

Guiding questions for the thirteenth session

Focus area 2: Social Inclusion

The Scope

Social inclusion is a precondition for the ability of older persons to exercise multiple human rights. Social inclusion is the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status through (1) enhanced opportunities, (2) access to resources (3) voice and (4) respect for rights.¹ From a human rights perspective, achieving social inclusion requires addressing the discriminatory structures that have led to exclusion, deprivation of resources and lack of opportunities identified in multiple international human rights instruments.

On one hand, the full social inclusion of older persons lays upon removing existing barriers and, on the other hand, on the adoption of measures that actively promote their inclusion. As such, the achievement of social inclusion is realized through the exercise of human rights that have already been or will be analyzed by the Working Group. These guiding questions are therefore geared towards addressing exclusively those areas that have not been, nor will be, addressed in other sessions of the Working Work.

The following focus areas and their impact on the social inclusion and/or exclusion of older persons have already been covered by the Working Group:

- Equality and non-discrimination
- Neglect, violence and abuse
- Autonomy and independence
- Long-term care and palliative care
- Social protection and social security
- Education, training, lifelong learning and capacity building
- Access to justice
- Right to work and access to the labour market
- Economic security
- Contribution of older persons to sustainable development

The following focus areas and their impact on the social inclusion and/or exclusion of older persons may be covered by the Working Group in a forthcoming session:

- Participation in the public life and in decision-making processes
- Accessibility, infrastructure and habitat (transport, housing and access)

The guiding questions:

1. What are the legal provisions, policy frameworks and/or measures in your country that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic or other status?

In 2016, Slovenia adopted the Protection against Discrimination Act, which provides for the protection of everyone against discrimination regardless of gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, sexual identity and sexual expression, social status, financial status, education or any other personal circumstance. The Act also established the Advocate of the Principle of Equality, an independent and autonomous state body mandated to deal with discrimination, also based on age. In accordance with Article 21 of the Protection Against Discrimination Act, the Advocate's tasks are the following:

- conducting independent research on the position of people with certain personal circumstances, particularly gender, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation, and other issues regarding discrimination of people with certain personal circumstances,

- publishing independent reports and making recommendations to state authorities, local communities, holders of public authorisations, employers, business entities and other bodies regarding the established situation of people with certain personal circumstances, i. e. relating to preventing or eliminating discrimination and adopting special and other measures to eliminate discrimination,
- conducting tasks of supervisory inspection on the basis of complaints regarding the observance of the provisions of this or other acts determining the Advocate's competence,
- providing independent assistance to persons subject to discrimination when enforcing their rights regarding protection against discrimination in the form of counselling and legal assistance for clients in other administrative and judicial proceedings related to discrimination,
- raising the general public's awareness on discrimination and measures to prevent it,
- monitoring the general situation in Slovenia as regards protection against discrimination and the situation of people with certain personal circumstances,
- proposing the adoption of special measures to improve the situation of people who are in a less favourable position due to certain personal circumstances,
- participating in judicial proceedings involving discrimination,
- ensuring the exchange of available information on discrimination with bodies of the EU,
- conducting other tasks determined by the Protection Against Discrimination Act.

Another institution that also deals with the protection and promotion of human rights, also of older persons, in Slovenia is The Human Rights Ombudsman of the Republic of Slovenia, which is an independent institution, which contributes to the protection and promotion of human rights and fundamental freedoms in Slovenia through the investigation of the complaints, submission of opinions and recommendations to any authority, addressing pressing human rights issues, conducting on-site inspections, conducting human rights education, research, through cooperation with civil society as well as through own initiatives and statements on legislative proposals.

The Ombudsman deals with individual complaints sent by applicants in which they claim that their human rights have been violated by any state authority, local self-government body or holder of public authority. The Ombudsman may submit opinions to any authority on the protection of human rights and fundamental freedoms in a case under consideration. The Ombudsman may also initiate a procedure for the review of the constitutionality or legality for reasons of human rights or fundamental freedoms violations and a constitutional complaint in relation to a case under his review before the Constitutional Court of Slovenia.

The Ombudsman submits an annual report to the Parliament of Slovenia in which he evaluates the state of human rights violations by the authorities, explains his activities and findings as well as provides recommendations to the authorities. The Report is publicly discussed each year at the Plenary Session of the Parliament.

2. What legal age limits exist in your country that prevent the full and equal participation of older persons in societies in areas such as employment, education, healthcare, financial goods and services, or others?

Article 49 of the Constitution of the Republic of Slovenia states that the freedom of work is guaranteed and that everyone can choose their employment freely. According to Article 21 of the Employment Relationships Act An employment contract may be concluded by persons who have reached the age of 15. There is no legal upper age limit when it comes to employment, but more should be done to combat discrimination based on age, when it comes to employment.

