

Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Focus area 2: Economic security

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

As per the Article 2 of the Constitution, the Republic of Türkiye is a social State governed by rule of law and respects human rights. In the Article 5 of the Constitution, the fundamental goals and duties of the State are *“to protect the independence and integrity of the Turkish nation, the indivisibility of the country, the Republic and democracy, to ensure the welfare, peace and happiness of individual and society; to strive for the removal of political, economic and social obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social State governed by rule of law; and to provide the conditions required for the development of the individual’s material and spiritual existence”*. Again, in accordance with Article 56 of the Constitution, *“Everyone has the right to live in a healthy and balanced environment”*, and pursuant to Article 61, it is stated that *the aged shall be protected by the State. State assistance to, and other rights and benefits of the aged shall be regulated by law*.

Policy frameworks that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living include five-year Development Plans (latest Eleventh Development Plan 2019-2023), New Economic Program 2021-2023, Presidential Annual Programs, Government 180 Days Action Plans and Vision Document on Ageing 2030.

2. How is poverty defined in the national policy framework?

Since poverty is a multidimensional concept, it has more than one definition. In general, poverty is defined as the inability to reach the minimum (generally accepted in the society) standard of living or the inability to meet the basic needs. However, definitions are made on the concept of "absolute poverty, relative poverty, objective poverty, subjective poverty, human poverty and participatory poverty".

On the other hand, the Turkish Statistical Institute conducts “Income and Living Conditions Survey” every year and measures of relative poverty, permanent deprivation and material deprivation are included in this study.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

4. What data, statistics and research are available regarding older persons living in poverty?

Among the SDG indicators published under the Sustainable Development Goals “Goal 1: No Poverty”, the indicators for the 65+ age group contribute to monitoring the situation regarding the older persons living in poverty.

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In addition, the data is kept on persons who benefit from old-age pension and care allowance within the scope of Law No. 2022 and on persons who receive in-kind/in-cash benefits and other social aids within the scope of Law No. 3294 including age, gender, type and amount of monthly aid, monthly income per capita in the household, social security information of himself/herself and the spouse, the date of granting the aid, the date of termination of the aid, and the payment date of the aid.

Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The Ministry of Family and Social Services provides “old-age pension” which is the monthly payment made to citizens aged 65 and over who do not have social security and whose monthly income per capita is less than 1/3 of the net minimum wage, taking into account the person and his spouse. Older persons who receive pensions and their dependents are covered by General Health Insurance. Electricity Consumption Support is also provided to people who receive old-age pension.

As per the “Social Services Law No. 2828”, the Ministry of Family and Social Services pays “home care allowance” to a family member who provides care to a person with disability and an older person in need of care and in economic and social deprivation on a monthly basis.

The contribution fees for hospital services, medicine, prescription, optical and individual payments, etc. paid within the scope of healthcare services by the older persons who benefit old-age pension are evaluated by the Social Assistance and Solidarity Foundations and can be paid back to them upon request.

Within the scope of the "Pandemic Social Support Program Phase I" implemented to alleviate the negative socio-economic impact of COVID-19 on citizens, a social cash assistance payment of 1.000 Turkish Liras was made by the Ministry of Family and Social Services to households with older persons benefiting from the old-age pension within the scope of Law No. 2022.

Hot meal service is provided by the Social Assistance and Solidarity Foundations established in each province and district to older persons, persons with disabilities, the sick and those who are not able to cook at home within the scope of Law No. 3294.

Within the scope of the “Vefa Project”, which is a social service project, home cleaning, personal care, basic and essential needs of older persons are met.

6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

The five-year development plans in Türkiye are the fundamental policy documents that include holistic policies in the economic, social, cultural and health fields. Development Plans outline the macro policy goals and the institutions and organizations in charge transform these goals into specific implementations in line with these goals. The Tenth Five-Year Development Plan 2014-2018 brought a new adjustment by establishing a “**Special Expertise Committee on**

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Ageing". Committee reports are an effective policy tool for expanding fiscal space and maximizing available resources to ensure economic security and the right to an adequate standard of living for older persons.

