Mapping of Members’ Work on Older Persons’ Human Rights

European Network of National Human Rights Institutions

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1. Executive Summary

Introduction
The European Network of National Human Rights Institutions (ENNHRI) comprises 40 National Human Rights Institutions (NHRIs) from across wider Europe. NHRIs are state funded institutions, independent of government, with a broad legislative or constitutional mandate to promote and protect human rights. Twenty five ENNHRI members responded to a survey on their work on human rights and older persons.

General work on Older Persons
Of those responding to the survey, 96% (24 ENNHRI members) had carried out work on human rights and older persons in the last five years. This work was carried out across the full spectrum of competences within NHRI’s mandates.

The most common work streams were ‘meeting with stakeholders’ (77%) and ‘receiving complaints’ (59%), which shows the close contact that ENNHRI members have with individual rights holders and their representatives. At the same time, 50% or more of respondents provide publications, training, press statements, conferences and events, which shows the important work which ENNHRI members can undertake to raise awareness of human rights standards and their application to older persons.

Finally, around 50% of respondents were addressing structural aspects of human rights implementation for older persons, through monitoring, and advising government and parliamentarians. The ability to work on a combination of these three areas make ENNHRI members uniquely well placed to work towards the national implementation of regional and international human rights standards for older persons. Indeed, several ENNHRI members described how they use the various functions within their broad mandates to reinforce and multiply the effects of their individual work streams.

Specific Work on Care Homes
A slightly smaller proportion of ENNHRI members (76%, 19 members) had carried out work on the human rights of older persons in care homes. The most common work stream in this area was ‘monitoring’ (65% of respondents), followed by complaints related to and investigations of care homes (47% of respondents, 8 members for each). It is likely that much of this information collected was used for awareness raising and structural change, as 47% of respondents (8 members) had produced publications on the human rights of older persons in care homes and the same percentage had advised government on the same. Again, some members had used their array of competences to provide a multi-faceted approach to their work on the human rights of older persons in care homes (see case study below).

Future work on older persons
A majority of respondents (61%, 14 members) planned to carry out work on the human rights of older persons in the next year. The remaining 39% of respondents
were uncertain if they would carry out any work in this area, due to either ongoing strategic planning, or insufficient funds.

**Conclusion**

ENNHRI members provided examples of a wide variety of work streams that NHRIs can use to help implement the human rights of older persons at the national level. The key areas of work involved awareness raising; receiving complaints; monitoring implementation; advising the national institutions; or a mutually reinforcing combination of these methods. Some ENNHRI members might not be able to carry out work on the human rights of older persons next year, due to a lack of resources.

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**CASE STUDY**


- The Institution first researched domestic legislation related to care homes and compared this with the international and regional human rights standards.
- The Institution then held meetings with the relevant ministries (the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, the Ministry of Health and Social Welfare of the Republika Srpska) and other relevant bodies to raise awareness of human rights standards.
- The Institution undertook monitoring and inspection visits to public care homes, including 17 in Bosnia and Herzegovina. In this context the Institution held interviews with both the management of care homes and elderly residents.
- The Institution drafted a report on its findings, which was published with press statements, press conferences and much media coverage (all are available on the Institution’s website).
- The Institution then issued recommendations to the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, the Ministry of Health and Social Welfare of the Republika Srpska and the Goverment of Brčko District.
- The Institution is still doing follow up on regular basis and receiving replies and reports from relevant bodies on measures taken to implement the Institution’s recommendations.
- From this work, the Institution has also established wide contacts and presented its work to older persons in care homes.
- In order to carry out this work, the Institution received financial support from the Norwegian Embassy in Bosnia and Herzegovina, which covered the expenses of issuing and promoting the Special Report.
- The Institution is now planning to undertake further investigations of care homes. As well as following-up the previous research, it will also visit privately-owned care homes to monitor the implementation of human rights standards. However, the Institution is faced with is faced with budget restrictions and so is undertaking precise planning to establish priorities regarding this work.
2. Introduction

2.1 Overview of ENNHRI

The European Network of National Human Rights Institutions (ENNHRI) comprises 40 National Human Rights Institutions (NHRIs) from across wider Europe. ENNHRI was previously known as the European Group of NHRIs, which has been working for over 15 years to enhance the promotion and protection of human rights across Europe.

NHRIs are state funded institutions, independent of government, with a broad legislative or constitutional mandate to promote and protect human rights. NHRIs are accredited by reference to the UN Paris Principles to ensure their independence, plurality, impartiality and effectiveness. Once accredited, they receive a formal status and speaking rights before various UN bodies, including the Human Rights Council and some treaty bodies.

ENNHRI’s main areas of work are:
- Coordinating exchange of information and best practice between members;
- Advising in the establishment and accreditation of NHRIs;
- Facilitating capacity building and training;
- Engaging with regional mechanisms; and
- Intervening on legal and policy developments at a European level.

ENNHRI has permanent observer status at the Council of Europe’s Steering Committee on Human Rights (CDDH) and has intervened in strategic litigation before the Strasbourg Court. ENNHRI works closely with its regional partners, such as the EU Agency on Fundamental Rights, the Council of Europe, OSCE-ODIHR, OHCHR Europe Regional Office, UNDP Europe, Equinet and European civil society organisations.

