

Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Focus area 1: Contribution of older persons to sustainable development

The Scope:

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

Substantive guiding questions:

National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:

- a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;

Slovakia's Constitution, secondary legislation and ratified international documents provide the legal framework for the protection the right to freedom of opinion and expression, the right of access to information and the rights to freedom of peaceful assembly and of association.

- b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;

The protection and collaboration with civil society is safeguarded by the office of the Plenipotentiary of the Government of the Slovak republic for the development of civil society, which is the national authority responsible for the coordination of OGP agenda.

Civil society representatives together with the government officials are also members of the government's advisory body - Council on human rights, national minorities and gender equality.

- c) good practices to ensure older persons' participation in, and contribution to sustainable development.

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Older persons may participate through their representatives at the Council of the Government of the Slovak Republic on the rights of elderly and the adaptation of public policies to population ageing process (chaired by the minister of labour, social affairs and family). The council is an advisory, initiative and coordinating body of the Government of the Slovak Republic. It was set up as a specific advisory body to provide cooperation and to ensure systematic approach to the issues of senior rights, living conditions, equal opportunities and equal treatment of seniors and closer cooperation of stakeholders.

National Program for Active Ageing 2021-2030 has been adopted and approved by the Government of the Slovak republic.

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

Certain level of computer literacy is a necessary precondition for meaningful participation in relevant legislative processes. Low level of digitalization and/or computer literacy might constitute a challenge for older people when it comes to the realization of their right to participate in legislative processes. Since legislative (as well as many non-legislative processes) are conducted solely through electronic Slov-lex portal, this challenge is relevant in the context of the Slovak Republic.

When it comes to public hearings or other forms of public participation mechanisms applicable in sustainable development matters, participation of older persons might be negatively influenced either by their low awareness / lack of information and their low interest in these matters as well as by an unsuitable design of public participation procedures.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

Age discrimination is prohibited by law. Pursuant to the provision of the Act 365/2004 Coll. The Antidiscrimination Act par. 3 (3) „*To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.*“

Remedies and Redress

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5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

Age discrimination is prohibited by law. Pursuant to the provision of the Act 365/2004 Coll. The Antidiscrimination Act par. 3 (3) „*To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.*“

Focus area 2: Economic security

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

In general, individual rights are defined by the Constitution of the Slovak Republic¹ and are subsequently defined in national legislation. An example is Article 39 of the Constitution of the Slovak Republic. Paragraph 4 provides that anyone in material need has the right to such assistance as is necessary to ensure basic living conditions. Consequently, the conditions for assessing the state of material need and the provision of assistance in material need are laid down in Act No. 417/2013 Coll. on Assistance in Material Need and on Amendments and Supplements to Certain Acts, as amended.

2. How is poverty defined in the national policy framework?

At the national level, poverty is defined as when a citizen's income is below the poverty line, which is 60% of the national median equivalised disposable income. For older people 65+, the share of people in a given age group below the poverty line, both nationally and in EU comparisons, in the total number of people in that age group is calculated. This is the so-called 'elderly poverty risk rate' (65+). It is also possible to look at the elderly people's poverty from a broader perspective that includes social exclusion. In this case, the poverty or social exclusion risk rate is calculated which includes not only income poverty but also lack of material resources, i.e. severe material deprivation or, according to the new concept, severe social and material deprivation. The above definitions are available on the website of the Statistical Office of the Slovak Republic and, for international comparison, on the Eurostat website.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

¹ Act No. 460/1992 Coll. the Constitution of the Slovak Republic

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Changes in the age structure of the population of the Slovak Republic clearly indicate an intensive ageing of the Slovak population. The ageing of the population is manifested by an increase in the proportion of people of post-productive age and a decrease in the proportion of the child component. As a result of the demographic ageing of the population, the structure of society is changing, the number of older people is increasing, life expectancy is increasing, and people will live an ever-increasing part of their adult lives in old age. The top priority is for people to live an extended period of old age and ageing in good physical and mental condition, so it is important to address issues of active ageing, intergenerational relations, improving the media image of seniors and an ageing society, changing the consumer market orientation to the silver economy. The long-term priorities of social policy with regard to the age structure and ageing of the population are based on values: humanism, freedom and responsibility, equality, solidarity and social justice, cohesion policy, a more social Europe. The fundamental value pillar in social services is the promotion and observance of fundamental human rights and freedoms, based on the agreement of the international community of states in this area. The promotion and observance of fundamental human rights and freedoms in social services is a fundamental pillar of values based on the agreement of the international community of states in this area. At the highest level, these are commitments under the UN Convention on the Rights of Persons with Disabilities (2006), the UN Convention on the Rights of the Child (1989), the Convention on the Elimination of All Forms of Discrimination against Women (1981), most recently the UN 2030 Agenda for Sustainable Development (2015).). The European Social Charter (as revised, 1996), the EU Charter of Fundamental Rights (2012), the latest principles of the European Pillar of Social Rights (2017) are the main international documents committing to the application of the human rights approach in social services as well. Relevant recommendations for social services are contained in the European Charter for Family Care (revised, 2017), the European Charter on the Rights and Responsibilities of Elderly Dependent Care (2010), the Voluntary European Framework for the Quality of Social Services (2010) or the Voluntary European framework for the quality of long-term care services (2012). At the national level, the human rights perspective of social services is included not only in the Social Services Act, but also in related programming documents. These include the Strategy for the Deinstitutionalisation of the Social Services and Substitute Care System in the Slovak Republic (2011), its National Action Plans (2011 and 2016), the National Strategy for the Deinstitutionalisation of the Social Services and Substitute Care System in the Slovak Republic (2021), and the National Active Ageing Program for the years 2021 - 2030, National Program for the Development of Living Conditions of Persons with Disabilities for 2021-2030 (2021). Program priorities in the area of social services in relation to the target group of older people in accordance with the commitments from the Program Statement of the Government of the Slovak Republic for 2020-2024 and also within the National Program for Active Aging for 2021-2030 are e.g. Active ageing in the context of demographic development: Ensure the needs of adequate capacity to provide social services, especially long-term health and social care, in the context of demographic development and increasing life expectancy, related to the increase in the number of people dependent on long-term health and social care. Health care supporting active ageing: Contribute to eliminating the long-term consequences of the negative health status of recipients of social services in social services facilities conditioned by dependence, in deepening the state of their dependence on the help of another natural person, at a young age. Promoting social participation and inclusion of older

