide and the lack of quality data on aging and health in these countries. Barriers to the right to health for older populations include age discrimination, poverty, high costs of health services, low health literacy, and lack of access to institutional services for older persons (HelpAge International, 2018). The Global AgeWatch Index was published regularly between 2013 and 2015, with the number of countries included rising from 91 to 96 during this period. In the latest edition of the Index, Switzerland ranked first, while Afghanistan ranked last. Mauritius (42) led in the Africa region, Japan (8) in the Asia-Pacific region, Panama (20) in the Latin America and Caribbean region, and the Czech Republic (22) in the Eastern Europe region. The top 7 countries and 18 of the top 20 were located in Western Europe and North America. In contrast, Africa was home to 10 of the bottom 20 countries in the Global AgeWatch Index. The rankings in the Global AgeWatch Index generally align with the income levels of the countries (Cruz-Martinez and Cerev, 2020).

Rights of Older Persons in the European Region

In Europe, which has the highest proportion of older persons in the world, defending and protecting the rights of older persons is vital to address issues related to ageing and age discrimination. With the rapid increase in the older population globally, there have been international efforts in the last decade to focus on issues related to ageing and protection of older persons. During the economic depression after the First World War, social security and pension systems in developed countries began to be structured to protect the older persons. In this regard, social security and pension systems were institutionally structured in countries such as Germany, Sweden and Switzerland, depending on their social traditions, with the Bismarck model, tax-based model and premium-based model. The institutionalization of the

social security system in Europe in the early years enabled individuals to benefit from health and social security services in old age and strengthened social protection.

It is stated that at the beginning of 2018, there were 101.1 million people aged 65 years and over in the EU, which corresponds to 19.7% of the total population. The number of older persons in the EU is estimated to reach 149.2 million by 2050. This significant increase is expected to occur not only in terms of numbers but also in terms of proportions. In this context, it is anticipated that the proportion of older persons in the total population in the EU will rise to 28.5% by 2050 (Quinn and Doron, 2021, p. 18).

Article 25 of the EU Charter of Fundamental Rights emphasizes the rights of the older persons by stating that *"The Union recognizes and respects the rights of the older persons to lead a life of dignity and independence and to participate in social and cultural life"* (EU, 2007).

Important regulations on the rights of older persons in Europe are as follows¹:

🔗 1997 Treaty of Amsterdam.

🔗 EU 2000/78/EC Employment Equality Directive.

🔗 2008 European Commission Draft Directive on Anti-Discrimination.

🔗 2009 Treaty of Lisbon.

🔗 UN Convention on the Rights of Persons with Disabilities.

🔗 2010 The UN Open-ended Working Group on Ageing.

🔗 2014 Recommendation of the European Commission on the Promotion of Human Rights of Older Persons.

🔗 European Accessibility Act.

It is stated that an increasing number of older people (especially women) in EU countries have started to live alone, forming a vulnerable group in society, and are facing an increased risk of poverty or social exclusion. In the areas of health and living, although people generally live longer, it is noted that many older persons are facing multiple health conditions or functional impairments (Tonolo, 2018; Eurostat, 2020).

The report "European Charter of Rights and Responsibilities of Older People in Need of Long-Term Care and Assistance" was published under the EU Strategy to Combat Elder






¹ <https://www.age-platform.eu/older-people-rights> Access Date: 30.04.2022

Abuse - DAPHNE III program (EUSTaCEA, 2010). In this report, the following ten key points were identified in relation to the protection and strengthening of the rights of older persons in Europe:

- Article 1:** Dignity, physical and mental rights, including integrity, liberty and security,
- Article 2:** The right to self-determination,
- Article 3:** The right to privacy,
- Article 4:** The right to high-quality personalized care,
- Article 5:** Personalized information, advice, and informed consent,
- Article 6:** The right to ongoing communication and participation in community and cultural activities,
- Article 7:** Freedom of expression and freedom of thought/conscience: opinions, beliefs, and values,
- Article 8:** The right to palliative care and support, respect in dying, and dignity in death,
- Article 9:** The right to rectification,
- Article 10:** Responsibilities.

In the “European Charter of Rights and Responsibilities of Older People in Need of Long-Term Care and Assistance” report, the responsibilities of policymakers, informal caregivers, professional caregivers, social services, service providers, and civil society organizations are defined.

In 2017, the European Network of National Human Rights Institutions (ENNHRI) published the report “The Human Rights of Older Persons in Long-Term Care in Europe.” In this report, it is stated that older persons have the same rights as other age groups and the rights older persons in relation to long-term care are explained under the following main headings (ENNHRI, 2017):

-  Right to life,
-  Right to be free from torture, inhuman, or degrading treatment,
-  Right to treatment,
-  Right to freedom of movement, including unrestricted freedom of movement,
-  Right to autonomy,

Right to freedom of expression, thought, and conscience,

Right to reputation,

Right to privacy and family life,

Right to participation and social inclusion,

Right to the highest attainable physical and mental health,

Right to an adequate standard of living,

Right to non-discrimination and equality,

Right to access to justice, including the right to a fair trial.

In these documents published in Europe, one of the most important emphases in terms of the rights of the older persons is that they should be active in and participate in society. Supporting active life and lifelong learning are seen as important rights. One of the important issues is to meet the need for care and support that arises in old age in a way that protects the dignity of the individual (Van Bueren, 2009).

Rights of Older Persons in the Americas

Due to the rapid increase in the older population in the world, the need for an international human rights text or convention on the rights of the older persons has been frequently raised both in the European Region and universally (Olsson, 2019; Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949). In response to concerns about the lack of social services for the older persons, Congress passed the “Older Americans Act” (OAA) in 1965. This Act granted states authority to provide grants for community planning and social services, research and development projects, and training of qualified personnel in the field of aging. The Act established the “Administration on Aging” (AoA) to manage the newly created grant programs and serve as the federal focal point on issues related to the older persons. Under this Act, states were reauthorized in 2006 and 2016 to address the basic needs of older persons, prevent neglect and abuse. The 2020 reauthorization covers the implementation of programs to protect and strengthen the rights of older persons between 2020 and 2024. These programs aim to maximize the independence, well-being and health of older persons, persons with disabilities, their families and caregivers throughout their lives. They work to ensure that all people, regardless of age or disability, live with dignity, make their own choices, and fully participate in society.

In the Americas, the “Inter-American Convention on Protecting the Human Rights of Older Persons”² was adopted in 2015 and put into force in 2017. In Article 3 of the Convention, the general principles on the rights of the older persons are stated as follows:

- a) Promotion and defense of the human rights and fundamental freedoms of older persons,
- b) Recognizing older persons, their role in society, and their contribution to development,
- c) The dignity, independence, proactivity, and autonomy of older persons,
- d) Equality and non-discrimination,
- e) Participation, integration, and full and effective inclusion in society,
- f) Well-being and care,
- g) Physical, economic, and social security,
- h) Self-fulfillment,
- i) Equality between women and men, and the life course approach,
- j) Solidarity and the strengthening of family and community protection,
- k) Proper treatment and preferential care,
- l) Differentiated treatment for the effective enjoyment of rights of older persons,
- m) Respect and appreciation of cultural diversity,
- n) Effective judicial protection,
- o) Responsibility of the State and participation of the family and the community in the active, full, and productive integration of older persons into society, and in the care of, and assistance to, the older person, in accordance with domestic law.

In the Americas, the focus of social protection services for the older persons is on home care and institutional care services. In the United States, there are health care centers established for the care of the older persons. In the United States, the Social Security Act, which came into force in 1935, started to provide income guarantees for retired individuals. The law was amended in 1972 and Supplementary Security Income was added, providing cash assistance to individuals aged 65 years and over. The 1967 “The Age Discrimination in Employment Act” protects the economic rights of the older persons by prohibiting employers from discriminating against individuals aged 40 and over. Complementary insurance systems such as social security and private/individual insurance for health care are widespread, the level of state coverage of health and care services is low (Institute of Medicine (US) Committee on the Future Health Care Workforce for Older Americans, 2008).

² For full text see: https://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-70_human_rights_older_persons.pdf, (Access Date: 30.04.2022).

In North American countries like Canada, comprehensive system strategies are predominant. In other words, uninterrupted provision of health and social services is essential. In Canada, there are practices such as personal care services for the older persons, housework and life management activities, various medical-mental health, housing needs and income needs are met by the state. It is estimated that 23% of the population in Canada will be aged 65 years and over by 2030, which will encompass 9.5 million people. By 2036, life expectancy at birth is estimated to be 86.2 years for women and 82.9 years for men. The vast majority of older persons in Canada are active in their lives. 80% of older persons participate in at least one social activity at least once a month, 36% engage in volunteer work, and 13% continue to participate in the workforce. Therefore, in Canada, the primary goals are to promote healthy aging, support participation in society, and ensure income security for the older persons. (Government of Canada, 2014).

In Latin American countries, regular “Regional Intergovernmental Conference on Ageing and the Rights of Older Persons in Latin America” are held to protect and promote the rights of the older persons. In 2022, the preparatory meetings for the fifth edition of this meeting will be held to present the current situation in Latin American and Caribbean countries and to prepare national reports on the situation of the rights of older persons based on the Madrid International Plan of Action on Ageing.³ On the basis of the Madrid International Plan of Action on Ageing, Latin America and the Caribbean, in the absence of explicit budgetary, educational or political arrangements, has moved from a focus on aid to a human rights perspective that seeks to put older persons at the center of society through practices such as the participation of older persons in the design, management and oversight of policies. In this process, with the entry into force of the older persons rights instruments such as the Montevideo Consensus (2013) and the Inter-American Convention on Protecting the Human Rights of Older Persons (2015), a human rights perspective has become central to services and social protection for older persons (Montes-de-Oca, Paredes, Rodríguez and Garay, 2018).

Rights of Older Persons in the East and Southeast Asia Region

Asia, home to the world’s most populous countries, has a population of 4 billion 708 million 327 thousand 300 people⁴ (Worldometer, 2022). While the global population aged 65 years and over is 723 million 184 thousand 486, the population aged 65 years and over in East and Southeast Asia is 273 million 553 thousand 375, of which 114 million 192 thousand 911 people live in South Asia (The World Bank, 2020). Therefore, Asia is the region with the highest concentration of older population. The low fertility rate in the Asian region and the fact that new births are far below the population’s self-renewal capacity primarily affect the older

³ For further information: <https://www.cepal.org/en/events/preparatory-meeting-fifth-regional-intergovernmental-conference-ageing-and-rights-older>, (Access Date: 30.04.2022).