ENNHRI’s work is driven by its chair, currently the Scottish Human Rights Commission, and its six member European Coordinating Committee (ECC). In addition, it has several working groups to coordinate its work in thematic areas, such as legal, disabilities, asylum and migration, and human rights education. In February 2013, ENNHRI established a Permanent Secretariat in Brussels. The Secretariat will facilitate ENNHRI’s work and provide a central contact point for stakeholders. ENNHRI is currently undertaking a strategic planning process.

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1 Including civil, political, economic, social and cultural rights.
2 For more information see global NHRI website here.
2.2 Methodology

This mapping report was prepared by ENNHRI’s Permanent Secretariat, based on information collected through a membership survey. A total of 25 ENNHRI members responded to the survey; a full list of these institutions is included at Annex A. The survey requested information on work completed by members on human rights and older persons, particularly in relation to care homes. The full text of the survey questions is included at Annex B.

3. Recent Work on Human Rights and Older Persons

3.1 Overview of General Work

Of the 25 ENNHRI members who responded to the survey, 96% (24 members) have carried out work on human rights and older persons in the last five years.

ENNHRI members also indicated, from a list of general NHRI competences, the specific work streams that they have carried out in order to help implement human rights standards for older persons. The results are set out in a chart below.

In addition to those categories of work provided for selection in the member survey (see below), members also identified annual reports and international conferences as additional work streams for human rights and older persons.
Q3 In which context has your institution carried out work on human rights and older persons?

Answered: 22  Skipped: 3

- Human rights education: 40.91%
- Training: 31.82%
- Press statements: 50%
- Conferences / events: 50%
- Meetings with stakeholders: 77.27%
- Advising government: 50%
- Advising parliamentarians: 45.45%
- Receiving complaints: 59.09%
- Adjudicating on or mediating: 18.18%
- Legal assistance: 27.27%
- Strategic litigation: 4.55%
- Research: 50%
- Monitoring: 50%
- Investigations: 36.36%
- Publications: 54.55%
- Input to international mechanisms: 36.36%
- Other (please specify): 13.64%
The chart above shows the broad spectrum of work carried out by ENNHRI members to implement human rights standards for older persons.

It is noteworthy that the most common work streams were ‘meeting with stakeholders’ (77%) and ‘receiving complaints’ (59%), which shows the close contact that ENNHRI members have with individual rights holders and their representatives. At the same time, 50% or more of respondents provide publications, training, press statements, conferences and events, which shows the important work which ENNHRI members can undertake to raise awareness of human rights standards and their application to older persons.

Finally, around 50% of respondents were addressing structural aspects of human rights implementation for older persons, through monitoring, and advising government and parliamentarians. The ability to work on a combination of these three areas make ENNHRI members uniquely well placed to work towards the national implementation of regional and international human rights standards for older persons.

In addition to the chart, more detailed descriptions of ENNHRI members’ work showed that NHRIs use the various functions within their broad mandates to reinforce and multiply the effects of their individual work streams. Not all ENNHRI members possess the full array of competences listed in the survey and, even when they do, not all have the resources to carry out much of the potential work on human rights and older persons. However, the array of examples provided by ENNHRI members shows the wide variety of work that could be undertaken.

Due to their complementary nature, some of the seemingly distinct work streams are closely connected to each other. However, in order to distinguish each of the work streams, which could also be carried out in isolation, the members’ work is described in the next sections by reference to the categories used in the survey, divided between the ‘promotion’ and ‘protection’ of older persons’ human rights. Reference is also made to the connections between these categories and a case study will show how the various work streams can be combined to provide a multi-faceted approach to the implementation of human rights for older persons.

3.2 Promotion of Human Rights

3.2.1 Awareness Raising

The most common work stream carried out by respondents on human rights and older persons was meetings with stakeholders, which is carried out by 77.27% of respondents (17 members)\(^3\). Meetings with stakeholders took place in various contexts, including regular contact with civil society organisations\(^4\) to learn from their

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\(^3\) For example, Human Rights Ombudsman of Bosnia and Herzegovina and Irish Human Rights Commission.

\(^4\) Danish Institute for Human Rights. Also, the Swedish Equality Ombudsman with pensioners’ associations.
experience and share information. Members also reported meeting with trade unions, home care provider associations and individual older persons for the purposes of research. Some ENNHRI members have been involved in setting up a group of experts to work on the rights of elderly persons. These groups have, for example, launched publications and advised on policies that touch on the human rights of older persons. Some meetings with stakeholders involve the provision of information and advice, which is discussed more fully at section 3.2.2.

Many ENNHRI members were also involved in conferences and events (50% of respondents, 11 members). This work stream included hosting seminars and participating in conferences on the rights of elderly people. Closely related to this, 40.91% of respondents (9 members) undertook human rights education on human rights and older people. Examples included the provision of lectures on human rights and older persons and a workshop and publication on the use of international treaties to strengthen the implementation of human rights standards for older persons. The Belgian Centre for Equality of Opportunity and Opposition to Racism has published various resources to inform older persons of their rights.