7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

With the legal regulation made in April 2016, the income criteria for the old-age pension has been changed and thus more older persons have been able to benefit from it.

With the legal regulation made in 2018, the amount of old-age pension has been increased approximately twice.

The "Vefa Project" is an exemplary practice in terms of ensuring economic security and the right to an adequate standard of living for older persons. Project officers visit the households on a weekly basis and meet the cleaning, food and personal care needs of the beneficiaries. In case issues such as health problems, they make necessary referrals to other institutions.

Equality and non-discrimination

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

The principle of equality before the law and non-discrimination is regulated in Article 10 of the Constitution of the Republic of Türkiye. Pursuant to Article 10 of the Constitution, "Everyone is equal before the law without any discrimination based on language, race, colour, gender, political opinion, philosophical belief, religion, sect or any such grounds." As per an amendment made in the Constitution in 2010, the measures to be taken for children, older persons, persons with disabilities, the widows and orphans of martyrs of war and duty, and veterans to ensure the equality exist in practice shall not be considered as violation of the principle of equality.

The Human Rights and Equality Institution of Türkiye (the HREIT) was established to protect and promote human rights on the basis of human dignity, ensure the right of individuals to be treated equally, prevent discrimination in the enjoyment of legally recognized rights and freedoms and operate in line with these principles, fight against torture and ill-treatment effectively and act as a national prevention mechanism.¹ The HREIT organizes awareness-raising events for older persons and their rights, such as the Elderly Rights Workshop² and the Elderly Rights Forum³, in order to fully protect and promote the human rights of older persons, to prevent them from being discriminated against, to be treated equally and not to be ill-treated as well as examines, investigates and decides on violations of the prohibition of discrimination grounded on age. In addition, ill-treatment against older persons is prevented by organizing informed or unannounced visits to the places where persons deprived of their liberty, including the older persons are held, and by preparing reports containing relevant recommendations.

¹ For the Law on the HREIT, see: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6701.pdf>

² For Elderly Rights Workshop, see: <https://www.theHREIT.gov.tr/theHREIT-yasli-haklari-konferansi-duzenledi/>

³ For Elderly Rights Workshop Book and Final Declaration, see: <https://www.theHREIT.gov.tr/yasli-haklari-calistayi-kitabi-ve-sonuc-bildirgesi-yayinlandi/>

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Remedies and redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

In Türkiye, when the rights of older persons to participate and contribute to sustainable development are denied, they can resort to the jurisdiction and apply to various authorities to address or correct the concerned rights violations.

In line with the provisions of Article 74 of the Constitution on the right to petition, citizens hold the right to submit their complaints through official petitions to parliamentary or to competent authorities.

In accordance with Article 74 of the Constitution, citizens can apply to government auditor for their complaints about the functioning of public administrations. Within this context, **Public Investigation Institution (Ombudsman Institution)** was established in 2012. The Institution is responsible for investigating, researching and making recommendations about the conformity of all kinds of actions, acts, attitudes and behaviours of the administration with law and fairness within the understanding of justice based on human rights.

When the rights of older persons to participate and contribute to sustainable development are denied, they have the right to file a complaint with the HREIT, Türkiye's national human rights and equality institution, alleging a violation of the prohibition of discrimination on the basis of age, before resorting to the jurisdiction. The HREIT has the authority to examine, investigate, conclude and follow the consequences of non-discrimination violations based on sex, race, color, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability and age upon application or ex officio. In addition, the HREIT has the duty and authority ex officio to examine, investigate and decide on the allegations of human rights violations and violations of the prohibition of ill-treatment within the scope of the National Preventive Mechanism, and follow their consequences.⁴

⁴ For the Law on the HREIT, see: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6701.pdf>