⁴ The relevant data is valid as of 04.03.2022 and population information is updated instantly in the said source.

persons dependency ratio and make it difficult to replace the declining labor force. In addition, the high proportion of the older population makes it difficult to meet the need for elderly care personnel. In many countries in East Asia, governments and families are in need of migrant elderly care workers (Peng, 2017).

A number of institutions and organizations at national, regional and international level are active in the field of ageing. UN ESCAP,⁵ which is one of the organizations operating in the field of aging, is a community of Asian and Pacific countries.⁶ In this context, the Macao Declaration and Action Plan on Ageing in Asia and the Pacific was endorsed by ESCAP member states and relevant states in 1999. The Plan sets out seven key areas of aging in the region. These areas are: the social position of older persons; older persons and the family; health and nutrition; housing, transport and the built environment; older persons and the market; income security; care and employment; and social services and society (UN ESCAP, 2017).

Japan has the longest-living individuals in the world. Japanese women have a life expectancy at birth of 86.9, making them the longest living population group in the world. As of 2020, the ratio of the older population to the total population in Japan is 28% and it is noteworthy that Japan ranks first in the world as the country with the highest proportion of older population. When the numerical data on the older population of some countries in Asia are analyzed, it is seen that China has 12%, Malaysia 7%, India 7% and Indonesia 6% older population (The World Bank, 2020). The population of countries such as Japan and the Republic of Korea is aging quite rapidly. In this context, more than one-third of the population in East and North Asia is expected to be aged 60 years and over by 2050. In North and Central Asia, it is estimated that one in every four people will be aged 60 years and over (UN ESCAP, 2017)

Developing countries in Asia and the Pacific region are aging faster. The transition of some countries from an ageing society to an older society varies. For example, China is expected to make this transition in 25 years, Singapore and Thailand in 22 years and Vietnam in 19 years (UN ESCAP, 2017). By 2025, Indonesia is projected to have 36 million older persons (SEANF, 2019). It is estimated that by 2030, older persons will make up 15% of the total population in Malaysia (SEANF, 2019).

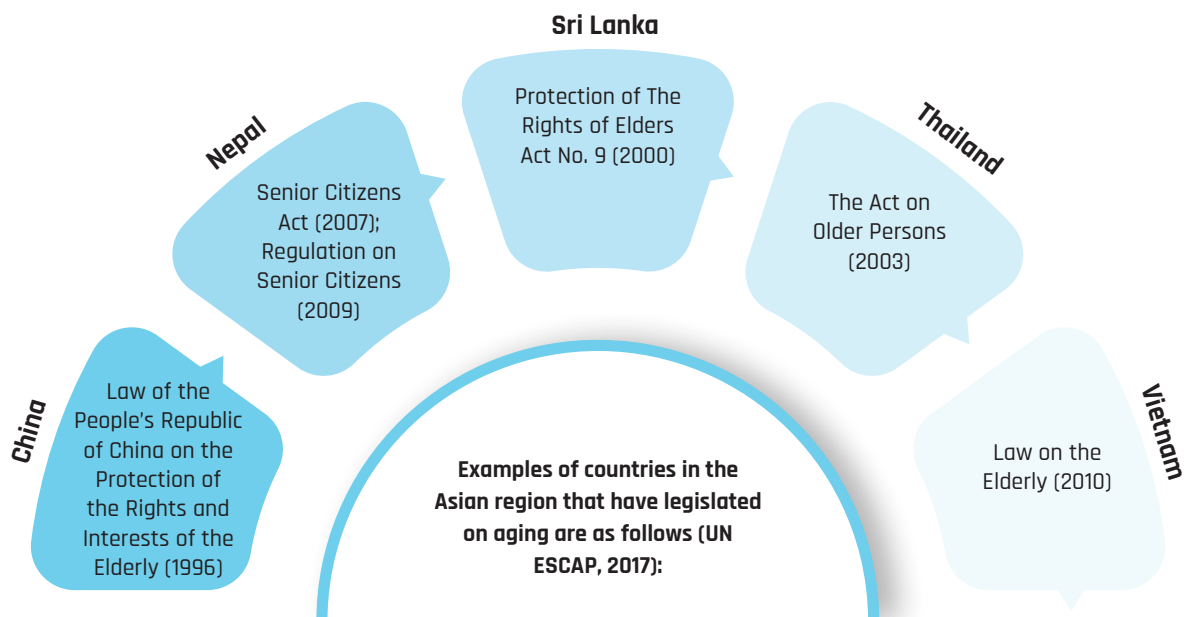
The negative situations faced by the older persons differ in different parts of Asia. In this context, it is revealed that humiliation against the older persons is more intense in Eastern cultures, especially in East Asia, compared to South and Southeast Asia (Gardiner, 2018, p. 4). Although this negative situation is more evident in East Asia, in some countries in Southeast Asia, there is a need to revisit existing regulations to prevent discriminatory treatment of

⁵ United Nations (UN) The Economic and Social Commission for Asia and the Pacific.

⁶ The following countries are members of ESCAP, including Türkiye: Afghanistan, Australia, Azerbaijan, Bangladesh, Bhutan, Brunei, China, East Timor, Indonesia, Armenia, Fiji, France, Georgia, India, Iran, Japan, Cambodia, Kazakhstan, Kyrgyzstan, Kiribati, Republic of Korea, the United Kingdom and Northern Ireland, the Netherlands, the United States of America, Democratic Republic of Korea, Laos, Maldives, Malaysia, Marshall Islands, Micronesia, Mongolia, Myanmar, Nauru, Nepal, Uzbekistan, Pakistan, Palau, Papua New Guinea, Russian Federation, Samoa, Singapore, Solomon Islands, Sri Lanka, Tajikistan, Thailand, The Philippines, Tonga, Tuvalu, Turkmenistan, Vanuatu, Vietnam, New Zealand.

older persons. In this context, for example, Malaysia lacks a clear legal framework on non-discrimination, which means that existing regulations do not fully protect the rights of older persons (SEANF, 2019).

The increase in life expectancy in developed countries contributes to the increase in the older population. In this context, for example, while life expectancy after the age of 60 is more than 21 years in Japan, it has decreased by 10 years in African countries (Gökbunar, Uğur and Duramaz, 2016; T.R. Ministry of Development, 2018, p. 9). It is assessed that the increase in the number of retirees may lead to a 20% budget deficit in Japan in 2030, and the gradual decrease in the share of the working population in the total population with the decline in the fertility level will have a negative impact on Japan's economic growth (Gökbunar, Uğur and Duramaz, 2016)



The experiences of the older population in Asia can form the basis for all countries to formulate public policy at the international law and global level (Gardiner, 2018). Beyond meeting the basic needs of the older persons, the rights of the older persons are an issue that needs to be addressed with a multifaceted approach that includes all aspects of life. In many parts of the world, loneliness is one of the most important problems in old age. Loneliness causes inadequacies in meeting health and social care needs as well as lack of social support system. In countries such as the UK, a Ministry of Loneliness has been established. In Japan, robots have been placed in homes to remedy the loneliness of the older persons. In Japan, it has been found that there is an increase in the rate of older persons committing crimes and going to prison due to loneliness. All of this shows that, unlike other periods of life, old age has its own unique opportunities and problem areas related to the protection and strengthening of the rights of the older persons.



**GENERAL SITUATION OF THE
RIGHTS OF THE OLDER PERSONS
IN TÜRKİYE**

III.
Chapter

GENERAL SITUATION OF THE RIGHTS OF THE OLDER PERSONS IN TÜRKİYE

Rights of Older Persons in Positive Law

The Constitution

There are provisions in the Constitution of the Republic of Türkiye (1982) that directly and indirectly emphasize the older persons. One of the provisions that directly emphasizes the older persons is the addition made to Article 10 of the Constitution titled “Equality before the law” with the 2010 Constitutional amendment (12/9/2010-5982/1). According to this article: *“Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality.”* With this amendment, the principle of equality, which is one of the fundamental principles of the Constitution, is emphasized and it is stated that different measures can be taken for groups that need special protection, including the older persons, and that these measures will not undermine the principle of equality in the Constitution (Constitution of the Republic of Türkiye, 1982).

Another provision in the Constitution (1982) that directly emphasizes the older persons is found in the third paragraph of Article 61 of the Constitution titled “Persons requiring special protection in the field of social security”: *“The aged shall be protected by the State. State assistance to, and other rights and benefits of the aged shall be regulated by law.”* The provision obliges the State to protect the older persons and ensure that they lead a life worthy of human dignity. In this context, it will be possible to reach the different needs and requirements required by old age with legal regulations on the axis of the social state (Constitution of the Republic of Türkiye, 1982; Yazıcıoğlu, 2017).

Law

Although the Turkish Penal Code No. 5237 does not have a provision directly related to the older persons, Article 50 titled “Sanctions precedent for sentence to short-term imprisonment”

and Article 51 titled “Suspension of Sentence” of the relevant Code stipulates that the existing imprisonment sentence may be converted into various security measures or postponed for individuals who have completed the age of 65 (Turkish Penal Code, 2004).

In the Turkish Civil Code No. 4721 dated 22.11.2001, the issue of old age is only addressed in Article 408, which includes the provision on the restriction of an individual due to old age by placing him/her under guardianship upon his/her own request: *“Each person of age who proves that he/she cannot manage his/her work due to old age, disability, inexperience or serious disease can demand that he/she be restrained.”* (Turkish Civil Code, 2001).

Local governments are given certain responsibilities by law in terms of raising the living standards of the older persons and their care. According to Article 14 titled “Duties and Responsibilities of the Municipalities” of the Municipality Law No. 5393 published in the Official Gazette No. 25874 dated 13.07.2005 *“Municipal services shall be provided to the public at the nearest possible locations and by the most appropriate methods. The methods used in service provision shall be appropriate to the situation of the persons with disabilities, elderly people, the poor and those on low income.”* With the provision stipulating that municipal services are provided in a close manner according to the situation of the older persons, it can be evaluated within the framework of the measures taken for the older persons as a group that is not considered contrary to the principle of equality mentioned in Article 10 of the Constitution (Kocakoç, 2015). According to Article 77 of the relevant Law titled “Voluntary participation in municipal services”, which addresses another issue related to the older persons: *“Municipalities shall carry out programs designed to encourage the voluntary participation of individuals with a view to ensuring solidarity and participation in the town’s or city’s provision of health care, educational, sporting and environmental services, social welfare and assistance services, libraries, parks, traffic and cultural services and services for the elderly people, women, children, the persons with disabilities, the poor and destitute, and to increase effectiveness, economy and efficiency in service provision.”* emphasizes the encouraging role of the municipality within the framework of this purpose in order to ensure that the older persons participate more actively in social life and gives municipalities a responsibility in this respect (Municipality Law, 2005).

