**Questionnaire of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons**

The Human Rights Council, in its resolution 24/20, requested the Independent Expert on the enjoyment of all human rights by older persons, Ms. Rosa Kornfeld-Matte, to assess the implementation of existing international instruments with regard to older persons while identifying best practices and gaps in the implementation of existing law related to the promotion and protection of the rights of older persons and gaps in the implementation of existing law.

Pursuant to this request, the Independent Expert has prepared this questionnaire to identify best/good practices. The responses to the questionnaire, as well as the country visits undertaken will contribute to the comprehensive report of the Independent Expert that will be presented to the Human Rights Council in September 2016.

In order to enable the Independent Expert to consider the submissions in good time for the report, all stakeholders are encouraged to submit the responses to the questionnaire at their earliest convenience and no later than 18 December 2015.

Kindly indicate whether you have any objection for the responses provided to be made available on the OHCHR webpage of the Independent Expert on the enjoyment of all human rights by older persons.

**Definition of good/best practices**

The term “best practices” is defined broadly in order to include different situations that could be considered positive and successful in a country and could inspire others. Therefore, practice is understood in a comprehensive way, including legislations, policies, strategies, statute, national plans, regulatory and institutional frameworks, data collection, indicators, case law, administrative practices, and projects among others. The practice could be implemented by different actors, State, regional and local authorities, public and private providers, civil society organisations, private sector, academia, national human rights institutions, or international organisations.

To be a good/best practice, the practice should integrate a human rights based approach when implementing existing international instruments related to the promotion and protection of the rights of older persons.

The questionnaire should preferably be completed in English, French or Spanish. The responses to the questionnaire can be transmitted electronically to the Independent Expert, Ms. Rosa Kornfeld-Matte and to be sent to olderpersons@ohchr.org, with copy to Mr. Khaled Hassine, khassine@ohchr.org by 18 December 2015.

Please include in your submissions the name of the State/organization submitting the practice, as well as contact details. Feel free to attach additional pages if you have several good/best practices to share.

Your contact details:

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The Independent Expert would like to thank you for your support!

For more information on the mandate of the Independent Expert, please visit:

<http://www.ohchr.org/EN/Issues/OlderPersons/IE/Pages/IEOlderPersons.aspx3>

**Questionnaire of the Independent Expert on the enjoyment of all human rights by older persons on best practices in the implementation of existing law related to the promotion and protection of the rights of older persons.**

1. **Name of the practice: ‘Guidance on human rights for commissioners of home care.’**

[**http://www.equalityhumanrights.com/publication/guidance-human-rights-commissioners-home-care**](http://www.equalityhumanrights.com/publication/guidance-human-rights-commissioners-home-care)

1. **Area concerned:**

 Discrimination (e.g. legal/institutional framework, access to facilities and services, etc.)

 Violence and abuse

 Adequate standard of living (e.g. resource availability, housing, etc.)

 Independence and autonomy (e.g. legal guardianship, accessibility, etc.)

 Participation

 Social protection (e.g. social security, incl. pension)

 Education, training and lifelong learning

X Care (home, family or institutional care, long-term care, palliative care, geriatric services, quality of care and availability of services, care workers, etc.)

1. **Type of practice:**

 Legal (Constitution, law, etc.)

 Policy/Programme/Strategy/Action Plan on Ageing

 Institution

 Regulation

X Administrative practice

 Case law/jurisprudence

 Disaggregated statistical data by age/gender

 Training programme

 Other (please specify):....................................

1. **Level of implementation:**

 National

X Local (Sub-national, community, urban/rural area)

 Other (please specify):....................................

1. **Please describe the practice, including:**
2. **Its purpose:**

This guide aims to help local authority elected members and staff who are involved in the commissioning and procurement of home care better understand their obligations under the Human Rights Act 1998. It is also relevant to others who have an interest in home care, including care providers, regulators, service users, their friends and families.

1. **When and how it was adopted:**

2013. The guidance was disseminated with the assistance of the Association of Directors of Adult Social Services and promoted at relevant sector conferences. Also, EHRC held seminars with local authority officers to embed the guidance.

1. **How long it has been used/implemented:**

Since 2013

1. **Its geographic scope:** England
2. **Which actors are involved in the development and implementation of such practice?** For instance, national and local authorities; private and public sector; academia; civil society organizations; international or regional organisations; older persons themselves, among others.

Key actors involved in developing and implementing the guidance were the British Institute of Human Rights and a selection of local authorities.

1. **Which rights of older persons does the practice promote and protect?**

European Convention of Human Rights as codified into UK law by the Human Rights Act 1998.

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1. **How does the practice promote or protect such rights?**

Five key messages lie at the heart of this guidance and explain why it makes sense for local authorities to commission home care compatibly with the Human Rights Act.

1. **It’s the law:** all local authorities are obliged to comply with the HRA and non-compliance can result in serious risks to individuals along with legal, financial and reputational risks.
2. **It’s practical and ensures accountability:** the HRA can provide a useful management and decision-making framework which can assist resource allocation, prioritisation and balancing competing needs.
3. **It’s about quality and efficiency:** pro-actively promoting human rights can help drive up quality, improve outcomes for service users, service providers and home care staff and reduce cost pressures. Inadequate care is never cheap in the long run.
4. **It supports other duties and initiatives:** human rights underpin and add value to a range of legal duties and policy initiatives which are at the heart of local authority business, including non-discrimination, safeguarding and personalisation.
5. **It’s about familiar shared values:** human rights are not new to the work of local authorities. The core values which underpin human rights – dignity, respect, choice, fairness and equality – are shared common public services values; using human rights can ensure these values are translated into practice within public authorities generally, and within commissioning specifically.
6. **What groups of older persons** (for instance, older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets, and refugees, among other groups), **if any, particularly benefit from the practice?**

Disabled older people, as defined by the UK Equality Act, are the predominant users of English home care services and as such will be the main beneficiaries of improved understanding and implementation of human rights by local authority staff involved in the commissioning and procurement of home care services.

1. **How has the practice been assessed and monitored? Please provide specific information on the impact of the practice, with data, indicators, among others, if any.**

The Commission monitors and reviews all of its web based materials to ascertain how frequently they are used.  We also use stakeholder feedback and occasionally undertake research on the views of people accessing our materials.

1. **What lessons do you believe could be learnt from this practice? How could it be improved?**
2. **How could this practice be a model for other countries?**

The training materials would be useful to staff who are involved in the commissioning and procurement of home care in other countries.