Specific training materials on human rights and older persons have been prepared and delivered by several ENNHRI members (31.82% of respondents, 7 members). Some of these have followed up investigations or research, while others provide practical advice about how to apply human rights principles in the delivery of care. For example, the Northern Ireland Human Rights Commission developed an advocacy and human rights training package, including a manual specifically on the rights of older persons.

ENNHRI members have released a variety of publications on human rights and older persons (54.55% of respondents, 12 members). These publications have

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5 The Swedish Equality Ombudsman.
6 The Equality and Human Rights Commission, Great Britain, conducted surveys and focus groups for an inquiry.
7 Office of the Human Rights Defender of the Republic of Poland and the Albanian People’s Advocate.
8 For example, in Poland, on work, financial services, social benefits and others.
9 In December 2012, the Office of the Human Rights Defender of the Republic of Poland and its group of experts drafted guidelines on the strategic approach for the ageing society for the Ministry of Labour and Social Policy, which is in charge of introducing a nationwide policy for ageing society.
10 For example, the Swedish Equality Ombudsman offers guidance to employers, higher education institutions, schools and others, and helps develop useful methods on their behalf.
12 Office of the Human Rights Defender of the Republic of Poland.
13 For example, Slovak National Centre for Human Rights, Romanian Institute for Human Rights.
14 Office of the Human Rights Defender of the Republic of Poland, including on the role of the NHRI in this area.
15 German Institute for Human Rights.
17 For example, Romanian Institute for Human Rights and Northern Ireland Human Rights Commission.
19 Scottish Human Rights Commission, ‘Care about Rights?’ 2010, in association with Scottish Care, the Care Commission and Age Scotland.
included educational materials\textsuperscript{20} and research reports\textsuperscript{21}. In addition, ENNHRI members include in their annual reports information on human rights and discrimination of older persons.\textsuperscript{22} Publications have also been used to highlight complaints and investigations, as will be discussed in section 3.2.2. Many ENNHRI members have also issued \textbf{press statements} to raise awareness of human rights and older persons\textsuperscript{23} (50\% of respondents, 11 members). Some press statements have highlighted investigations\textsuperscript{24} and research, while others coincide with the International Day of Older Persons.\textsuperscript{25} In addition, several ENNHRI members participated actively in the European Year of Active Ageing and Solidarity between Generations.\textsuperscript{26}

\textbf{3.2.2 Advising Public Bodies}

Many ENNHRI members, within their mandates, \textit{advise government} on issues arising in relation to human rights and older persons\textsuperscript{27} (50\% of respondents, 11 members), including in relation to draft legislation.\textsuperscript{28} Some NHRI\text{}s are specifically asked by government for advice in this area\textsuperscript{29}, while others have given recommendations to government based on investigations\textsuperscript{30} or complaints received\textsuperscript{31}. Depending on the matter under consideration, some recommendations are directed to specific ministries\textsuperscript{32}, departments\textsuperscript{33} or other public authorities\textsuperscript{34}. Some ENNHRI members have also advised governments on international structures addressing human rights and older persons, such as the Convention on the Rights of Persons

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{20} Equality and Human Rights Commission Great Britain has published guidance on human rights aimed at older people using home care services, and also for local authorities commissioning home care services.
\item \textsuperscript{21} For example, Belgian Centre for Equality of Opportunity and Opposition to Racism, Equality and Human Rights Commission Great Britain, Northern Ireland Human Rights Commission, Romanian Institute for Human Rights and Scottish Human Rights Commission.
\item \textsuperscript{23} For example, Croatian Ombudsman’s Office, in relation to discriminatory treatment, Office of the Human Rights Defender of the Republic of Poland and Equality and Human Rights Commission Great Britain.
\item \textsuperscript{24} Seimas Ombudsmen’s Office of the Republic of Lithuania.
\item \textsuperscript{25} For example, the German Institute for Human Rights, Belgian Centre for Equality of Opportunity and Opposition to Racism and
\item \textsuperscript{26} Belgian Centre for Equality of Opportunity and Opposition to Racism, Republic of Latvia Ombudsmen and Romanian Institute for Human Rights.
\item \textsuperscript{27} For example, Seimas Ombudsmen’s Office of the Republic of Lithuania.
\item \textsuperscript{28} Albanian People’s Advocate.
\item \textsuperscript{29} French Commission Nationale Consultative des Droits de l’Homme, which also distributed the advice widely to parliament and through national media.
\item \textsuperscript{30} The Human Rights Ombudsman of Bosnia and Herzegovina.
\item \textsuperscript{31} Human Rights Ombudsman of Bosnia and Herzegovina, Equality and Human Rights Commission Great Britain.
\item \textsuperscript{32} Office of the Human Rights Defender of the Republic of Poland.
\item \textsuperscript{33} Northern Ireland Human Rights Commission.
\item \textsuperscript{34} Irish Human Rights Commission in relation to regulatory bodies’ standards and oversight of care; Albanian’s People’s Advocate in relation to municipalities and state social services.
\end{itemize}
\end{footnotesize}
with Disabilities\textsuperscript{35}, CDDH-AGE at the Council of Europe, and the UN Open-Ended Working Group on Ageing.\textsuperscript{36}

ENNHRI members also \textit{advise parliamentarians} in this area, on (draft) legislation\textsuperscript{37} and to follow up investigations\textsuperscript{38} (45.45\% of respondents, 10 members). For example, the Romanian Institute for Human Rights provides advisory opinions on normative acts related to the rights of older persons and participates in associated meetings of the parliamentary commissions\textsuperscript{39}. In addition, ENNHRI members provide recommendations to cross-party groups or committees on thematic areas\textsuperscript{40}. Finally, many ENNHRI members’ annual reports, which provide information on human rights and older persons, are presented to Parliament\textsuperscript{41}.