According to paragraph (v) of Article 7 of the Metropolitan Municipality Law No. 5216, published in the Official Gazette No. 25531 dated 23.07.2004, which lists the duties and powers of metropolitan municipalities, activities such as carrying out and developing all kinds of social and cultural services for the older persons, establishing social facilities for this purpose, opening, operating or having operated vocational and skill acquisition courses, cooperating with universities, colleges, vocational high schools, public institutions and non-governmental organizations in carrying out these services are among the duties of metropolitan municipalities (Metropolitan Municipality Law, 2004).

Within the scope of Article 1 of the Law No. 2022 Retirement Pension Pays for Elderly Turkish Citizens Who Are Aged 65 Years or Over, In A Dependent Capacity With No Relatives And No Financial Income, published in the Official Gazette No. 15642 dated 10.07.1976, a pension is provided to needy older Turkish citizens who do not receive income and pension from any social security institution, without any insurance and premium payment conditions (Monthly Connection to the Needy, Powerless and Orphaned Turkish Citizens Over 65 Years Old, 1976).

One of the regulations that includes provisions for the older persons in positive law is the Social Services Law dated 24.05.1983 and numbered 2828. The Law on Social Services includes social services for the older persons in need of protection, care and assistance and the establishment, duties, powers and responsibilities of the organization established to carry out these services. One of the important features of the Law, which was prepared in accordance with the principles specified in Article 61 of the Constitution, is the definition of the concept of “older person in need of care” in Article 3 titled “Definitions” (Social Services Law No. 2828, 1983).

According to Article 2 (d) of the Decree Law No. 633 dated 08.06.2011 on the Organization and Duties of the Ministry of Family and Social Policies (MoFSP)⁷ *“To coordinate the determination of national policies and strategies, to carry out social services and assistance activities for the disabled and the elderly, to ensure cooperation and coordination between relevant public institutions and organizations and voluntary organizations in this field in order to ensure that the disabled and the elderly participate effectively in social life without discrimination and against all kinds of disabilities, neglect and exclusion”*, the Ministry is entrusted with the task of carrying out social services for the older persons and ensuring coordination with other administrations. Within the scope of the fulfillment of this duty, the Directorate General of Disabled and Elderly Services was established pursuant to subparagraph (ç) of Article 6 of the aforementioned Decree Law. With the Law No. 6462 published in the Official Gazette dated 3/5/2013 and numbered 28636, the name of the General Directorate was changed to the Directorate General of Services for Persons with Disabilities and the Elderly. With Presidential Decree No. 1 on the Presidential Organization, dated 10/8/2018, the Ministry of Family, Labor, and Social Services (MFLSS) was established. Later, by Presidential Decree No. 73, published in the Official Gazette No. 31461 on 21/4/2021, the Ministry was restructured under the same decree and continues to carry out its duties and responsibilities within the Ministry (Presidential Decree No. 1 on the Presidential Organization, 2021).⁸

⁷ The provisions of Decree Law No. 633 were later amended in Articles 65 and 71 of Presidential Decree No. 1 dated 10/07/2018.

⁸ In 2018, with the Decree Law No. 703, the Ministry of Family and Social Policies and the Ministry of Labor and Social Security were merged; the Ministry of Family, Labor and Social Services was established and the powers, duties and responsibilities of the Ministry were regulated by Presidential Decree No. 1. With the Presidential Decree on the Establishment of the Ministry of Family and Social Services and the Ministry of Labor and Social Security and the Amendment of Certain Presidential Decrees on the Execution of Public Personnel Transactions, published in the Official Gazette dated 21 April 2021 and numbered 31461, the Ministry of Family and Social Services and the Ministry of Labor and Social Security were established.

Regulations

The highlights of the regulations covering the health and social services provided for the older persons are as follows:

- 🔗 Regulation on the Establishment and Operation Principles of Nursing Homes to be Opened within Public Institutions and Organizations (Official Gazette dated 05.04.1987 and numbered 19422)
- 🔗 The Regulation on Nursing Homes and Elderly Care and Rehabilitation Centers in Nursing Homes (Official Gazette dated 21.02.2001 and numbered 24325)
- 🔗 Regulation on the Provision of Home Care Services (Official Gazette dated 10.03.2005 and numbered 25751)
- 🔗 Regulation on Daycare and Home Care Services to be Provided in Elderly Care Centers (Official Gazette dated 07.08.2008 and numbered 26960)
- 🔗 Regulation on Private Nursing Homes and Elderly Care Centers (Official Gazette dated 07.08.2008 and numbered 26960)
- 🔗 Directive on the Procedures and Principles Regarding the Implementation of Home Health Services Provided by the Ministry of Health (Approval by Authority dated 01.02.2010 and numbered 3895)
- 🔗 Retirement Pension Pays for Elderly Turkish Citizens Who Are Aged 65 Years or Over, In A Dependent Capacity With No Relatives And No Financial Income (Official Gazette dated 25.01.2013 and numbered 28539)
- 🔗 Regulation on Social Service Centers (Official Gazette dated 09.02.2013 and numbered 28554)
- 🔗 Regulation on Criterion and Classification of Disability, and Health Committee Reports for Persons with Disabilities (Official Gazette dated 30.03.2013 and numbered 28603)
- 🔗 Regulation on the Provision of Home Health Services by the Ministry of Health and Its Affiliated Institutions (Official Gazette dated 27.02.2015 and numbered 29280)

These regulations outline the framework for the older persons to access health and care services; they establish the principles for benefiting from social services, care, and the right to health as a human right.

Rights of Older Persons in policy Documents

National Action Plans on Aging

The International Plan of Action on Aging was initiated by the 2nd World Assembly on Aging, organized by the UN in Madrid from April 8-12, 2002. At the national level, Türkiye's National Action Plan on Aging, prepared in 2007 with contributions from the State Planning Organization, the Directorate General of Social Services and Child Protection Institution, and various NGOs, provides an overview of the current state of aging in Türkiye and identifies issues faced during the aging process. The plan sets some goals to address these issues and outlines actions to achieve these goals (Republic of Türkiye Prime Ministry State Planning Organization, 2007).

In 2013, the Directorate General of Services for Persons with Disabilities and the Elderly of the Ministry of Family and Social Policies published the "Situation of Elderly People in Türkiye and National Action Plan on Aging Implementation Program." This plan outlines three priorities: Older Persons and Development, Increasing of Health and Well Being at Old Age, and Provision of Supportive Surroundings Offering Various Facilities to Older Persons. Within these priorities, various goals and actions are specified, and responsible institutions and organizations for implementing and coordinating these actions are designated (Ministry of Family and Social Policies, 2013).

Under the "Situation of the Elderly People in Türkiye and National Action Plan on Aging Implementation Program," the approach to older persons care in Türkiye has evolved beyond merely protecting and respecting the older persons in society. It now incorporates a multidimensional perspective on active aging, focusing on participation, employment, and quality of life. One notable aspect of the 2013 Implementation Program is the emphasis on ensuring the participation of the older persons in decision-making processes under the "Older Persons and Development" section. As part of this priority, the establishment of "Older Persons Councils" at provincial, district, and village levels has been designated as an action (Ministry of Family and Social Policies, Directorate General of Services for Persons with Disabilities and the Elderly, 2013).

Development Plans

In this section, the issues related to the rights of older persons included in the Development Plans in Türkiye are evaluated. Measures for older persons have been explained in Development Plans in Türkiye since 1963 to the present:

The First Five-Year Development Plan (1963-1967) was prepared to increase national savings, direct investments for the benefit of society with the required priorities, and to realize economic, social and cultural development through democratic means. In the First Five-Year

Development Plan, it was emphasized that the population was increasing at a very high rate of 3% per year and that with this increase, the needs of the society had to be met and living standards had to be increased. As a population policy; the main target has been determined as reducing the population growth rate. In the field of social security, the target regarding old age has been set as "A general social security system covering old age and health insurances for everyone will be established." It was planned to provide care for older persons and other social issues for the welfare of society and individuals; to establish a "Social Services Institution" to carry out these services; and to open a "Social Services College" to train personnel to work in the field. Between 1963 and 1967, 2400 Turkish Lira was allocated for elderly care homes and 6000 Turkish Lira for rehabilitation centers (Republic of Türkiye Prime Ministry State Planning Organization, 1963).

The Second Five-Year Development Plan (1968-1972) was prepared with the aim of *"On the one hand, increasing per capita income rapidly and continuously, on the other hand, ensuring balanced development among various income groups and regions, creating job opportunities for a large number of citizens, and achieving a positive development in the economic and social order by sharing the blessings and burdens of development according to the principle of equal opportunity and social justice in Türkiye."* In this plan, permanent employees and salaried civil servants were granted retirement, disability, duty disability, widow and orphan pension rights by the Turkish Retirement Fund. It has been decided to provide social welfare services with cash assistance in a wide range to cover all groups of needs and to the extent possible. Emphasis was placed on cooperation between local governments and the Ministry of Health and Social Assistance in services for older persons (Republic of Türkiye Prime Ministry State Planning Organization, 1968).

In the Third Five-Year Development Plan (1973-1977), by drawing attention to the population growth rate and the increase in the proportion of the young population; the age structure was evaluated and the age dependency ratio was calculated for the first time by taking the young population to the center. The proportion of the population aged 65 years and over was 3.4% in 1955, increased to 3.5% in 1960, 3.9% in 1965, and 4.4% in 1970. The necessity of gathering services for older persons under a single system has been explained (Republic of Türkiye Prime Ministry State Planning Organization, 1973; Ministry of Family and Social Policies, 2013, p. 13).

In the Fourth Five-Year Development Plan (1979-1983), the necessity of gathering social structures such as nursing homes, nurseries and rehabilitation centers, which were used to provide services for older persons and other segments of society in need of protection and the need to improving the qualities of existing structures, along with increasing the institutions that will provide these services were evaluated. Emphasis has been placed on the need to encourage the private sector in the implementation of services for older persons (Republic of Türkiye Prime Ministry State Planning Organization, 1979).

In the Fifth Five-Year Development Plan (1985-1989), it was stated that social services would be carried out in an integrated manner under the supervision and control of the State with the voluntary contribution of the public; that social service programs would be organized and expanded to meet the needs of families, children, persons with disability, older persons and other people in need of protection, care or assistance. It is mainly explained that priority is given to children in need of protection, dependant, persons with disability and dependant older persons in the implementation of social service programs. Trying to increase the nursing homes established to protect and care for dependant and older persons in a peaceful environment, to meet the social and psychological needs of dependant and older persons to an adequate level in terms of their number and quality in the face of increasing needs; trying to use the available resources in the most efficient way by establishing coordination between public institutions and organizations operating in the field of social services and voluntary organizations have been important Decrees in terms of planning services for older persons (Republic of Türkiye Prime Ministry State Planning Organization, 1985).

