



LIETUVOS RESPUBLIKOS SEIMO KONTROLIERIŲ ĮSTAIGA
THE SEIMAS OMBUDSMEN'S OFFICE OF THE REPUBLIC OF LITHUANIA

Gediminas Ave. 56, LT 01110 Vilnius, Lithuania. Telephone: +370 706 65130, fax: +370 706 65138, e-mail: ombuds@lrski.lt

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NEGLECT, VIOLENCE AND ABUSE SUBMISSION TO THE OEWG-AGEING

Introduction

Founded in 1995, shortly after reinstating independence of Lithuania, the Seimas Ombudsmen's Office is the only state institution which is responsible for human rights issues in general. Throughout the time its mandate has shifted from the traditional Ombudsperson's Institution investigating complaints to the human rights body addressing all human rights issues. The additional mandates to carry out national prevention of torture under OPCAT and accreditation of an NHRI has strengthened the institutions' capacities to stand up for human rights and seek for better harmonisation of national legislation with international treaties.

The Seimas Ombudsmen's work

Since its designation as a National Preventive Mechanism in 2014, the Seimas Ombudsmen's Office has consistently conducted prevention of torture by visiting places of detention devoting meticulous attention towards human rights of elderly in social care institutions. The findings of conducted visits to nursing homes have raised many concerns which should be addressed through concerted efforts nationally and internationally. Furthermore, in January 2015, The Seimas Ombudsmen's Office joined the project on The Human Rights of Older Persons and Long-term Care carried out by ENNHRI as a member of a pilot group. The project aims to improve the human rights of older persons in LTC, with considerable emphasis on residential care. As part of the Project, the Seimas Ombudsmen's Office carried out intensive monitoring in several institutions of long care.

Human Rights Approach on Neglect, Violence, Abuse and National Legal Framework

When assessing treatment of the persons deprived of their liberty and the conditions of detention of older adults, it is important to follow not only international treaties of general nature but also the documents of the competent international institutions with extensive powers. The concern of most modern societies of the states as to the status of elder persons, their rights and role in the daily life is expressed on 16 December 1991 Resolution No 46/91 of the UN General Assembly which lays down the attitude of the United Nations to old age. The afore-mentioned document sets out the principles which must underpin the actions addressed to the elderly. The Standards for Treatment of Persons Deprived of Their Liberty (CPT/Inf/E (2002) 1 – Rev. 2015) introduced and applied by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment which provide for the acceptable and applicable standards for the protection of human rights. The Recommendation Rec(2009)6 on ageing and disability adopted by the Committee in 2009 underlines the autonomy and independence of older persons with disabilities as well as the necessity for enhancing the quality of services, in particular, ensuring the number of highly qualified nurses required for the provision of high-level care. Furthermore, the European Charter of the Rights and Responsibilities of Older People in Need of Long-Term Care and Assistance adopted in 2010 based

on a partnership between the European and national non-governmental organisations is also an important document establishing the guidelines on the protection of rights of older persons. Finally, the Recommendation Rec(2014)2 adopted on 19 February 2014 by the Committee of Ministers of the Council of Europe encourages to protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons promoting respect for their inherent dignity.

The Lithuanian legislation encompasses only a small part of principles laid down in international non-binding documents mentioned above which offer useful guidance on protection of human rights of older people. The Law on the Social Integration of the Disabled and the Law on Social Services, the Law on Protection against Domestic Violence, and, specifically, the Law on Equal Treatment protect older persons against discrimination. However, the laws do not provide for measures against neglect, abuse, and violence experienced by older people. Acts of violence within the family can be charged under the Law on Protection against Domestic Violence. Furthermore, the national legislation protects people from abuse, violence against anyone; it could be prosecuted under general laws. There is no specific piece of legislation which would address abuse, neglect or violence experienced by a certain group of people though.

Findings of Inspections and Recommendations

The investigations in places of deprivation of liberty revealed the lack of overall approach to the question of protection of aged people. Old people are neglected their rights in different areas of life including access to quality social services, the right of choice regarding long care, the right of being entitled to social security, etc. The findings based on visits to social care institutions showed that idea of deinstitutionalisation of long care replacing social care institutions with less isolated community services should be embraced and further cultivated to reduce or eliminate reinforcement of dependency, hopelessness, learned helplessness, and other maladaptive behaviours of ageing ones. The neglect and human rights abuse are still common in long care institutions. The instances of yelling, humiliation and disrespect of the elderly's right to privacy and autonomy, spoiled and inappropriate wearing were identified during visits to long care homes. Furthermore, reinforcement of dependency by discouraging an older adult from activities he or she enjoys or a notion of keeping residents without any meaningful activities is also widespread in residential care. The Seimas Ombudsmen's Office as an NHRI believes the overarching policy on international level aiming to protect older people against neglect, abuse and violence would contribute to better protection of seniors. Furthermore, it would help to design coherent policies on protection of the elderly in various spheres of life on a national level. In conclusion, the UN Convention on the Right of Older People would set a definitive universally acknowledged global standard of the rights the older people are entitled by clarifying how existing rights dispersed throughout various other instruments should work to protect older people.

Yours sincerely,



Augustinas Normantas
Seimas Ombudsman, Head of the Office

Vytautas Valentinavičius, phone: +370 706 65148, e-mail: vytautas.valentinavicius@lrski.lt