

Guiding Questions for Defining the Normative Content of the issues Examined at the tenth Working Session of the Open-ended Working Group:

Social Protection and Social Security (including social protection floors)

Definition

- 1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework? Scope of the right**

Article 2 of the Constitution of the Republic of Slovenia states that Slovenia is a social state governed by the rule of law. In addition to civil and political, all citizens of Slovenia are entitled to social and economic rights.

Article 50 of the Constitution states that all citizens are entitled to social security, including the right to pension, under the conditions laid down by law. The state regulates compulsory health, pension, disability and other social insurances and ensures their proper realisation and functioning.

Article 51 of the Constitution states that everyone has the right to health care under the conditions laid down by law.

Article 9 of the Social Security Act stipulates that the state shall take care of preventing social security risks, in particular by systematic measures in the fields of tax policy, employment and labour, scholarship policy, housing policy, health care, education, and other areas affecting the social status of the population.

Social care provided to older persons is governed by the Social Assistance Act and various subordinate rules and regulations.

Especially important is the provision in Article 4 of the Social Security Act, which stipulates that the rights to services are exercised according to the principles of equal accessibility and freedom of choice for all beneficiaries under the conditions laid down by the law.

- 2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:**

a) Availability of contributory and non-contributory schemes for older persons

b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care

Response a) and b)

Social security systems are largely provided by social protection systems. In Slovenia, social protection systems are based mainly on public social insurance, whose main source of income is contributions from work.

Slovene social protection system has its basis in Constitution of the Republic of Slovenia (Article 2; Slovenia is a social state governed by the rule of law, Article 14; Equality before the law, Article 34; Personal dignity and security; Article 50; right to social security; Article 51; right to health care and right to adequate housing). These constituent principles are detailed, regulated by social protection laws. The rights of older persons are exercised in the proceedings of the state authorities, which issue enforcement acts. Social protection in Slovenia is ensured by a number of measures in various fields, including health, employment, housing, education and other aspects. An important part of providing social protection is the area of social security, which provides a range of services and cash benefits to groups and individuals without sufficient means of living. The measures are based on social justice, solidarity and equal opportunities, with the aim of enabling social security and social inclusion of all residents of Slovenia.

An important aspect of social security for the elderly is the provision of decent pensions.

The pension system in the Republic of Slovenia is based on intergenerational solidarity and on a cost-effective financing principle. Individuals in paid employment contribute to pension and disability funds, thus securing the payment of pensions at a time when, due to age or disability, they are no longer able to earn personal income either from regular employment or some other paid activity.

Periodic adjustments are necessary to ensure the financial sustainability of the pension system. In accordance with the valid pension and disability legislation, insurance in the Republic of Slovenia is compulsory and uniform for all insured persons. In this way, insured are the employed, individuals engaged in a private and independent economic or professional activity, farmers and members of their holdings, partners, etc.

In order to ensure a standard of living comparable to working age, citizens have the possibility of savings for their old age by contributing to the so called supplementary pension insurance that can be accessed collectively or individually. Supplementary pension insurance guarantees the right to an additional old-age pension and the right to an early supplementary pension in the form of an annuity. It is a purposeful saving on personal savings accounts to secure additional income after retirement in compulsory pension and disability insurance.

Another important pillar of social security is health insurance. Health insurance is compulsory and voluntary. Compulsory health insurance covers all employees, pensioners and a range of other beneficiaries (for example the unemployed, farmers, disabled, etc.). The most important voluntary health insurance is supplementary health insurance that most people are covered by. The socially disadvantaged are covered by the state's contribution to this type of voluntary insurance.

c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions

d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation

Response c) and d)

There is no specific legislative act addressing older persons generally or affordability of social security systems. As stated above, Slovenia provides social security through a number of measures in various fields, including health, employment, housing, education and other aspects. An important part of

providing social security is the area of social protection, which gives groups and individuals without sufficient means of livelihoods fair access to a range of services and cash benefits. The measures are based on social justice, solidarity and equal opportunities, with the aim of enabling social security and social inclusion of all residents of Slovenia.

Slovenia ensures the operation of mandatory pension insurance by determining the amount of the contribution rate, by obliging the employers and the insured persons to pay contributions, by the rules governing the obligation to apply for insurance, by the manner of assessment, payment and recovery of contributions, conditions for recognition, assessment and enjoyment of rights, and by the system of parental records and the control over the assurance of individual rights. The state provides beneficiaries with the pensions and other compulsory insurance benefits even if the expenses of the Pension and Disability Insurance Institute of Slovenia exceed the revenues from compulsory insurance contributions. In this case, the difference is covered by the state budget or other sources. Slovenia ensures the operation of occupational retirement and supplementary insurance and controls the operations of the holders of this type of insurance.

Some of the examples of social security provision for vulnerable population groups, as the principles of fairness and equal access are respected are as follows:

Financial social assistance: Acts as a final safety-net to cover basic living costs for a limited period.

Permanent social assistance: may be granted to a person who is considered permanently unemployed or permanently incapable of work or who is unemployed and is over 63 years of age for women and 65 years old for men and is without assets, as regulated by the act on the exercise of rights deriving from public funds, or a person who is in institutional care, as well as his/her family members, upon meeting the conditions set out in this paragraph.