In the Sixth Five-Year Development Plan (1990-1994), it is mainly evaluated to bring the population to a structure and growth rate compatible with the goals of stable economic development and social development. It is explained that organizations that conduct research and provide education on demography should be supported, and periodic research on population policies and programs should be given emphasis. In the plan, the proportion of older persons population in the total population is stated as 4.19% in 1990 and 4.55% in 1994. At the end of the planning period, it is aimed to increase the life expectancy at birth to 68 years. Developing treatment and rehabilitation services for individuals with special needs, older persons and mental health problems, increasing the capacity of existing services, prioritizing older persons in social services, making arrangements for old age pensions, targeting family care instead of institutional care, and encouraging private sector initiatives in elderly care have been determined as targets (Republic of Türkiye Prime Ministry State Planning Organization, 1990).









In the Seventh Five-Year Development Plan (1996-2000), for the first time in Türkiye, depending on the changes in demographic indicators, it is stated that the share of the 0-14 age group will decrease, while the share of the 15-64 and 65 years and older age groups in the total population will increase. It is explained that the life expectancy at birth increased from 67.9 years in 1995 to 69.1 years in 2000; the proportion of the population group aged 65 years and over increased from 4.7% in 1995 to 5.5% in 2000. Accordingly, the need of services for older persons should be diversified and issues such as ensuring the social rights of older persons living in rural areas were emphasized (Republic of Türkiye Prime Ministry State Planning Organization, 1996).

In the Eight Five-Year Development Plan (2002-2005), it is stated that the population of older people is increasing within the total population of country; life expectancy at birth was announced 70.3 in 2005, the rate of the population of older people was 5,89%. At this point, the

necessity of opening nursing homes and care centers for older persons and maintaining to increase care and social services for the older people was emphasized. (Republic of Türkiye Prime Ministry State Planning Organization, 2001)..

In the Ninth Five-Year Development Plan (2007-2013), it is stated that the increase in the older persons population aged 65 years and over increased from 5.4% to 5.9% due to the decrease in the population growth rate and the increase in life expectancy at birth since 2000. It is stated that institutional service models have become more important in older persons care, along with the family, due to social reasons such as migration from rural areas to cities and the transition from extended families to nuclear families (Republic of Türkiye Prime Ministry State Planning Organization, 2006).

During the preparation process of the Tenth Five-Year Development Plan (2014-2018), a “Special Expertise Commission on Aging” was established for the first time within the scope of five-year development plans in Türkiye. The Special Commission prepared a Report to reveal the current situation in terms of aging in Türkiye and the priority issues regarding the future of older persons (Special Expertise Commission Report, 2014). The issues set forth in the Report of the Special Expertise Commission on Aging determined the basis of the steps to be taken for older persons in the development plan. In the Development Plan emphasized issues are:

-  Services will be diversified and expanded depending on the increase in older persons population,
-  Housing and environments suitable for the needs of older persons will be designed,
-  Older persons will be provided with access to healthy and safe living conditions for them to take an active role in society,
-  Intergenerational solidarity in society will be strengthened,
-  Spatial planning and urban design practices that prioritize equal opportunities for older persons will be implemented,
-  Services aimed at providing family care for older persons will be diversified and expanded,
-  The number and quality of institutional care services for older persons will be increased,
-  New models will be created by increasing the service delivery capacity of the public at the local level (Republic of Türkiye Ministry of Development, 2013).

In the Eleventh Five-Year Development Plan (2019-2023), as in the previous development plan, a “Special Expertise Commission on Aging” report was prepared. In this plan, it is explained that the phenomenon of aging should be evaluated in the social life, economic conditions and cultural structure for older persons beyond the changes in numerical data in the population structure. In the Eleventh Five-Year Development Plan, the agenda for older persons was determined as active and healthy aging. The subject has been addressed in a broader sense to assess the issues that affect the lives of older persons in many ways and their interactions (Republic of Türkiye Ministry of Development, 2018, viii).

Regarding older persons in the Eleventh Five-Year Development Plan there are targets such as;

- ✎ Developing care services as older persons population increases, increasing lifelong education opportunities and ensuring that older persons adapt to change,
- ✎ Taking structural measures in the field of health and social security to meet the increasing needs and demands of older persons population to the extent possible,
- ✎ Developing care models that aim to enable older persons to interact with their social environment, based on the concept of active aging.
- ✎ Increasing the quality of life of older persons population by creating an environment where older persons can live independently, actively and healthy in line with their own preferences and take part in economic and social life,
- ✎ Expanding home healthcare services, facilitating access to health services for older persons, especially those living in rural areas, and strengthening preventive and therapeutic services for older persons,
- ✎ Facilitating access to lifelong learning opportunities for older persons,
- ✎ Developing mechanisms that will enable older persons to remain in the workforce under certain conditions,
- ✎ Ensuring the active participation of older persons in social decision-making processes in order to benefit from their experiences (Republic of Türkiye Presidency of Strategy and Budget, 2019).

I. Council on Ageing

In his speech at the UN General Assembly on September 25, 2018, the President of the Republic of Türkiye, Mr. Recep Tayyip Erdoğan, drew attention to the increasing older persons population and population growth rate during the demographic transformation process in the world and in Türkiye, as well as the rights of older persons and active aging that have been on the agenda in recent years and announced that 2019 would be declared as the “Year of Older

Persons” in Türkiye and that a “Council on Ageing” would be held, where issues within the scope of older persons rights would be discussed to a large extent. I . Council on Ageing was held in Ankara on February 20-22, 2019 under the auspices of the presidency of the Republic of Türkiye and by the Ministry of Family, Labor And Social Services with the participation of international organizations such as the UN Development Program (UNDP), the UN Population Fund (UNFPA), national and international experts and the ministers of the countries.

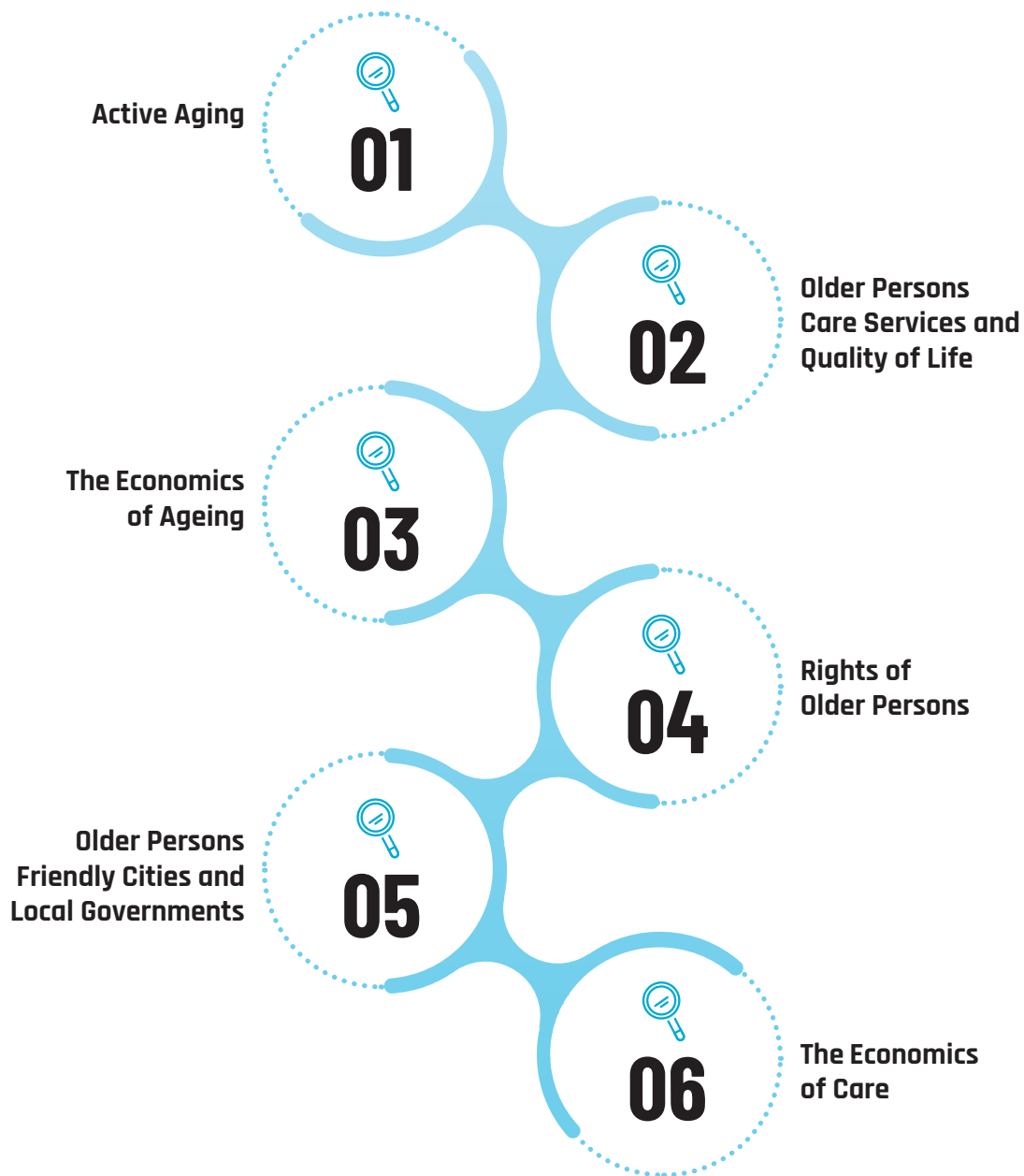


Figure 4. Sub-Themes of Council on Ageing

The main theme of the Council has been determined as “*Supporting active aging*” and “*Strengthening the rights of older persons*”. In the 1st Council of Ageing, sub-themes were determined under the headings shown in the figure and commission work was carried out (Figure 4).

In the “Final Declaration of the 1st Council on Ageing” published as a result of the Council, the aims and objectives for the establishment of policies and programs related to ageing that will contribute to the continuation of the current functions of older persons were determined as follows:

- ✎ Dissemination of digital applications for older persons to participate more effectively in social life,
- ✎ Creating lifelong learning opportunities to support the independent lives of older persons, 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 provision,
- ✎ Spreading age-friendly cities in every region with the volunteer municipality approach,
- ✎ Conducting reformative legislation studies on older persons rights,
- ✎ Taking into account the increasing number of older persons population in the context of “silver economy” as producers and consumers within the scope of income security and the fight against poverty (Ministry of Family, Labor and Social Services, 2019, p.4-6).