### 3.3 Protection of Human Rights

#### 3.3.1 Complaints Handling and Legal Work

Many ENNHRI members \textit{receive complaints} from the public concerning the breach of older persons’ human rights\textsuperscript{42} (59.09\% of respondents, 13 members). ENNHRI members provide accessible avenues for complaints to be filed, including by email, website or (toll-free) telephone help lines\textsuperscript{43}. Some ENNHRI members receive complaints in person\textsuperscript{44}, where complainants can get the information and assistance necessary for resolving their problems\textsuperscript{45}. Some ENNHRI members receive complaints during on-site meetings, where individuals are given legal advice, assisted in drawing up complaints, offered a possible solution\textsuperscript{46} or referred to the appropriate institution\textsuperscript{47}.

The action taken by ENNHRI members on the receipt of complaints depends on their specific mandates, which vary considerably. In relation to human rights and older persons, many members provide further information or initial legal advice\textsuperscript{48} or refer complainants to the competent institution(s)\textsuperscript{49}. Some ENNHRI members provide

\textsuperscript{35} Seimas Ombudsmen’s Office of the Republic of Lithuania, which led to ratification.

\textsuperscript{36} German Institute for Human Rights.

\textsuperscript{37} Equality and Human Rights Commission, Great Britain, briefed parliamentarians seeking an amendment to the Care Bill.

\textsuperscript{38} Equality and Human Rights Commission, Great Britain.

\textsuperscript{39} When debating bills with implications on the promotion and the protection of human rights.

\textsuperscript{40} Scottish Human Rights Commission, to create a Charter of Rights for people with dementia and their carers.

\textsuperscript{41} Scottish Human Rights Commission.

\textsuperscript{42} For example, Croatian Ombudsman’s Office, Office of the Human Rights Defender of the Republic of Poland, Portuguese Ombudsman,

\textsuperscript{43} Portuguese Ombudsman, Seimas Ombudsmen’s Office of the Republic of Lithuania.

\textsuperscript{44} For example, at the institution’s reception office.

\textsuperscript{45} For example, the Belgian Centre for Equality of Opportunity and Opposition to Racism and Seimas Ombudsmen’s Office of the Republic of Lithuania.

\textsuperscript{46} Including through immediate meetings with the responsible official.

\textsuperscript{47} Seimas Ombudsmen’s Office of the Republic of Lithuania.

\textsuperscript{48} Croatian Ombudsman’s Office

\textsuperscript{49} Seimas Ombudsmen’s Office of the Republic of Lithuania.
**legal assistance** on human rights and older persons to individuals\(^{50}\) (27.27\% of respondents, 6 members). A few ENNHRI members have the competence to initiate court proceedings\(^{51}\) or bring third party interventions (*amicus curiae*) to strategic litigation\(^{52}\).

Some ENNHRI members have the competence to investigate the complaints received\(^{53}\) which, as noted above, can result in publications, press statements and recommendations to government and parliament(s)\(^{54}\). Furthermore, some ENNHRI members are mandated to **adjudicate**\(^{55}\) or **mediate**\(^{56}\) **complaints** (18.18\% of respondents, 4 members). This might not only achieve resolution for the individual concerned, but also lead to structural changes for the implementation of human rights standards for older persons. For example, the Albanian People’s Advocate has proposed amendments to legislation based on complaints received\(^{57}\).

### 3.3.2 Monitoring and Investigations

Many ENNHRI members have undertaken **research** on human rights and older persons (50\% of respondents, 11 members). Examples of this research include a review of the national\(^{58}\) or international\(^{59}\) framework to protect the rights of older persons, or educational materials on the same. Although some of this research might include older persons’ rights within reports on other subject areas (such as disabilities or poverty and human rights\(^{60}\)), many ENNHRI members have carried out research or investigations exclusively on the human rights of older persons\(^{61}\), including inspections of institutions.\(^{62}\)

Indeed, 36.35\% of respondents (8 members) had carried out specific **investigations**\(^{63}\) into older persons’ human rights. These generally occur in response to complaints, or on the institution’s own initiative\(^{64}\). Many ENNHRI

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\(^{50}\) The Swedish Equality Ombudsman.

\(^{51}\) Croatian Ombudsman’s Office, Office of the Human Rights Defender of the Republic of Poland,

\(^{52}\) Irish Human Rights Commission.

\(^{53}\) Republic of Latvia Ombudsmen, Portuguese Ombudsman, Albanian People’s Advocate, the Swedish Equality Ombudsman, Seimas Ombudsman of the Republic of Lithuania.

\(^{54}\) For example, the Human Rights Ombudsman of Bosnia and Herzegovina.

\(^{55}\) Albanian People’s Advocate.

\(^{56}\) Seimas Ombudsmen’s Office of the Republic of Lithuania.

