

## **CHARTER OF FUNDAMENTAL RIGHTS OF ELDERLY PERSONS** **(Annex C to the Service Charter)**

### *Introduction*

The elderly represent a heritage for society, because not only they identify the cultural memory of a population, but also because they increasingly constitute an active human resource, a contribution of energy and experience that society can use.

This new role emerges from the clinical and social research that explains the observation of an increasing number of people of advanced age and in good psychophysical condition.

However, there are conditions in which the elderly person is still a fragile person, both physically and psychically, so that the protection of his dignity requires greater attention in the respect of the rights of the person, enshrined for the generality of citizens.

The enhancement of the role of the elderly and their culture is based on the education of the population to recognize and respect their rights, as well as on the timely fulfilment of a series of duties by society. The first of these is the implementation of policies that guarantee that an elderly person will continue to be an active part of our society, that is to say, that they will facilitate his or her sharing of the social, civil and cultural life of the community.

This document is intended to guide the action of those who work for elderly people, directly or indirectly as individuals or within:

- institutions responsible for the realization of a public value (hospitals, nursing homes, schools, transport services and other personal services, both public and private);
- information agencies and, more generally, the mass media;
- families and social training.

We share with them the hope that the principles set out herein will find their proper place in the daily activity, in its regulatory acts such as statutes, regulations or service charters, in its policy guidelines and in the procedures for the implementation of interventions.

In this document, we recall some of the fundamental principles of the Italian legal system:

- the principle of "social justice" laid down in Article 3 of the Constitution, where it is considered the task of the Republic to remove economic and social obstacles which, by effectively restricting the freedom and equality of citizens, impede the full development of the human person.

The scientific literature reports that the full development of the human person is a continuous process, not circumscribable in a particular age class because it extends throughout life:

- the principle of "solidarity", enunciated in art. 2 of the Constitution, where it is considered the task of the Republic to recognize and guarantee the inviolable rights of man, both as an individual and in the social groups where his personality is carried out, and to require the fulfilment of the imperative duties of political, economic and social solidarity.

These mandatory expressions of solidarity must be accompanied by those of the free participation of the citizen in the proper functioning of society and the realization of the common good, also aimed at ensuring the effective realization of the rights of the person;

- the principle of "health" enunciated in art. 32 of the Constitution, where it is considered the task of the Republic to protect health as a fundamental right of the individual and in the interest of the community and to guarantee free care for the poor.

It should also be remembered that the concept of health affirmed by the World Health Organization (WHO) in the declaration of Alma Alta (1978) as physical, mental and social balance, was accompanied by the concept of health promotion of the Ottawa Declaration (1986).

### *The elderly person at the centre of rights and duties*

There is therefore no contradiction between asserting that the person enjoys, throughout his or her life, all the rights granted to citizens by our legal system and adopting a specific charter of rights for the elderly: it must promote education in the recognition and respect of these rights, together with the development of social policies, as called for in the introduction.

### *The person has the right*

- to develop and preserve his or her individuality and freedom;
- to preserve and see respected beliefs, opinions and feelings in compliance with constitutional principles;
- to preserve his or her special conduct, if not detrimental to the rights of others, even when they appear to be in contrast with the dominant behaviour in its environment of belonging;
- to preserve the freedom to choose where to live;
- to be cared for and cared for in the environment that best guarantees recovery of the injured function;
- to live with whomever he or she wishes;
- to live a life of relationship;
- to be put in a position to express his or her personal attitudes, originality and creativity;
- to be protected from all forms of physical and/or moral violence;
- to be put in a position to enjoy and preserve his or her dignity and value, even in cases of partial or total loss of their autonomy and self-sufficiency.

### *Society and institutions have the duty*

- to respect the individuality of each elderly person, recognizing their needs and carrying out the appropriate interventions, with reference to all the parameters of their quality of life and not solely in function of their age;
- to respect the beliefs, opinions and feelings of older people, even when they appear to be anachronistic or in contrast with the dominant culture, undertaking to grasp their meaning throughout the history of the population;
- to respect the behaviour of the elderly person, compatible with the rules of social coexistence, avoiding "correcting" and "mocking" them, without for this reason failing to comply with the obligation to help him or her better integrate into the life of the community;
- to respect the free choice of the elderly person to continue living in his or her own home, guaranteeing the necessary support, and, in the event of absolute impossibility, the reception conditions that make it possible to preserve certain aspects of the abandoned living environment;
- to care for and treat the elderly as far as possible at home, if this is the environment that best stimulates the recovery or maintenance of the injured function, providing any health and social service deemed feasible and appropriate. In any case the sick elderly patient is guaranteed the right to hospitalization or rehabilitation for the whole period necessary for treatment and rehabilitation;

### *Protection of recognised rights*

It should also be stressed that the transition from the identification of citizenship rights recognised by the legal system to the effectiveness of their exercise in the lives of older people is ensured by the creation, development and consolidation of a plurality of conditions in which the responsibilities of many people are involved. The allocation of resources (political bodies)

and the growth of social awareness (media, education and education systems) depend on the action of some of them. However, while the protection of the rights of the elderly is certainly conditioned by general choices specific to the sphere of social policy, no less important is the importance of instruments of guarantee that that same political responsibility has wanted: the regional and local ombudsman, the Office of Public Protection (UPT) and the Office of Relations with the Public (URP). They are an informal, immediate, free and easily accessible point of reference for all those in need of protection. It is common knowledge that a large proportion of those who turn to the ombudsman, UPTs and URPs are elderly people. It is necessary that the development of this network of guarantees be encouraged throughout the health, social and health care and social welfare in the authorization to operate and accreditation of all services of the Lazio Region.