It is observed that studies in the field of aging have gained momentum in Türkiye in the last 15 years; many policy documents have been prepared and health services and social services have been planned in line with the determined targets. In addition, Madrid International Plan of Action on Ageing country monitoring reports were prepared and sent to the relevant UN bodies in 2007, 2016 and 2021. These reports describe developments in the context of issues related to the protection and development of the rights of older persons, as undertaken at the 2nd International Assembly on Ageing held in Madrid in 2002 (Yüksel and Kocaman, 2007; Özmete, Gürboğa, Tamkoç, 2016; Koç, Gürboğa, Karabey, Ayhan Ekenci and Ceylan, 2021). The latest country report was prepared within the scope of the fourth cycle of the implementation of the Madrid International Plan of Action on Ageing and Regional Implementation Strategy (MIPAA/RIS); this report evaluated the situation of older persons in Türkiye under the headings of (i) realizing the potential of older persons, (ii) encouraging longer working lives and work ability, (iii) ensuring dignified ageing. The report describes the 2030 agenda for healthy and active ageing in a sustainable world, the situation of older persons in emergencies and lessons learned from the COVID-19 pandemic, and preparations for the WHO Decade of Healthy Ageing (Koç ff., 2021).

Grand National Assembly of Türkiye Research Commission Established for the Purpose of Determining the Measures to be Taken by Investigating the Problems Experienced by Older Persons in Various Areas of Life

The Research Commission to Investigate the Problems Experienced by Older Persons in Various Areas of Life and to Determine the Measures to be Taken was established in the Turkish Grand National Assembly upon the rapid increase in older persons population in Türkiye and the projections that they will constitute a large population group in the near future. Ministries, universities, academics, civil society organizations, private sector and all stakeholders contributed to the Commission with their opinions and suggestions. Within the scope of the commission's work, the "International Older Persons Welfare Workshop" was held and all studies and opinions emerging were prepared as a report (GNAT, 2023).

Services for Older Persons in Türkiye

Aging is a phenomenon that appears in different forms in different parts of the world, depending on social, cultural and economic conditions. While the aging of societies in developing countries occurs faster and in a shorter period of time, the increase in older persons population rate is seen to be at its highest level in developed countries. Accordingly, the focus of ageing policies of regions and countries also differ. While policies such as supporting the active and healthy aging process and ensuring the self-sufficiency of older persons are priorities in developed countries, basic issues such as caring for older persons and preventing older persons poverty come to the fore in developing countries. In this context, the need for care and support services increases with the deterioration of health in old age. However, on the other hand, services that will support the participation of older persons in society and active aging are also becoming important.

In Türkiye, services for older persons can be explained basically as (i) Health Services, (ii) Social Services and (iii) Social Security.

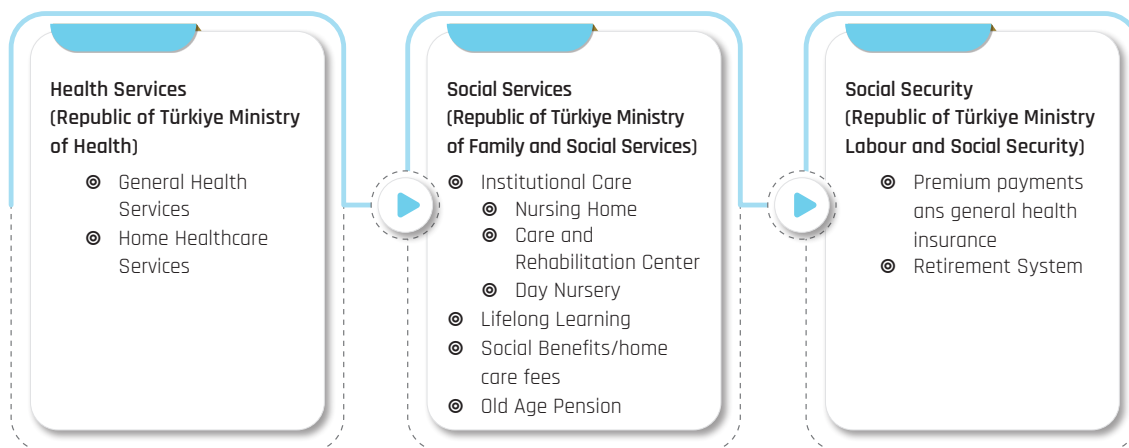


Figure 5. Services for Older Persons in Türkiye

The legislation containing regulations regarding the services provided for older persons in Türkiye is as follows:

- 🔗 Law No. 2022 on Retirement Pension Pays for Elderly Turkish Citizens Who Are Aged 65 Years and Over, In A Dependent Capacity With No Relatives And No Financial Income
- 🔗 Law No. 2828 on Social Services
- 🔗 Law No. 3294 on Encouraging Social Assistance and Solidarity
- 🔗 Law No. 5510 on Social Insurance and General Health Insurance
- 🔗 Decree Law No. 633 on the Organization and Duties of Ministry of Family and Social Policies
- 🔗 Regulation on the Establishment and Operation Principles of Nursing Homes to be Opened within Public Institutions and Organizations, published in the Official Gazette dated 05.04.1987 and numbered 19422.
- 🔗 Regulation on Nursing Homes and Nursing Home Elderly Care and Rehabilitation Centers published in the Official Gazette dated 21.02.2001 and numbered 24325.
- 🔗 Regulation on Determination of Persons with Disability in Need of Care and Determination of Care Service Principles published in the Official Gazette dated 23.10.2007 and numbered 26679
- 🔗 Regulation on Private Nursing Homes and Nursing Home Elderly Care Centers published in the Official Gazette dated 07.08.2008 and numbered 26960
- 🔗 Regulation on Day Care and Home Care Services to be Provided in Elderly Service Centers, published in the Official Gazette dated 07.08.2008 and numbered 26960.

Health Services

In Türkiye, every individual has general health insurance within the scope of social security. For this reason, every individual, especially older persons, benefits from health services equally. Services for older persons are provided by the “Department of Chronic Diseases, Geriatric Health and Persons with Disability” within the Ministry of Health of the Republic of Türkiye. The “Department of Chronic Diseases, Geriatric Health and Persons with Disability” carries out studies to meet the long-term care goal, such as preventing and controlling chronic diseases, developing national programs for the implementation of older persons health services, preventing disability and providing technical document support in the implementation of home healthcare services. This unit is responsible for providing institutional healthcare services such as doctors and hospitals for all age groups and diseases within the scope of long-term care in Türkiye, as well as home healthcare services for groups with special needs, older persons,

and chronic patients. The scope of home healthcare services is determined by the “Regulation on the Provision of Home Healthcare Services by the Ministry of Health and its Affiliated Institutions”. The scope of home health services to be provided in this Regulation is explained as *“examination, observation, analysis, treatment, medical care, follow-up and rehabilitation services provided to individuals who need home healthcare services due to various diseases, including social and psychological counseling services in their homes and family environments”*. Home healthcare services, which have a widespread network in every province through the Provincial Health Directorates of the Ministry of Health of the Republic of Türkiye, are carried out by a team consisting of doctors, nurses and other health personnel; home healthcare services are also provided to older persons within this scope (Özmete and Hussein, 2017).

Social Services

In Türkiye, within the scope of social services, services for older persons are divided into (i) care services, (ii) lifelong learning and (iii) social assistance.

Care Services

Social care and rehabilitation services provided by the Ministry of Family and Social Services of the Republic of Türkiye are carried out in institutions under the name of “Nursing Home Elderly Care and Rehabilitation Center”. According to the first article of the *“Regulation on Nursing Homes and Nursing Home Elderly Care and Rehabilitation Centers”*, the determination of older persons aged 60 years and over who will receive care services, as well as their benefit from care and rehabilitation services, determination of the type and quality of the service to be provided and the principles of operation, and the regulation of the duties, authorities and responsibilities of the personnel are carried out.

In 2002, 4,952 older persons were cared for in 63 nursing homes affiliated to the Ministry of Family and social services in Türkiye; in 2010, the number of nursing homes increased to 97 and the number of older persons receiving services increased to 7,979. Due to the increase in the number of older persons population in Türkiye and the increasing need for care services, the number of nursing homes was 164 in 2022 (February) and the number of older persons served was 12,800. The number of nursing homes belonging to other public institutions (Ministry of National Education, Municipalities) is 20; services are provided to 1,735 older persons in these nursing homes. The number of private nursing homes in Türkiye is 268. The number of older persons receiving services in private nursing homes was determined as 11,467.

One of the models of older persons care is living homes for elderly. In this model, where 2-3 older persons stay in the same house and the service provision is carried out by the Ministry of Family and Social Services, 25 older persons live in 8 existing living homes for elderly in Türkiye. In recent years, day life center services have been put into practice with the approaches of active aging, participation in society and prevention of loneliness. As of 2022

(February) in Türkiye, 301 older persons are actively provided day care services in 32 day life centers. While the amount of allowance spent on older persons care services in Türkiye as of the end of the year was 253.9 million Turkish Lira in 2012 and 625.1 million Turkish Lira in 2017, this allowance increased to 1,033,739 million Turkish Lira in 2020 due to the COVID-19 pandemic. The amount of allocation spent within the scope of older persons care services in Türkiye as of the end of 2021 was 1,560.8 million Turkish Lira (Directorate General of Services for Persons with Disabilities and the Elderly, 2022).

The Ministry of Family and Social Services, Directorate General of Social Assistance, makes old age pension payments within the scope of the *"Law No. 2022 on Retirement Pension Pays for Elderly Turkish Citizens Who Are Aged 65 Years and Over, In A Dependent Capacity With No Relatives And No Financial Income"*. In 2002, 234 million Turkish Lira old age pension was paid to 746,468 older persons; in 2010, the number of older persons increased to 848,826 and the amount of old age pension paid increased to 1,059 million Turkish Lira. Although the number of individuals receiving old age pension does not vary much, it is seen that the payment amounts have increased as of 2018. 2,900 million Turkish Lira was paid to 709,590 older persons in 2018; 5,574 million Turkish Lira was paid to 805,432 older persons in 2019; 6,423 million Turkish Lira was paid to 825,573 older persons in 2020; and 7,459 million Turkish Lira was paid to 820,933 older persons in 2021 (Directorate General of Services for Persons with Disabilities and the Elderly, 2022).