\(^{57}\) Law no. 7703 of 11.05.1993 “On Social Insurance” aiming to improve treatment regarding financial means.

\(^{58}\) For example, Romanian Institute for Human Rights, Netherlands Institute for Human Rights.

\(^{59}\) For example, German Institute for Human Rights, Netherlands Institute for Human Rights.

\(^{60}\) Northern Ireland Human Rights Commission.

\(^{61}\) For example, Office for the Commissioner for Fundamental Rights of Hungary, Northern Ireland Human Rights Commission and Equality and Human Rights Commission Great Britain.

\(^{62}\) Albanian People’s Advocate, Seimas Ombudsmen’s Office of the Republic of Lithuania, Human Rights Ombudsman of Bosnia and Herzegovina, Portuguese Ombudsman.

\(^{63}\) For example, Northern Ireland Human Rights Commission and Equality and Human Rights Commission GB.

\(^{64}\) Seimas Ombudsmen’s Office of the Republic of Lithuania.
members (11) had also carried out monitoring\textsuperscript{65} of the implementation of human rights for older persons, including follow up to investigation recommendations\textsuperscript{66}.

This work often leads to publications, recommendations to government\textsuperscript{67}, press statements\textsuperscript{68} or reports to international mechanisms\textsuperscript{69}. As a result, the monitoring and investigation mandates of ENNHRI members also leads to increased awareness raising of the human rights of older persons. The Lithuanian NHRI explained that it ‘is through own-initiative investigations that the Seimas Ombudsman can provide, on the broadest scale possible, information to citizens, expand public knowledge about human rights, and draw the attention of the public to problems that could have been avoided if officials had acted in an appropriate and timely manner’.

3.4 Work on Older Persons using a Combination of Competences

ENNHRI members are mandated to implement regional and international human rights standards through a variety of mechanisms. Although each has been described separately above, NHRIs often use their array of competences for a multi-faceted approach to help promote and protect the human rights of older persons. The following case study, from the Equality and Human Rights Commission in Great Britain, describes how the various competences of NHRIs are complementary and mutually reinforcing.

\textsuperscript{65} For example, Republic of Latvia Ombudsmen, Swedish Equality Ombudsman.
\textsuperscript{66} Equality and Human Rights Commission GB has monitored what improvements local authorities have made in building human rights into commissioning home care services, following an investigation into the same.
\textsuperscript{67} Since 2011, the Office of the Human Rights Defender of the Republic of Poland has researched voting rights, access to financial services and perceptions of the elderly.
\textsuperscript{68} Seimas Ombudsmen’s Office of the Republic of Lithuania.
\textsuperscript{69} For example, Portuguese Ombudsman and Equality and Human Rights Commission, GB, on UN consultation.
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- The research for the inquiry was based on evidence from individuals, survey research and focus groups. The inquiry had an advisory group representing stakeholder organisations.
- EHRC remains in constructive dialogue these organisations, which include NGOs, trade unions and home care provider associations.
- Press statements were issued for the publication of the final report, and also for the interim inquiry findings.
- Several of the inquiry recommendations were directed at government.
- One inquiry recommendation was directed at parliamentarians, as it called for a legislative change (to close a loophole in the Human Rights Act which adversely affects older people using home care).
- Further to the inquiry, EHRC published guidance on human rights aimed at older people using home care services, and also for local authorities commissioning home care services.
- Several seminars have been held that relate to the inquiry, including a seminar aimed at the health and social care sector about age discrimination.
- Some of the information published in the inquiry was included in a submission to UN consultation on human rights and older persons.
- In a follow-up review of the inquiry recommendations, EHRC is now monitoring the extent to which local authorities and national statutory organisations (including central government) have responded to the recommendations by improving their policies and practice to give older people better human rights protection in relation to home care services.
- The review report is largely based on a survey of local authorities. It will be published with further media work and awareness raising initiatives.
- EHRC is also planning to run training on this subject for local authority elected members in spring 2014.
4. Work Human Rights of Older Persons in Care Homes

4.1 Overview of Work on Care Homes

A lower proportion of ENNHRI members had carried out work on the human rights of older persons in care homes in the last five years, but this was still a large majority, or 76%, of respondents (19 members).

ENNHRI members have worked on human rights in care homes across most of the spectrum of NHRI competences. The graph below sets out the types of work streams that have been carried out to implement the human rights of older persons in care home settings. In addition to the specified work streams, members also recorded work on an inquiry into a residential centre for persons with severe intellectual disabilities\(^{70}\) and an open letter to EU institutions on the national enforcement of human rights\(^{71}\).

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\(^{70}\) Irish Human Rights Commission, 2008 to 2010.

\(^{71}\) Ombudsman of the Republic of Latvia, letter can be found [here](#).
Q6 In which context has your institution carried out work on the human rights of older persons in CARE HOMES?