According to article 57 of the Slovenian Constitution the State will enable opportunities for citizens to obtain a proper education. Article 7 of the Higher Education Act of the Republic of Slovenia provides that higher education institutions shall ensure equal treatment regardless of nationality, racial or ethnic origin, national and social origin, sex, state of health, disability, religion or belief, age, sexual orientation, family situation, property or other personal circumstances. Thus, there are no age limits for higher education studies (even in full-time "free" studies). However, there are age limits when it comes to social transfers, related to schooling. In the case of subsidised stays of students of higher education studies, there is no age limit, but we have, among other conditions, restrictions on status, since only those who

are not in an employment relationship or do not perform an independent registered activity, are not registered in the register of unemployed persons with the competent authority or are not managers of companies or directors of private institutions, and are not recipients of a pension other than recipients of a survivor's pension. Retired persons can therefore equally participate in schooling processes, but, if receiving a pension, are not entitled to subsidies.

Article 51 of the Constitution of the Republic of Slovenia states that everyone has the right to health care, no matter of age. The whole system of national health insurance is based on the principles of solidarity. The statutory health insurance contributions depend on income. Retired persons do not contribute directly, instead contributions towards statutory health insurance are paid from estimated gross pensions to the health insurance.

3. What measures are in place, if any, to ensure that older persons in institutions segregated from their communities -such as institutional care systems or prisons- can continue participating in their society?

Ministry of Labour, Family, Social Affairs and Equal Opportunities annually organises a public tender for the co-financing of social security programmes, covering 10 target groups or areas, including programmes for older people who are at risk of social exclusion or need support and assistance in their daily lives. The programmes are designed to provide support for people with dementia and their relatives, older people who wish to stay in the primary environment for as long as possible, older people at risk of social exclusion or need assistance in their daily lives. The programmes include counselling, day centres, field work, self-help groups and community work. More than 62,000 users are included in the programmes and more than 890 groups are organised. Depending on specific problems, older people can also be included in all other co-financed programmes in the fields of addiction, violence, mental health problems, etc.

One of best practices is the "Older for Older" program, within which Slovene Federation of Pensioners' Associations (ZDUS) runs the Seniors with Volunteering project to improve their own lives and the lives of their peers. As part of the project volunteers, who are usually representatives of the older generation, visit older persons in their area. Volunteers and project coordinators have previously received training, so that visiting older persons, identifying their needs for possible assistance, and providing information to other institutions is carried out in accordance with the agreed procedure. The project's purpose is to get to know the needs of older people, especially those who have no or minimal contact with others. In cases of loneliness, volunteers also cooperate with other non-governmental organisations. When the needs of an older person exceed volunteers' competences, or if abuse or violence occurs, the volunteers inform a social work centre or the police. Cooperation with social work centres is increasing, as there is more and more information among the older population about various forms of abuse.

There are several other organizations in Slovenia that contribute to the social inclusion of older persons like Srebrna nit, Slovenian Caritas, Red Cross Slovenia, Slovenian Philanthropy, Spominčica, AlzheimerSlovenia – Slovenian Association for Help with Dementia, the Slovenian Seniors Association, Gerontological Society of Slovenia, Simbioza, CNVOS - National NGO umbrella network, and Sloga. They amplify the voice of older persons in proposing measures for sustainable solutions in programming and legislative documents, eradicating poverty, health and well-being, long-term care, education, gender equality, clean water and sanitation, decent work, reducing inequalities, and promoting sustainable cities and communities.

4. States have an obligation to use maximum available resources to progressively achieve the full realization of economic, social and cultural rights. What is the share of national public expenditure budget targeted to older persons as a distinct group?

The state budget is only one of the four treasuries of public financing and accounts for just under half of all government expenditure. Public funds are also channelled into the pension fund (from it, among other things, they pay pensions and disability benefits), the health fund (this covers, among other things, the operating costs of health centres, hospitals and medicines), and municipal budgets represent the revenue and expenditure of all 212 municipalities (which the municipalities regulate independently and only concerns the inhabitants of each municipality). In order to link budget expenditure to development and government policies/priorities, it is necessary to classify budget expenditure by programme level.

These programmes are as follows: the political system, economic and fiscal policy, external policy and international development cooperation, general public services and joint administrative services, science and the information society, local self-government, defense and protection, home affairs and security, judiciary, labour market and working conditions, agriculture, forestry, fisheries and food, sources of energy and energy efficiency, transport and transport infrastructure, entrepreneurship and competitiveness, environmental protection and environmental infrastructure, spatial planning and housing, healthcare, culture and civil society, education and sport, social security, pension protection, serving public debt, intervention programmes and commitments, payments to the European Union.

Older persons are an integral part, like other citizens of the Republic of Slovenia. As such, funds from all programmes mentioned above are in some part also targeted to older persons.