Home care fees are paid to caregivers of individuals with a high level of dependency based on their disability. While the number of people benefiting from home care assistance was 28,583 in 2007, this number has increased by about 18 times and reached 532,337 in 2022. The majority of those who receive home care assistance consist of women with disability aged 60 and older (16.3%) (Directorate General of Services for Persons with Disabilities and the Elderly, 2022).

Although care and support services are prominent among services for older persons in Türkiye, it is also seen that social programs that support participation in society and active aging are carried out. In this context, the 1st Council on Ageing draws attention to the importance of increasing the digital competencies of older persons and removing obstacles to their benefiting from technological opportunities, ensuring that long-term care services are provided in a continuous manner, increasing the quality of personnel who will work in care services, expanding age-friendly cities in terms of local governments, and expanding programs to ensure that local governments work on accessibility to ensure the active participation of older persons in life. Some of the programs carried out are the third-age university applications that support lifelong learning and the Elderly Support Program (YADES), which includes providing resources to municipalities to develop innovative services for older persons (Ministry of Family, Labor and Social Services, 2019)

Social Security

The basis of services for older persons in Türkiye is to provide a minimum income guarantee for every older persons and to provide health services within the scope of social security. Minimum income guarantee is provided within the scope of cash social assistance. Within the scope of general health insurance, every individual can benefit from emergency health services free of charge. Article 60 of the Constitution of the Republic of Türkiye, titled “*Right to social security*”, states that everyone has the right to social security; the state will take the necessary measures and establish the organization to ensure this security. Again, in the third paragraph of the 61st article of the Constitution, titled “*Those Who Need Special Protection in Terms of Social Security*”, it is stated that older persons will be protected by the state and that state aid and other rights and facilities to be provided to older persons will be regulated by law. Social security rights provided to older persons are carried out within the scope of the Law No. 5510 on Social Insurance and General Health Insurance.

Local Government Services for Older Persons

Within the scope of Article 127 of the Constitution of the Republic of Türkiye, local administrations are public legal entities established to meet the common local needs of the people of a province, municipality or village. For this reason, local governments are under obligation under the Constitution regarding services for older persons.

Provision 7/v of the Metropolitan Municipality Law No. 5216 is as follows:

“To carry out and develop health centers, hospitals, mobile health units and all kinds of social and cultural services for adults, older persons, persons with disability, women, youth and children, and to establish social facilities for this purpose, to open, operate or have operated vocational and skill-training courses, and to cooperate with universities, colleges, vocational high schools, public institutions and non-governmental organizations while carrying out these services.”

In this provision, responsibility is given to metropolitan municipalities for the provision of comprehensive services ranging from health services for older persons to the provision of lifelong learning opportunities. Article 7 of the relevant law specifies the duties and authorities of district municipalities, such as providing social and cultural services for older persons, opening vocational training and skill courses, construction, maintenance and repair of temples, health, education and cultural facilities and buildings, and protecting cultural and natural assets and historical texture. Local governments have the capacity to quickly and effectively provide services that will improve the quality of life of older persons. Local governments have important responsibilities in meeting the needs of older persons regionally and locally.

The services provided by local governments to older persons vary, including medicine, clothing, food, fuel assistance, or free or discounted use of public buses. In addition, it is seen that

in some developed municipalities, multifaceted services are provided such as health services, soup kitchen services, financial aid, providing health services by picking up the patient from home by ambulance, house cleaning, day life center, nursing home and rehabilitation service, social activities such as cinema and theater, and some travel programs. Within the scope of home care services, services such as nursing care, physical therapy, cleaning, personal care, and home renovation are also noteworthy as social services provided to older persons by local governments. At this point, it is important for local governments to have qualified personnel to carry out services for older persons and to allocate resources to these services within the scope of social municipality. In addition, local governments can run programs that can benefit from the potential of older persons by encouraging their participation in volunteer activities, while also supporting volunteer work in services for older persons in the community (Özmete, 2020).



**HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE AND THE
RIGHTS OF OLDER PERSONS**

IV.
Chapter

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE AND RIGHTS OF OLDER PERSONS

Human rights protection mechanisms, which became widespread after the Second World War, diversified in the last quarter of the twentieth century; in the same period, the idea of a national human rights institution (NHRI) began to spread. For this purpose, the “Principles Relating to the Status of National Organizations Established for the Promotion and Protection of Human Rights”, commonly known as the “Paris Principles” were adopted by the UN General Assembly in 1993. The tendency to establish NHRIs has also affected our country, and the institutionalization process in the context of protecting and developing human rights has begun with the establishment of a commission within the Turkish Grand National Assembly. As a result of efforts to establish an institution in accordance with the Paris Principles, the Human Rights Institution of Türkiye (HRIT) was established in 2012, and in 2016, the Institution was restructured as HREIT by expanding its duties and authorities.

Our institution was established by the Law No. 6701 on Human Rights and Equality Institution of Türkiye dated 06.04.2016, published in the Official Gazette No. 29690 dated 20.04.2016. HREIT is an institution with public legal personality, administrative and financial autonomy, a special budget and a relationship with the Ministry of Justice. The decision-making body of the institution is the Turkish Human Rights and Equality Board.

Our institution has the duties of protecting and developing human rights, combating discrimination and ensuring equality through the national prevention mechanism within the scope of Law No. 6701. In this section of the report, information on the activities carried out by HREIT in the mentioned areas will be provided.

In this context, HREIT carries out some studies on the rights of older persons in relation to its areas of duty. In addition, our Institution has participated in a number of international meetings and contributed to studies carried out at the international level.

Protection and Promotion of Human Rights

As the NHRI, HREIT carries out a wide range of activities and responsibilities within the framework of its mission to protect and promote human rights. Within the scope of Law No. 6701, awareness-raising activities are carried out mainly for the purpose of protecting and developing human rights. In addition, by preparing both annual and thematic reports, it is aimed to increase awareness in society regarding human rights, to identify the problems encountered in human rights and to contribute by offering solutions to the relevant problems.

In the context of protecting and developing human rights, HREIT carries out various studies on the rights of older persons mentioned in vulnerable groups. It is important to examine the awareness-raising studies and reporting activities carried out in this area.

Awareness Raising Activities

On 2 December 2019, our Institution organized the Workshop on the Rights of Older Persons, where some discussions on the rights of older persons were held in the sessions titled *"Rights of Older Persons as a Neglected Field"* and *"Discrimination against Older Persons as a Form of Discrimination"* (HREIT, 2020a). A final declaration was published after the Workshop (HREIT, 2019). In this context, in line with the findings of the Workshop, it was emphasized that the problems experienced in the field of the rights of older persons are essentially the common problem of all individuals in society and that nuclear families, which have increased in number with urbanization, are not compatible with our core values (HREIT, 2019, p. 4). The necessity of collecting statistical data in order to make violence and abuse against older persons visible was put forward, and the need for certain regulations to ensure the participation of older persons in social life and their employment was expressed. Another output of the Workshop was that continuing education programs and experience exchange centers should be established to ensure the participation of older persons in social life (HREIT, 2019, pp. 9-10).

The lack of institutionalization on the rights of older persons is one of the issues addressed at the Workshop. In addition, in respect of improving the current situation in terms of national and international legislation on the rights of older persons, the need for a legal regulation on the rights of older persons was expressed, and the importance of establishing an international convention on the rights of the older persons was emphasized (HREIT, 2019, pp. 11-12). In terms of combating the negative perception of older persons, it was stated that some discourses that cause negative perception should be avoided.

On the occasion of the Older Persons Week on March 18-24, 2021, a “Rights of Older Persons Forum” was held in Ankara on 22 March 2021 in order to emphasize the rights of older persons, to make the problems experienced by older persons during the COVID-19 pandemic visible to the public, to combat the difficulties encountered, to ensure the full realization of the rights of older persons, and to contribute to the policy-making process (HREIT, 2021d). Presentations on “*Rights of Older Persons in Law and Practice*” and “*Rights of Older Persons in the COVID-19 Pandemic Period*” were made at the Forum.

A declaration on the outcomes of the Rights of Older Persons Forum was published (HREIT, 2021a). According to some of the findings of the Forum, taking into account that the country's population is aging, the importance of determining strategies and targets in this direction was emphasized, and the negative consequences of older individuals living away from their homes and families were pointed out. In addition, another finding was that staying in nursing homes has become a necessity rather than a choice for many older individuals (HREIT, 2021a).

At the Rights of Older Persons Forum, the results of a public opinion poll conducted between March 01-14, 2021 were also shared (HREIT, 2021b). Conducted with 5600 people over 60 years of age, the public opinion poll on “*The Perception of Old Age and Perspective of the Older Persons Over 60 on Their Problems*” reached some important results in terms of revealing some of the problems faced by the older persons and raising public awareness on these problems (HREIT, 2021c).

According to the results of the public opinion poll, the problems of older persons are multifaceted, and in this context, there is a need for an Older Persons’ Rights and Older Persons’ Problems Resolution Board or a similar structure. Another conclusion is that retirement pensions or old-age pensions should be increased to a level suitable for living a dignified life.

One of the conclusions reached in the context of public opinion poll is that structures such as Institutes for the Rights of Older Persons and Solutions to the Problems of Older Persons in Universities should be put into practice, and solutions suitable for the conditions of our country should be put forward by analyzing the examples of good practices in the world. It was emphasized that studies on making common areas of use in cities suitable for the use of older individuals should be mainstreamed.

Another event to raise awareness on the rights of older persons was the “*Consultation Meeting on the Rights of Older Persons*” held on 22 June 2021. At the consultation meeting, which was attended by representatives of public institutions and organizations, non-governmental organizations and academicians; some of the problems faced by older individuals in daily life were addressed, and the place and importance of older individuals in our civilization was emphasized. In addition, examples of good practices regarding the rights of older persons in other countries were mentioned, and some suggestions for solutions to the problems encountered in our country were expressed (HREIT, 2021f).

On June 15th World Elder Abuse Awareness Day, an interview was conducted by our Institution. The video recording of the interview was published on HREIT's official website and its YouTube account (HREIT, 2021e).

On October 06, 2021, on the occasion of 01 October International Day of Older Persons, a conference on *"Global Crises: Pandemic, Older Persons and Solidarity"* was held at Ankara University. Chairman of HREIT Prof. Dr. Muharrem Kılıç participated in the conference and made a presentation (Ankara University, 2021).