Answered: 17  Skipped: 8

- Human rights education: 29.41%
- Training: 11.76%
- Press statements: 29.41%
- Conferences / events: 23.53%
- Meetings with stakeholders: 41.18%
- Advising government: 47.06%
- Advising associations: 29.41%
- Receiving complaints: 47.06%
- Adjudicating on or mediating: 11.76%
- Legal assistance: 23.53%
- Strategic litigation: 41.18%
- Research: 41.18%
- Monitoring: 64.71%
- Investigations: 47.06%
- Publications: 47.06%
- Input to international mechanisms: 11.76%
- Other (please specify): 11.76%
The most common work stream was ‘monitoring’, with 65% of respondents (11 members) monitoring the respect of human rights standards in care homes. Perhaps related to this, 47% of respondents (8 members) had received complaints on care homes and the same percentage had carried out investigations on care home institutions. It is likely that much of this information collected was used for awareness raising and structural change, as 47% of respondents (8 members) had produced publications on the human rights of older persons in care homes and the same percentage had advised government on the same.

Some ENNHRI members clarified that much of their general work on older persons (described above) included work on care homes. In addition to this, several members recorded examples of specific work streams on the implementation of human rights for older persons in care homes, which is set out below. Again, this work will be described by reference to the categories in the survey and, thereafter, a case study will show how these competences were combined by one institution to achieve a holistic project to help ensure the respect of human rights of older persons in care homes.

4.2 Examples of Work on Care Homes

4.2.1 Protection of Human Rights

Many ENNHRI members have conducted monitoring, investigations or inspections of care homes72 (64.71% of respondents, 11 members). Some of these have taken place in the context of the Optional Protocol to the UN Convention against Torture73, for which some ENNHRI members are National Preventative Mechanisms74. This enables the relevant NHRIIs to enter care home establishments (or other detention facilities) without advance warning, in order to monitor human rights compliance.

The inspection, investigation or monitoring of care homes often leads to awareness raising on human rights in care homes. This has occurred through ENNHRI members’ publications75, media statements, or advice to government76 and other public authorities77. For example, the Northern Ireland Human Rights Commission’s investigation report ‘In Defence of Dignity: the Human Rights of Older People in Nursing Homes’78 was used to make recommendations to government and other public bodies. The German Institute for Human Rights has also reported on the situation of older persons in care to UN bodies, such as the Human Rights Council.

72 For example, Seimas Ombudsman of the Republic of Lithuania, Albanian People’s Advocate, Portuguese Ombudsman.
73 Office of the Human Rights Defender of the Republic of Poland.
74 For example, in Albania, Armenia, Austria, Azerbaijan, Bulgaria, Croatia, Denmark, Georgia, Hungary, Macedonia, Moldova, Poland, Portugal, Scotland, Serbia, Slovenia and Spain.
75 Irish Human Rights Commission (see report here), Office for the Commissioner for Fundamental Rights of Hungary, Portuguese Ombudsman.
76 Albanian People’s Advocate, Human Rights Ombudsman of Bosnia and Herzegovina.
77 Portuguese Ombudsman, Albanian People’s Advocate.
78 See report here.
(through the Universal Periodic Review) and the Committee Against Torture. It also provided workshops for the National Preventative Mechanism to underline that human rights are at stake in care homes.

ENNHRI members have also undertaken work in response to complaints received, including legal assistance, investigation, adjudication and mediation. For example, the Croatian Ombudsman’s Office has acted on complaints received in relation to the human rights of older persons in care homes and, in the process of resolving these complaints, collaborated with state institutions, such as the Ministry of Social Policy and Youth, as well as with care homes.

4.2.2 Promotion of Human Rights

As noted above, many ENNHRI members have undertaken awareness raising initiatives in relation to human rights and older persons, including in the context of care homes. The Scottish Human Rights Commission provided human rights education, training and publications on older persons’ rights, which independent research has found substantially increases the knowledge and confidence of participants.

One ENNHRI member provided training on-site in a care home, while another produced a manual on human rights in care homes. ENNHRI members have broad human rights mandates and so have considered the intersectionality of rights, as evidenced in this context by a publication to raise awareness of the needs of elderly migrants in care. Finally, press statements and annual reports have specifically covered issues relating to older persons in care homes.

Some ENNHRI members use their annual reports to advise parliament on human rights and older persons in care homes, and make specific recommendations on any gaps in protection arising. In addition, many members advise government and public authorities, following requests, research and investigations.

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79 The Swedish Equality Ombudsman.
80 Portuguese Ombudsman, Human Rights Ombudsman of Bosnia and Herzegovina.
81 Albanian People’s Advocate.
82 Seimas Ombudsmen’s Office of the Republic of Lithuania.
83 Scottish Human Rights Commission, Care about Rights?
84 Slovak national Centre for Human Rights.
85 Office of the Human Rights Defender of the Republic of Poland.
86 Belgian Centre for Equality of Opportunities and Opposition to Racism, in association with Centre d’Action Social, see this link.
87 For example, French Commission Nationale Consultative des Droits de l’Homme.
88 For example, Commission Consultative des Droits de l’Homme du Grand-Duché de Luxembourg.
89 Croatian Ombudsman’s Office.
91 For example, Portuguese Ombudsman, Human Rights Ombudsman of Bosnia and Herzegovina, Northern Ireland Human Rights Commission, Office of the Human Rights Defender of the Republic of Poland.
4.3 Work on Care Homes using a Combination of Competences

As is clear from the above, many ENNHRI members use their broad and varied mandate to reinforce actions taken in support of the human rights of older persons in care homes. The following case study comes from the Human Rights Ombudsman of Bosnia and Herzegovina, although other ENHRI members have similarly used a multi-faceted approach to this work.

