

## 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 1: Contribution of older persons to sustainable development

#### National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:

- a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;

Although there is no special law for the protection of the human rights of older persons in Türkiye; relevant human rights of older persons to participate and contribute to sustainable development, including freedom of opinion and expression, freedom of communication, rights and freedom of assembly and similar fundamental rights and freedoms, are guaranteed by the Constitution of the Republic of Türkiye.

- b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;

It is significant to protect and enhance civic space and collaboration with civil society that represents the voices of older persons in sustainable development. The number of civil society organizations that represents the voices of older persons in Türkiye has increased in recent years. This contributes to the interest and awareness of the society on aging. On the other hand, the effectiveness of these organizations is limited. Strengthening the participation of older persons in such civil activities and increasing their participation in decision-making mechanisms are the important agenda items for Türkiye. For this purpose, Turkish government provides grants to support the work of the civil society and financial support for individual projects made by them.

- c) good practices to ensure older persons' participation in, and contribution to sustainable development.

It is stated in the Article 536 of title 2.3. *Qualified People, Strong Society* of the Eleventh Development Plan (2019-2023), which is one of the basic policy documents prepared every five years and includes holistic policies in the economic, social, cultural and health fields in Türkiye, “Sustainable development and inclusive growth are possible through a coordinated implementation and carrying out collectively of efficient economic policies targeting a stable economy and social policies targeting a peaceful society. The development perspective for Plan period has been prepared through an inclusive

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*approach covering all sections of the society including children, youth, women, disabled individuals and elderly who require special policies.”<sup>1</sup>*

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?
3. What data, statistics and research are available regarding older persons’ contribution to sustainable development?

In the Sustainable Development Goals, data and statistics produced by age groups (including 65+ years) help to monitor the progress of older persons in sustainable development. In this context, various data and statistics are produced by the Turkish Statistical Institute for SDGs 1, 3, 5, 8, 9, 10 and 16 by gender and age group including persons aged 65 and over.

### Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons’ contribution to sustainable development?

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.<sup>2</sup> The HREIT organizes awareness-raising events for older persons and their rights, such as the Elderly Rights Workshop<sup>3</sup> and the Elderly Rights Forum<sup>4</sup>, 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

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<sup>1</sup> The Eleventh Development Plan (2019-2023) [https://www.sbb.gov.tr/wp-content/uploads/2021/12/Eleventh\\_Development\\_Plan\\_2019-2023.pdf](https://www.sbb.gov.tr/wp-content/uploads/2021/12/Eleventh_Development_Plan_2019-2023.pdf)

<sup>2</sup> For the Law on the HREIT, see: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6701.pdf>

<sup>3</sup> For Elderly Rights Workshop, see: <https://www.the HREIT.gov.tr/the HREIT-yasli-haklari-konferansi-duzenledi/>

<sup>4</sup> For Elderly Rights Workshop Book and Final Declaration, see: <https://www.the HREIT.gov.tr/yasli-haklari-calistayi-kitabi-ve-sonuc-bildirgesi-yayinlandi/>

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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.

In addition, the General Directorate of Persons with Disabilities and the Elderly under the Ministry of Family and Social Services, which is the main public body responsible for the development and coordination of policies and strategies on aging at the national level and the provision of social services for older persons, also conducts various awareness raising and training activities to eliminate ageism, ageist stereotypes and prejudices.

### Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

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 HRIT 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.<sup>5</sup>

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