Rights of Older Persons in the Annual Reports on the Promotion and Protection of Human Rights

Pursuant to subparagraph "k" of the first paragraph of Article 9 of Law No. 6701 titled "Duties of the Institution", HREIT has the duty to *"prepare annual reports related to the protection and promotion of human rights, fight against torture and ill-treatment and fight against discrimination which will be submitted to the President of the Republic of Türkiye and Bureau of the Grand National Assembly of Türkiye"*. Furthermore, Article 3 of the Paris Principles stipulates that *"It shall, submit to the Government, Parliament and any other competent body, either at the request of the authorities concerned or through the exercise of its power, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights;"* Pursuant to the aforementioned provisions, annual reporting activities are carried out by HREIT.

In the annual reports on the protection and promotion of human rights, a number of assessments are made on the rights of older persons and solutions are proposed for the problems identified. In the aforementioned annual reports, *"rights of older persons"* is addressed as an independent chapter. In the 2018, 2019 and 2020 Reports on the Protection and Promotion of Human Rights, the issues on the rights of older persons for which recommendations have been made are varied.

In the 2018 Report on the Protection and Promotion of Human Rights, it was stated that the primary objective should be to ensure that older persons do not move away from the family environment. It was also recommended to increase the number of older persons' day and nursing homes in some regions. Among these recommendations is the need for legal arrangements and secondary legislation on the protection and promotion of the rights of older persons (HREIT, 2019, p. 64).

Within the 2019 Report on the Protection and Promotion of Human Rights, a proposal was made to separate the Directorate General of Services for Persons with Disabilities and the Elderly into services for the persons with disabilities and services for the elderly. In addition, within the scope of combating prejudices against older persons, the importance of

carrying out awareness-raising activities to prevent discrimination was emphasized. It was underlined that the negative perception of older persons in the media should be changed and necessary measures should be taken regarding the printed and visual media. The need for a legal regulation on the rights and responsibilities of older persons was also confirmed in the 2019 Report. Furthermore, the need for an international convention on the rights of the older persons is among the recommendations (HREIT, 2020b, pp. 50-51).

In the 2020 Report on the Protection and Promotion of Human Rights, the need for a Law on the Rights of Older Persons was expressed and it was determined that awareness-raising activities should be carried out to combat discrimination faced by older persons. It was also recommended that necessary measures should be taken in terms of the language and discourse used about older persons in printed and visual media, and that media employees should be competent in this regard (HREIT, 2022, p. 58).

Within the scope of paragraph 1 of Article 14 of Law No. 6701 titled “Presidency” and within the framework of the Presidential Consent dated 12.11.2020, HREIT established the Rights of Older Persons Working Group within the context of the objectives of identifying the problems in the field of rights of older persons and putting forward possible solutions and realizing a strategy for the rights of older persons in line with our core values. The aim of the Working Group is to implement the recommendations in the Final Declaration of the Workshop on the Rights of Older Persons organized by HREIT on 02 December 2019. The Working Group held 8 meetings in 2021.

Attended Meetings and Submitted Contributions

HREIT participates in national and international meetings on the rights of older persons, thus enabling the exchange of ideas on the protection and promotion of the rights of older persons. In addition, our Institution also contributes to the documents prepared by international institutions and organizations as well as at national level.

As an NHRI, HREIT contributed to the UN’s *“Report on the Protection and Promotion of the Human Rights of Older Persons in the Context of International Law”*, which was published on the official website of the UN High Commissioner for Human Rights on January 17, 2022 (HREIT, 2022).

An online meeting was organized by the The Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing and the Human Rights of Older Persons, the UN High Commissioner for Human Rights and the UN Special Procedures on Human Rights, with the participation of NHRI representatives from many countries. On February 17, 2022,

our Institution participated in the meeting.⁹ Another international meeting attended is the Age with Rights Global Meeting. In this context, our Institution participated online in the meeting organized by the Global Alliance for the Rights of Older People (GAROP) and Soroptimist International on 03 March 2022.¹⁰

MFSS Directorate General of Services for Persons with Disabilities and the Elderly, Department of Elderly Welfare requested contribution from our Institution regarding the “*Voluntary National Survey*” for the years 2018-2022 regarding the follow-up of the Regional Implementation Strategy of the Madrid International Action Plan on Ageing. In this context, the contribution prepared by our Institution on the subject was forwarded to MFSS. In addition, within the scope of the official letter sent to our Institution by the Department of Elderly Welfare of the MFSS Directorate General of Services for Persons with Disabilities and the Elderly, the contribution prepared by our Institution in terms of questions posed in the form of normative content for the development of a possible international standard in the fields of “*Contribution of Older Persons to Sustainable Development*”, “*Economic Security*”, “*Right to Work and Access to the Labor Market*” and “*Access to Justice*” was submitted to the MFSS.

National Preventive Mechanism

Türkiye signed the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on September 14, 2005. According to Article 1 of the OPCAT, which was ratified and entered into force in 2011 and became binding for Türkiye, the objective of the Protocol is: “*to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.*”

According to Article 9/1-ı of Law No. 6701, acting as a national preventive mechanism (NPM) in the context of OPCAT provisions is among the duties of our Institution. Pursuant to Article 2/1-k of the Law, NPM is “*the system put in place to carry out regular visits to places where persons are deprived of their liberty within the framework of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*”

Article 9/1-j of Law no. 6701 stipulates that HREIT has the duty to undertake regular visits, with or without prior notice, to places where those deprived of their liberties or those under protection are held. In this context, our Institution also makes regular visits to nursing homes,

⁹ See Concept Note and Agenda for the Consultation Meeting: GAHNRI, Concept Note and Agenda: Global Consultation: Towards new Convention on the Rights of Older Persons - NHRIs' Engagement Opportunities and Why It Matters, https://ganhri.org/wp-content/uploads/2022/02/CN-and-agenda_Consultation-UN-OEWGA-and-NHRIs.pdf, (Access Date: 24.06.2022).

¹⁰ See for detailed introduction: AGE Platform Europe, “Global Rally: for the first time ever, older people around the world gather for their rights”, <https://www.age-platform.eu/policy-work/news/global-rally-first-time-ever-older-people-around-world-gather-their-rights>, (E.T: 27.06.2022).

elderly care and rehabilitation centers, with or without notice. In addition to nursing homes, elderly care and rehabilitation centers, a meticulous monitoring activity is carried out in other detention centers (penal institutions, custody centers, removal centers, etc.) in order to prevent torture and ill-treatment of older persons.

From 2017 until the publication of this Report, 10 nursing homes, elderly care and rehabilitation centers were visited by HREIT. The reports prepared following the visits include a number of recommendations for the relevant detention center and/or ministries or other public institutions and organizations. In this respect, it was recommended that improvements should be made in terms of physical conditions, training programs should be intensified in order to increase the quality of service personnel, necessary measures should be implemented in order to prevent any problems regarding health services, a quantitative increase in social and cultural activities should be ensured, improvements should be made in terms of telephone call facilities, and family meetings should be supported.

Fighting Against Discrimination

Pursuant to the second paragraph of Article 3 of Law No. 6701, *"it is prohibited under this Law to discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age."* This provision lists "age" as one of the grounds for discrimination. Therefore, persons who claim to have been discriminated against on the basis of "age" may apply to the HREIT.

Pursuant to the relevant provision of the Law, it is stated that public institutions and agencies, professional bodies with public institution status, natural persons and legal persons established under private law providing services of education and training, judiciary, law enforcement, health, transportation, communication, social security, social services, social assistance, sports, accommodation, culture, tourism and similar services shall not discriminate, in respect of their activities, against persons who use or have applied to use or wishing to be informed of such services.

In line with the abovementioned explanations, if a violation of the prohibition of discrimination is detected, it is authorized to impose an administrative fine from 2,673.61 Turkish Liras to 40,179 Turkish Liras within the framework of the revaluation rate of 2022.



CONCLUSION



V.
Chapter

CONCLUSION

In the light of the data revealed within the scope of the Report on the Rights of Older Persons in Türkiye, a sample document on the rights of older persons was prepared. The “Model Document on the Rights of Older Persons” was developed by taking into account international human rights instruments such as the Universal Declaration of Human Rights; the European Convention on Human Rights; the Convention on the Rights of Persons with Disabilities; the International Covenant on Economic, Social and Cultural Rights; the European Social Charter; and the outputs of the UN Principles on Older Persons; the concluding declarations of the UN Open-ended Working Group on Ageing meetings; the Tenth and Eleventh Development Plans in Türkiye; the First Council on Ageing organized under the auspices of the Presidency of the Republic of Türkiye. The Model Document on the Rights of Older Persons is designed to set out the main framework of the field of the rights of older persons.

The key elements of the “Model Document on the Rights of Older Persons” are (1) Self-Determination, (2) Right to Life, Personal Liberty and Security, (3) Right to Access to Health, Care and Social Services, (4) Right to Access to Social and Cultural Opportunities, (5) Right to Access to Economic Conditions Decent to Human Dignity, (6) Right to Work, (7) Right to Equality and Access to Social Justice, (8) Right to be Free from Ill-treatment, including Violence, Exploitation, Neglect and Abuse, (9) Right to an Age-Friendly Physical Environment, (10) Right to Dignity in All Areas of Life. The scope of the key elements includes the recognition of rights guaranteed by international and national legal arrangements, and recommendations for expanding the frameworks of these rights to respond to all the needs of older persons and to ensure that the human rights of older persons are given special emphasis.

1. Self-Determination

The right of older persons to self-determination must be recognized in all areas of life. In this respect;

- ✎ The individual qualities, opinions, beliefs, values, private lives and decisions of the older person should be respected by all segments of society, including the family, the

caregivers of the older person, and the persons and institutions from which the older person receives services.

- ✎ Older persons should be able to have a say in all private, social and public situations affecting their lives and participate in decisions.
- ✎ The older persons should not be forced to make an important decision and/or engage in any behavior related to their lives.

2. Right to Life, Personal Liberty and Security

The rights of older persons to life, liberty and security must be recognized, including in times of emergency. To this end;

- ✎ The protection of the rights to life, liberty and security of older persons should be guaranteed, including in all emergencies caused by natural and human causes, such as earthquakes, fires, excessive precipitation, epidemics, war, terrorist attacks, transportation accidents.
- ✎ Protective-preventive procedures should be prepared and implemented by experts to protect the rights to life, liberty and security of older persons in states of emergency.