**CASE STUDY**


- The Institution first researched domestic legislation related to care homes and compared this with the international and regional human rights standards.
- The Institution then held meetings with the relevant ministries (the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, the Ministry of Health and Social Welfare of the Republika Srpska) and other relevant bodies to raise awareness of human rights standards.
- The Institution undertook monitoring and inspection visits to public care homes, including 17 in Bosnia and Herzegovina. In this context the Institution held interviews with both the management of care homes and elderly residents.
- The Institution drafted a report on its findings, which was published with press statements, press conferences and much media coverage (all are available on the Institution’s website).
- The Institution then issued recommendations to the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, the Ministry of Health and Social Welfare of the Republika Srpska and the Government of Brčko District.
- The Institution is still doing follow up on regular basis and receiving replies and reports from relevant bodies on measures taken to implement the Institution’s recommendations.
- From this work, the Institution has also established wide contacts and presented its work to older persons in care homes.
- In order to carry out this work, the Institution received financial support from the Norwegian Embassy in Bosnia and Herzegovina, which covered the expenses of issuing and promoting the Special Report.
- The Institution is now planning to undertake further investigations of care homes. As well as following-up the previous research, it will also visit privately-owned care homes to monitor the implementation of human rights standards. However, the Institution is faced with budget restrictions and so is undertaking precise planning to establish priorities regarding this work.
5. Future Work on Older Persons in Care Homes

5.1 Overview of Future Work on Older Persons

As many strategic or operational plans have not yet been finalised, a considerable number of ENNHRI members are uncertain if they will carry out work on human rights and older persons in the next year. However, many ENNHRI members confirmed that their work on human rights and older people would continue. Indeed, a few members with a new mandate or plan of activities confirmed that work on human rights and older persons will continue, as it is within their competences and such an important or priority area. It is worth noting that no ENNHRI member respondents ruled out the possibility of work on human rights and older persons in the next year, although several members noted that they might not have sufficient funds to do so.

In addition to the general work on human rights and older persons, several ENNHRI members set out specific work areas or projects that will be carried out in the coming year. Several ENNHRI members confirmed that complaints handling, the Office of the Human Rights Defender of the Republic of Poland, Belgian Centre for Equality of Opportunities and Opposition to Racism, Office for the Commissioner for Fundamental Rights of Hungary, Croatian Ombudsman’s Office, for example, the Greek National Human Rights Commission, the Office for the Commissioner for Fundamental Rights of Hungary, Croatian Ombudsman’s Office, the Office for the Commissioner for Fundamental Rights of Hungary, Croatian Ombudsman’s Office, for example, the Greek National Human Rights Commission, the Scottish Human Rights Commission envisages that Scotland's imminent National Action Plan on Human Rights will include a number of commitments which impact on the rights of older people in thematic areas such as the integration of health and social care, welfare reform measures, and independent living issues.
monitoring\textsuperscript{99}, care home inspections\textsuperscript{100}, and research activities\textsuperscript{101} will take place in the next year. Research projects include the updating of a previous survey on the human rights of older persons in care homes\textsuperscript{102} or receiving home care\textsuperscript{103}, and a project on pension protection for first, second and third generation immigrants.\textsuperscript{104}

Some ENNHRI members intend to carry out training based on this research\textsuperscript{105}. Other training initiatives include the provision of courses for local authority elected representatives and seminars for home care providers\textsuperscript{106}. In addition, ENNHRI members will continue to raise awareness of the human rights of older persons, including through guidance on non-discrimination legislation in services\textsuperscript{107} and informing the public on the debate around a convention on the rights of older persons\textsuperscript{108}. One member will release a documentary in 2014 on the human rights of elderly migrants\textsuperscript{109}.

Finally, some ENNHRI members have specific initiatives to advise government and parliament on compliance of legislation with human rights standards. For example, the Albanian People’s Advocate is recommending a draft law on the status of older persons to parliament.

5.2 Future Work on Older Persons using a Combination of Competences

Several ENNHRI members plan to work on human rights and older persons over the next year. One example of a specific project, using a multi-faceted approach, was provided by the Netherlands Institute for Human Rights.

\textsuperscript{99} Ombudsman of the Republic of Latvia.
\textsuperscript{100} Albanian People’s Advocate.
\textsuperscript{101} For example, Human Rights Ombudsman of Bosnia and Herzegovina, Netherlands Institute for Human Rights.
\textsuperscript{102} German Institute for Human Rights.
\textsuperscript{103} Review report of the Equality and Human Rights Commission Great Britain.
\textsuperscript{104} Belgian Centre for Equality of Opportunities and Opposition to Racism.
\textsuperscript{105} For example, Netherlands Institute for Human Rights.
\textsuperscript{106} Equality and Human Rights Commission Great Britain.
\textsuperscript{107} Which is intended to become a statutory code of practice, Great Britain.
\textsuperscript{108} Scottish Human Rights Commission.
\textsuperscript{109} Belgian Centre for Equality of Opportunity and Opposition to Racism is currently making a documentary on the Chibanis (older migrants from the first generation) to be released in 2014.
6. Conclusion