Income support/supplementary allowance: intended to cover long-term living expenses (accommodation expenses etc.) and not expenses for meeting minimum living requirements.

Extraordinary financial social assistance: granted in exceptional circumstances (when a person is in a situation of temporary material deprivation due to extraordinary living expenses which cannot be covered by the person's own income)

Bereavement payment and funeral payment: aimed at providing financial assistance to relatives of the deceased and to partially cover funeral costs

Rent subsidy: rent subsidy for non-profit housing and other dedicated apartments

Right to covering the difference to the full value of social -care services: the right is granted to insured persons and their insured family members if they are eligible for cash social assistance or if the conditions for cash social assistance are met,

Right to payment of contributions for compulsory health insurance: for persons entitled to financial social assistance or who qualify for financial social assistance, where the wrong reasons and not taken into account and have permanent residence in the Republic of Slovenia and are not insured persons under any other provision of the law governing health insurance.

Socially disadvantaged people are also guaranteed the right to cover the difference to the full value of health services.

e) Participation of older persons in the design and administration of the social security system

State obligations

Older people play a prominent role in shaping the social security system in Slovenia. Their rights and the awareness on their needs and situation are represented through the political party DESUS, which is a Member of Parliament.

The Federation of Pensioners' Associations of Slovenia, as the largest older people non-governmental organisation in Slovenia, also plays a significant role in creating the social security system. This connection is decisive in promoting the role of older people in society and the motto " nothing about us without us ". As a non-governmental organization, the Federation is active in promotion, influencing and development of older people friendly policies and laws (for example - amendments to the pension law). Their representative is also the Deputy Prime Minister of the Government Council for Active Aging and Intergenerational Cooperation. The Council is the most important body responsible for the implementation of the Long-lived Society Strategy, which represents the state responses to demographic changes.

In brief, Slovenia has a tradition and practice where representatives of older people actively and constructively participate in development of all legislations and regulations concerning their own lives.

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above? Special considerations

Society and the state should be more aware that older people today, as well as all previous generations, are the creators of wellbeing, prosperity and the benefits that we all enjoy today. There should be greater awareness of the importance and contributions of previous generations and their interconnectedness and dependence. By no means should we look at older people through the prism of being a burden to society.

The active aging strategy adopted by Slovenia in 2017 is an umbrella national act to respond to demographic change. In our opinion, the active aging strategy is a step in the right direction, as it answers the question of how to actively deal with the added years and how successfully respond to the challenges of demographic changes. The main objective of the strategy is to create an age friendly Slovenia based on intergenerational cooperation and solidarity.

One of the steps in this direction is undoubtedly the establishment of a Council for Active Aging and Intergenerational Cooperation in which the President is the Minister and the Vice-President a representative of older people. The Active Aging Council is in charge of action plans and implementing acts of the strategy and takes care of coordinated responses to demographic challenges.

We believe that raising the profile of both professional and lay public about the challenges of demographic changes and the right of older people to live in a safe and dignified age is a very important part of this work. In raising awareness, we emphasize the role of NGOs and the local environment.

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

In developing normative content, the country should take into account the specific features and historical features of its environment, while taking into account international documents related to population aging. We particularly highlight the Madrid Aging Action Plan and its Regional Implementation Strategy

The activities of the state should be focused on providing a safe and dignified age, and special attention should be given to those older persons who can no longer care for themselves, who depend on the help of others or who are in social distress.

We highlight the following guidelines that the country should follow:

- To ensure full integration and participation of older persons in society.
- To adjust social protection systems in response to demographic changes and their social and economic consequences.
- Strive to ensure quality of life at all ages and maintain independent living including health and well-being.
- To support families that provide care for older persons and promote intergenerational and intra-generational solidarity among their members.

Provide safe and dignified aging to the individual and the elderly, where they wish, preferably at their home or in close community form. Particular attention should also be paid to the quality of life of those who care for the elderly in various ways, both in formal and informal care.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

Older people are a very heterogeneous population. While most can continue to be very active, many, especially those of advanced age, become fragile and over time start to depend on the help and benefits provided by or within various forms of social, health and other services. Civil society, NGOs and the private sector have been playing and increasing role in the care and assistance to older people. We believe that due to the potential vulnerability of older people, the role of such stakeholders must be properly regulated to prevent elder abuse.

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

Article 4 of the Social Security Act stipulates that the rights to services shall be exercised according to the principles of equal accessibility and free choice of forms for all entitled beneficiaries under the conditions laid down by the law. It is an important provision that enables socially vulnerable who can no longer care for themselves, choose a service or residence of their own choice.

A major challenge in this area is regulation of the long-term care system. Efforts to regulate long-term care in a unified system in Slovenia have been made for more than 15 years. Although the awareness of the need to establish a new comprehensive long-term care system has long been widely present, the law on long-term care has not been adopted yet. This is related to the complexity

of the field, whose regulation requires the interconnection of activities within the competence of several ministries, different interests and the unspecified question regarding the financing of the new system or additional resources needed. Recently, activities to establish a unified system for financing long-term care in Slovenia have been strengthened again.