3. Right to Access to Health, Care and Social Services

Older persons should have access to the full range of health, care and social services to protect their physical, mental and mental integrity and to ensure a sustainable state of well-being. In this regard;

- ✎ Older persons should be informed about available health, care and social services.
- ✎ In the provision of health, care and social services, equal importance should be given to physical, mental and emotional health.
- ✎ The access of older persons to medicines, medical devices, palliative care and long-term care necessary for their treatment and a healthier life should be ensured.
- ✎ Within the framework of health, care and social services provided to older persons, the informed consent of the individual should be prioritized.
- ✎ In the delivery of health, care and social services, emphasis should be placed on protecting the privacy and bodily integrity of older persons.

- ✎ New technologies that can facilitate the lives of older persons should be adopted in the delivery of health, care and social services.
- ✎ Health, care and social services should be in line with the world views, ideas, beliefs and values of older persons.
- ✎ All those who are informally or formally responsible for care of older persons should be informed about their needs.
- ✎ Training in care of older persons should be required for the appointment of professionals responsible for the care of older persons.
- ✎ Mechanisms should be established in public health centers and hospitals where older persons can be examined and treated quickly.
- ✎ All older persons in need of care, with or without financial means, should benefit from permanent or partial institutional care.
- ✎ The older person and their family should be financially supported by establishing models that include the older in need of care, the dependents of the older person and/or their family members who provide care to the older person.
- ✎ Care models that reduce the care burden of families and/or other caregivers should be adopted in practice.
- ✎ Active ageing should be supported and care models designed in conformity with active ageing should be implemented.
- ✎ The right to access health, care and social services should be secured through social protection methods such as social security.

4. Right to Access to Social and Cultural Opportunities

Older persons should be guaranteed to benefit from their social and cultural rights. In this respect;

- ✎ Older persons should be able to engage in social interactions and be alone to the extent they wish, and involuntary interactions and social isolation should be prevented.
- ✎ Older persons should be able to benefit from educational opportunities whenever they wish.

- ✎ Older persons should have access to the necessary materials (including work spaces, books, technological tools and electronic resources) to benefit from lifelong learning opportunities.
- ✎ Efforts should be made to facilitate the access of older persons to the digital world.
- ✎ Older persons should be able to participate in cultural and artistic activities such as theater, exhibitions, cinema, workshops in line with their interests and skills, and should be supported in organizing these activities if they wish.
- ✎ Older persons should be able to visit archaeological sites and museums when they wish.
- ✎ Educational institutions, environments where cultural and artistic activities such as theater, exhibition, cinema are carried out, archaeological sites and museums should have physical and technological standards to meet the needs of older persons.
- ✎ All kinds of activities in which older persons can transfer their knowledge and experience and the works they have produced throughout their lives to the society should be supported.
- ✎ Older persons should have access to and be able to organize recreational and leisure activities.
- ✎ Solidarity between older persons and other generations should be encouraged, and activities in this regard should be promoted and supported.
- ✎ Efforts should be made to strengthen the ties between older persons and their families.
- ✎ Older persons should be able to benefit from opportunities that can contribute to their spiritual development in line with their worldviews, beliefs and values.

5. Right to Access to Economic Conditions Decent to Human Dignity

Older persons should have the economic conditions to meet their basic living needs (shelter, clean water, healthy food, clothing, etc.) and all their physical, cognitive, affective, sociocultural and spiritual needs. In this context;

- ✎ Older persons who do not have the economic means to meet their basic life needs and their physical, cognitive, affective, sociocultural and spiritual needs, but who do not want to stay in the working life and/or who cannot continue their working life due to special circumstances such as health status and care burden, should be supported economically.

- ✎ Protection of older persons from economic exploitation should be guaranteed by law.
- ✎ Considering the decreasing income in old age, practices that provide special protection and assurance to older persons (tax reduction practices, etc.) should be implemented.

6. Right to Work

The right of older persons to work must be realized. In this respect;

- ✎ Older persons should be able to freely decide whether to stay in or leave the working life or change jobs.
- ✎ The environments in which older persons work should be safe for their health and well-being.
- ✎ Working hours, leave and leisure time in workplaces should be structured according to the needs of older persons.
- ✎ The wages paid to the working older person should be sufficient to provide a sustainable and decent standard of living for the older person and his/her caregivers and/or dependent family.
- ✎ Older persons should be supported in their business ventures.
- ✎ It should be ensured that older persons can receive counseling on career and job opportunities whenever they wish.
- ✎ Older persons should be provided with opportunities for vocational training and career development.
- ✎ New employment opportunities for older persons should be encouraged.
- ✎ Discrimination against older persons on the grounds of age or any other characteristic should be prohibited in recruitment processes, including job advertisements, during employment and in dismissal processes.
- ✎ It should be ensured that older persons can enjoy their trade union rights and freedoms.
- ✎ The unregistered employment of older persons at low wages and in conditions inappropriate to their needs should be prevented.

7. Right to Equality and Access to Social Justice

Older persons should have access to equality and social justice in all areas of life. It should be ensured that older persons are not discriminated against in any area of life on the grounds of age and/or other characteristics (including race, language, religion, sex). In this respect;

- ✎ Policy regulations that define discrimination against older persons, including multiple, direct and indirect discrimination, prevent discrimination against older persons and protect older persons from all forms of discrimination need to be put in place.
- ✎ Equality between women and men should be ensured for older persons in access to rights in all areas of life.
- ✎ Discrimination against older persons in public or private institutions where they receive services (including public or private institutions providing health, care and other social services) or where they work should be prevented and their rights should be protected in all areas of life. For this purpose;
- ✎ Activities should be carried out to raise awareness of the human rights of older persons in every segment of society, especially among the staff of institutions and organizations where older persons receive and/or provide services.
- ✎ Activities carried out jointly by governmental units and non-governmental organizations providing services to older persons and/or their rights should be encouraged.
- ✎ Barriers to access of older persons to the justice system should be identified and eliminated.
- ✎ Older persons should be informed about their capacity to exercise their rights.

8. Right to be Free from Ill-treatment, including Violence, Exploitation, Neglect and Abuse,

The right of older persons to be free from ill-treatment, including violence, exploitation, neglect and abuse, should be recognized and actions that harm older persons should not be condoned under any circumstances. In this regard;

- ✎ Laws and regulations should cover the obligations that arise when acts that harm or risk harming older persons, including violence, exploitation, neglect and abuse, which

constitute a criminal offense in domestic legislation, are committed against older persons, and relevant arrangements should be made in national legislation in this regard.

- ✎ The definitions in national legislation of acts that constitute crimes against older persons due to ill-treatment such as violence, exploitation, neglect and abuse should be expanded to cover the physical, emotional/psychological, sexual and economic aspects of these acts.
- ✎ Informative activities should be carried out on the indicators of violence, exploitation, neglect and/or abuse of older persons.
- ✎ Older persons should be informed about the mechanisms they can apply to when they face challenging situations such as violence, exploitation, neglect and/or abuse.
- ✎ Safe and professional environments should be provided where older persons can share their experiences of violence, exploitation, neglect and/or abuse without the need for multiple disclosures.
- ✎ Appropriate protection and monitoring mechanisms should be developed for older persons at risk of not reporting violence, exploitation, neglect and/or abuse.
- ✎ Specific assistance mechanisms for the empowerment of older persons experiencing ill-treatment, including violence, exploitation, neglect and abuse, should be developed and implemented.

9. Right to an Age-Friendly Physical Environment

Older persons should have access to a safe physical environment that is appropriate to their needs in all respects. To this end;

- ✎ Physical environments should have qualities (fresh air, daylight, natural space, etc.) that support the health and physical mobility of older persons.
- ✎ Public spaces and facilities should be adapted to the needs of older persons.
- ✎ Transportation vehicles should have qualities that facilitate the free travel of older persons.
- ✎ The right of access of older persons with disabilities should be taken into consideration in every arrangement to be made.

10. Right to Dignity in All Areas of Life

The dignity of older persons should be recognized, protected and enhanced in all areas of life. In this respect;

- ✎ Educational and instructive activities about older persons, old age and aging should be carried out. These activities should be accessible to every segment of society.
- ✎ Media outlets should encourage publications that raise awareness about older persons, old age and aging.
- ✎ Activities should be carried out to raise awareness about the contributions of older people to our society.

Rights of older persons is a subject that concerns 2.1 billion people in the world by 2050 and 8 million 245 thousand 124 individuals in Türkiye. Although old age is a period of wisdom in which the individual rediscovers themselves, it is also a period of life in which social and psychological vulnerability increases due to the decrease in social roles, children leaving home, loss of spouse; economic vulnerability due to the decrease in income with retirement or withdrawal from working life; and physical vulnerability due to deteriorating health and common diseases in old age. Situations such as discriminatory attitudes towards older persons in society, neglect and abuse, and self-neglect of older persons also necessitate a multidimensional evaluation of the period of old age and the problems that older persons are likely to experience in the context of human rights.

In Türkiye, older persons are the most valuable members of our culture, both in the family and in society. Structural and social change factors such as rural-urban migration, transition from extended family structure to nuclear family, and geographical remoteness isolate older persons and deprive them of social support and solidarity relations. At this point, the need for social protection within the scope of social welfare services increases in order to meet the needs of older persons and to provide them with access to rights-based services worthy of human dignity. Due to the rapid increase in the proportion of the older population in the general population in Türkiye, the “Decision on the Establishment of a Parliamentary Research Commission to Investigate the Problems Experienced by Older Persons in Various Areas of Life and to Determine the Measures to be Taken” was published in the Official Gazette dated 26.04.2022 and numbered 31825. In the period of old age, it is important to find answers to the questions of who, where and how the needs and care of older persons will be met. In this period, it is also important to plan how and by whom the costs of the rights of older persons, such as health and care, social services and social security, will be met, and by what methods, in order to prevent violations of rights. Individuals, families, institutions and society need to take responsibility for protecting and promoting the rights of older persons in areas

such as age-friendly environments, combating age discrimination, integrated care, long-term care, leadership and capacity building, participation, collaboration with stakeholders and the development of research, data and innovation on older persons and ageing.

In the light of international documents such as the Madrid International Plan of Action on Ageing, the UN Decade of Healthy Ageing - 2020 - 2030 longevity and adding life to years, Sustainable Development Goals and other human rights declarations, and national documents such as the National Action Plans on Aging, Development Plans and the Final Declaration of the First Council on Ageing, it is considered one of the most important issues of our age to set out the rights of older persons in a comprehensive manner for an inclusive ageing period in which they are healthy, in the community, where their security and other needs are met, respected, free from inequalities and discrimination.



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VI.
Chapter

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HUMAN RIGHTS AND EQUALITY
INSTITUTION OF TÜRKİYE

Human Rights and Equality Institution of Türkiye
Yüksel Cad. No: 23 | 06650 | Kızılay/ANKARA
Tel.: +90 312 422 78 00

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