ENNHRI members provided examples of a wide variety of work streams that NHRIs can use to help implement the human rights of older persons at the national level. An extremely high proportion of respondents had worked on human rights and older persons in the last five years. The key areas of work involved awareness raising; receiving complaints; monitoring implementation; advising the national institutions; or a mutually reinforcing combination of these methods. Although all respondents expressed an interest in carrying out work on the human rights of older persons next year, many were uncertain if this work would continue, due to ongoing strategic planning or a lack of resources.
# ANNEX A

## Respondents to the Survey on Older Persons and Human Rights

<table>
<thead>
<tr>
<th>State</th>
<th>ENNHRI Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Albania</td>
<td>Albanian People's Advocate Institution</td>
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<tr>
<td>2. Austria</td>
<td>Austrian Ombudsman Board</td>
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<tr>
<td>3. Belgium</td>
<td>Centre for Equal Opportunities and Opposition to Racism</td>
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<tr>
<td>4. Bosnia and Herzegovina</td>
<td>The Human Rights Ombudsman of Bosnia and Herzegovina</td>
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<td>5. Croatia</td>
<td>Ombudsman of the Republic of Croatia</td>
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<td>6. Denmark</td>
<td>The Danish Institute for Human Rights</td>
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<tr>
<td>7. France</td>
<td>La Commission Nationale Consultative Des Droits de l'Homme</td>
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<tr>
<td>8. Germany</td>
<td>Deutsches Institut für Menschenrechte</td>
</tr>
<tr>
<td>9. Great Britain</td>
<td>Equality and Human Rights Commission</td>
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<td>10. Greece</td>
<td>Greek National Commission for Human Rights</td>
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<tr>
<td>11. Hungary</td>
<td>Office of the Commissioner for Fundamental Rights of Hungary</td>
</tr>
<tr>
<td>12. Ireland</td>
<td>Irish Human Rights Commission</td>
</tr>
<tr>
<td>13. Latvia</td>
<td>Republic of Latvia Ombudsman</td>
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<tr>
<td>14. Lithuania</td>
<td>Seimas Ombudsman of the Republic of Lithuania</td>
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<tr>
<td>15. Luxembourg</td>
<td>Commission Consultative des Droits de l'Homme du Grand-Duché de Luxembourg</td>
</tr>
<tr>
<td>16. Netherlands</td>
<td>Netherlands Institute for Human Rights</td>
</tr>
<tr>
<td>17. Northern Ireland</td>
<td>Northern Ireland Human Rights Commission</td>
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<tr>
<td>18. Norway</td>
<td>Norwegian Centre for Human Rights</td>
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<tr>
<td>19. Poland</td>
<td>The Human Rights Defender of The Republic of Poland</td>
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<tr>
<td>20. Portugal</td>
<td>Portuguese Ombudsman</td>
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<tr>
<td>21. Romania</td>
<td>Romanian Institute for Human Rights</td>
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<td>22. Scotland</td>
<td>Scottish Human Rights Commission</td>
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<td>23. Slovakia</td>
<td>Slovak National Centre for Human Rights</td>
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<td>24. Spain</td>
<td>Defensor del Pueblo</td>
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<tr>
<td>25. Sweden</td>
<td>The Swedish Equality Ombudsman</td>
</tr>
</tbody>
</table>
ANNEX B
Survey Questions

1. Please state the name of your institution.

2. Has your institution undertaken any work on human rights and older persons in the last five years?
   - Yes
   - No
   - Uncertain

3. In which context has your institution carried out work on human rights and older persons?
   - Human rights education
   - Training
   - Press statements
   - Conferences / events
   - Meetings with stakeholders
   - Advising government
   - Advising parliamentarians
   - Receiving complaints
   - Other (please specify)
   - Adjudicating on or mediating complaints
   - Legal assistance
   - Strategic litigation
   - Research
   - Monitoring
   - Investigations
   - Publications
   - Input to international mechanisms

4. If you ticked any of the boxes above at question 3, please provide more details on the work, including the length of the project, the outcomes and any partners involved.

5. Has your institution undertaken any work on the human rights of older persons in CARE HOMES in the last five years?
   - Yes
   - No
   - Uncertain

6. In which context has your institution carried out work on the human rights of older persons in CARE HOMES?
   - Human rights education
   - Training
   - Press statements
   - Conferences / events
   - Meetings with stakeholders
   - Advising government
   - Advising parliamentarians
   - Receiving complaints
   - Other (please specify)
   - Adjudicating on or mediating complaints
   - Legal assistance
   - Strategic litigation
   - Research
   - Monitoring
   - Investigations
   - Publications
   - Input to international mechanisms

7. If you ticked any of the boxes above at question 6, please provide more details on the work, including the length of the project, the outcomes and any partners involved (If this information has already been provided for question 4, please refer to the relevant content).
8. Does your institution plan to undertake any work on human rights and older persons in the next year?
   - Yes
   - No
   - Uncertain

9. If your institution intends to carry out specific work on human rights and older persons in the next year, please provide details below. Please specify where any of this work relates to the human rights of older persons in care homes.

10. Thank you for taking the time to fill out this survey. Please add any further comments below.