Recommendations

These findings point to the need for policy-makers and care providers to adopt a Human Rights-Based Approach for planning and delivering long-term care.

A human rights-based approach is a model of care, centered on the individual, that applies the PANEL principles:

- **Participation**: older persons in receipt of care should be able to participate in all decisions about the care they receive and have supported participation if needed.

- **Accountability and Transparency** of duty-bearers to rights-holders: those involved in the provision, commissioning and policy-making of long-term care have a responsibility to ensure that the standards of accountability are clear and accessible providing effective remedies when breaches do occur.

- **Non-discrimination and equality**: older persons have different identities based on their gender, ethnicity, religion and many other grounds. Each of these identities should be respected when receiving care and support services.

- **Empowerment of rights holders**: all older persons in receipt of care should understand what their rights are and how they can claim these rights. Achieving this may require the provision of appropriate advocacy or other communication support. Facility for older persons to organise collectively can provide an important mechanism for empowerment.

- **Legality** – public authorities and care providers must be sure that their practices and procedures are grounded in human rights law and must not breach the human rights of anyone. If breaches do occur these should be addressed through legal means.

We also recommend:

- Policy makers and service providers should take steps to ensure the participation of older persons in the design and delivery of long-term care.
- Older persons in long-term care must be provided with all the means to access justice and effective remedy.
- European states should invest in formal long-term care services, as an investment in our society and in Europe’s future.
- European states should facilitate the continuous monitoring of the human rights situation of older persons in long-term care.
- The Council of Europe, the EU, European states and local authorities should provide awareness raising and training on the human rights of older persons in LTC.
- European states and the EU are encouraged to campaign for a new international UN convention on the rights of older persons to address the gaps on their rights in the existing conventions.

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Findings

- Human rights are objective minimum standards required for all individuals to live with dignity.
- Human rights are universal and indivisible – all human rights apply to all persons.
- The human rights of individuals living in Europe are protected through a number of international and regional binding human rights treaties.
- There are 13 rights that are particularly important in the context of older persons in LTC.
- These rights are not adequately protected - older persons’ human rights are scattered throughout various human rights treaties and so may become sidelined.
- The majority of caregivers in all care homes visited in the six countries valued older care users. Many good and innovative practices were reported.
- However, several practices raised concerns that not all human rights were protected, particularly upholding dignity, the right to privacy, autonomy, participation and access to justice.

Causes

The main causes for the human rights concerns were

- A lack of understanding of the human rights of older persons in LTC, both by care providers and older persons themselves;
- A lack of resources, namely limited funding and the inadequate coverage of LTC in the context of population ageing.

The project

From 2015 to 2017, ENNHRI conducted an EU-funded project to improve the human rights of older persons in long-term care (LTC) by:

- Monitoring and describing the human rights situation in LTC in Europe.
- Increasing awareness of the human rights of older persons in, or seeking, LTC.
- Strengthening the capacity of NHRRs to monitor and support human rights policies for older persons.

As part of the project, six of ENNHRI’s members, the National Human Rights Institutions (NHRRs) in Belgium, Croatia, Germany, Hungary, Lithuania and Romania, monitored residential LTC in their countries to build a picture of how human rights are taken into account when planning and delivering LTC services in each jurisdiction. ENNHRI’s 2017 report, “We have the same rights: The Human Rights of Older Persons in Long-Term Care in Europe” identifies the key trends in the human rights situation relating to LTC in Europe.