

TURKEY'S INPUT ON THE TWO CLUSTER ISSUES TO BE DISCUSSED AT THE VIII SESSION OF THE OEWG ON AGEING

PART I Guiding Questions: Equality and non-discrimination

1) Does your county's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

Article 10 of the Constitution of the Republic of Turkey states that the measures to be taken for older persons cannot be considered as contrary to the principle of equality. In addition, Article 61 of the Constitution states that the older persons will be protected by the State, they will be supported and their other rights will be regulated by law. Besides, relevant legislation such as Law no 2828 and Decree Law no 633 contain main arrangements on the protection of older persons and their access to services. There has not been a change in basic legislation of Turkey between 2012 and 2015 regarding the provision of elderly care services.

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

Employment

Access to goods and services

Social protection

Health care

Social care

Justice, inheritance

Decision making and autonomy, living environment

Other areas

With a view to creating employment for the elderly and in order to implement the action points and to determine the priority actions as contained in the "National Action Plan on the Situation of Older People and Ageing in Turkey", an implementation programme has been prepared in 2013. The draft "Strategy Document on Active Ageing (2017-2020)" frames the steps to be taken with a view to benefiting from the employment experiences of the older persons through providing occupational, social and cultural training possibilities in order to protect and increase their productivity and to provide secondary employment for them, realizing reforms on elderly employment taking into account the demographical changes and making contributions to the international ageing

works (ageing road map, active life index, solidarity among generations, older persons' employment and rights etc)

On another note, Turkey launched in 2016 the "Elderly Support Program (YADES)" with a view to protecting and supporting older persons who are in need of services, providing home care for those who need physiological or psychological care and hence facilitating their lives, and enlarging these services country wide.

Active Aging Index consists of four indicators, namely, employment; social participation; independent, healthy and safe living; capacity for active ageing and supportive life. The Index strives to identify the general progress and existing problems related to ageing and includes policies that are directed to support healthy and active living.

There are protocols concluded between the Turkish Ministry of Family and Social Policy and the Ministry of Health for the provision of health and social services in cooperation. In addition, the Ministry of Health provides primary care medicine and home care services for the older persons staying in the nursing homes.

3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

- **Availability of, access to and quality of health care services**
- **Financial services**

Nursing Homes, Care and Rehabilitation Centers for the elderly provides services such as shelter, personal self-care, healthcare, social support and counselling, psychological support and counselling, rehabilitation, social activities, nutrition and cleaning for the older persons who are in need of continuous care and psychological, social and physical rehabilitation.

Those services are provided free of charge for the older persons who are economically and socially deprived as well as those older persons decorated with Turkish Medal of Independence in accordance with Law No. 1005. These older persons who are staying in nursing homes free of charge are also provided with a monthly allowance.

Within the scope of the Law No. 2022, which is a legal regulation aiming to improve the quality of life for the elderly, those people who are over 65 years old or with a disability rate of over 40% are entitled for elderly or disability salary. In addition, the Ministry of Family and Social Policy provides home care

fees at the level of minimum wage to older persons or to disabled who are in need of care but do not require institutional care.

Ministry of Health and local authorities provide home care services.

PART 2 Guiding questions: Neglect, violence and abuse

1) In your country, are there specific studies or surveys on violence, abuse and neglect experienced by older persons?

In terms of activities carried out for the older persons, the Ministry of Family and Social Policy is the central institution in Turkey. Paragraph 2/d of the Decree Law on the organization and duties of the Ministry of Family and Social Policy dated 08.06.2011 defines the duties of the Ministry as follows: "In order to ensure the effective participation of the older persons in social life without discrimination and against all kinds of obstacles, neglect and exclusion; coordinating the development of national policies and strategies, carrying out social services and aid activities for the older persons; securing cooperation and coordination between relevant public institutions and voluntary organizations in these areas."

Ministry's 2013-2017 Strategic Plan contains the objective of prevention of abuse against older persons. The Directorate General for Disabled and Elderly Services of the Ministry, within the framework of "Reducing Social Abuse", has prepared and published a study to identify the ratio of negligence and exploitation cases among the reasons for the placement of older people in nursing homes.

2) (a) What forms of violence, abuse and neglect are registered? What is the setting in which they occur? Is there information about the type of perpetrators?

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

A study was conducted across the nursery homes of the Ministry of Family and Social Policy, comprising of the older persons who have settled down in those facilities between 2013-2014, where numerical data and percentages were collected on categories such as sex, year, age (between 60-70; 71+), paid/unpaid, requests for fee reduction/cost-free services and their reason as well as the reasons for applying for nursery homes, ie. voluntary - exploitation – negligence.

The study covered older persons who were settled in the nursery homes for first time in 2013 and 2014. It aimed to collect data about the institutional care service preferences of older persons who started to receive those services in terms of gender, age groups, paid/free of charge service receipt and the reasons for their stay in the nursing homes.

Details of this study can be accessed in the website of the Ministry.

<http://eyh.aile.gov.tr/uygulamalar/yasli-hizmetleri/durum-tespit-calismasi-20132014-sonuc-raporu>

3) Does your country's legislation explicitly address the issue of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

Information regarding the relevant legislation was provided in reply to question 1. The situation determination report that was prepared by the Ministry of Family and Social Policy in order to find out the current situation and to assess the services provided, in light of the data of older persons who settled in the nursing homes in a period of 2 years, may not be completely sufficient to make a country wide generalization but still is considered as a basis for making certain analyses regarding the monitoring of institutional care services and the preferences of the older persons for those services.

4) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse?

The Law No: 2828 regarding the social services for the families, children, disabled, elderly and other persons who need protection, care or assistance as well as the organization, duties, powers and responsibilities and the activities and incomes of the organization established to carry out these services have provisions regarding the issue of inheritance. Besides the Turkish Civil Code also has general provisions on inheritance.