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people: Involve seniors in volunteering, with the specific aim of promoting intergenerational solidarity, strengthening social services through the potential of older people, promoting active ageing linked to the integration of seniors into society and preventing segregation. Create conditions to support the use of the potential of older people in the care of dependent elderly people, both non-formalized personal assistance and formalized care. It is about supporting the retention of older people in their home (community) environment by providing personal social contact with another elderly person to alleviate feelings of loneliness, but also using the potential of older people to provide formalized personal assistance to other older people who depend on the help of another natural person by providing community social services, including in addressing the employment and employability of older people and their remaining in the labor market. Promoting the dignity and quality of life of older people: Ensure long-term sustainability accessibility, safety and quality of social services provided and to promote integrated social and health care for the elderly and people with severe disabilities in order to promote the dignity and quality of life of older people and people. The long-term priorities of social policy with regard to the age structure and ageing of the population are based on values: humanism, freedom and responsibility, equality, solidarity and social justice.

4. What data, statistics and research are available regarding older persons living in poverty?

These are mainly statistics based on the harmonised annual EU SILC household income and living conditions survey. As mentioned above, they are available on the website of the Statistical Office of the Slovak Republic and, for international comparison, on the Eurostat website. At the same time, a Report on the Social Situation of the Population of the Slovak Republic is produced annually, which also includes the development of poverty and social exclusion.

Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

Old-age pensioners and disability pensioners after reaching retirement age are entitled to a minimum pension, if the sum of their pension benefits is lower than a predefined level and they have paid social insurance for at least 30 years. The level of the minimum pension is calculated based on number of years an individual has worked and paid pension insurance. As of 2021, the mechanism determining the minimum pension is dropped, and their value is at the level of 2020. Additionally, from 2021, only those years with contributions from a contributory base above 24.1 % of the average wage are taken into account to determine the minimum pension value. There is currently no minimum pension benefit legislated for people without 30 years of pension insurance. However, individuals may apply for means-tested social assistance, which is provided at the minimum subsistence level (less than 60% of the minimum wage). Minimum subsistence level is, according to law, indexed to inflation (measured on low-income households' basket of goods and services).

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6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

At the national level, there is a social safety net, a system of assistance in material need, which provides assistance in material need to households that find themselves without income or on a low income under exhaustively defined conditions. It is a supplementary scheme preceded by claiming all statutory entitlements, e.g. the right to an old-age pension. Assistance in material need is subject to income-testing and is calculated as the difference between the amount of entitlements (material need allowance, protective/activation allowance, housing benefit and dependent child allowance) and income. In the case of the elderly, a protective principle is defined in the system of assistance in material need in the form of a protective allowance, to which a natural person who has reached the age of eligibility for an old-age pension or is a beneficiary of an early retirement pension is entitled. At the same time, for the purposes of assessing both the state of material need and the provision of assistance in material need, 25% of the income from the old-age pension without its increase to the amount of the minimum pension and from the early retirement pension is generally not included in the income. In the case of an individual who has acquired a period of pension insurance of more than 25 years, the above percentage shall be increased by 1% for each year of pension insurance acquired after the 25th year of pension insurance, whether on the amount of the old-age pension granted without its increase to the amount of the minimum pension, of the early retirement pension² or of the old-age and early retirement pensions in payment³.

Pension system - the first pillar is the main source of income for the elderly. It includes old-age, early old-age, disability and survivor benefits. It is a public, mandatory, pay-as-you-go (PAYG), defined benefit and earnings related pension scheme (point system). The minimum period of participation to become entitled to pension benefits from the first pillar is 15 years. The calculation of the awarded pension benefit in the first pillar is based on a point system, i.e. earnings-related principle. Three variables determine the amount of pension benefit – contributory period, average pension point and current pension point value. The average pension point is roughly an individual's average lifetime position relatively to the average wage in the economy (according to law it cannot exceed the value of 3). In order to ensure solidarity, the calculated pension point is adjusted based on a solidarity formula. Pension point below value 1 is increased and pension point above 1.25 is reduced. The second pillar is a fully funded, defined contribution, private pension scheme operational from beginning of 2005. Pension benefits in the mixed system - if one participates in both the first and the second pillar - the pension benefit awarded from the first pillar is reduced by a percentage of social security contributions paid to the private pension funds for the years of participation in the mixed system. The second pillar

² Act No. 461/2003 Coll. on Social Insurance

³ Act No. 43/2004 Coll. on Old-age Pension Savings and on Amendments and Supplements to Certain Acts, as amended

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savings can be paid out to savers in several ways: lifetime annuity, temporary annuity or a programmed withdrawal.

Labour market policy

a) Passive labour market policy is a set of programs aimed at maintaining the income of unemployed persons (unemployment benefit; material need benefit and benefit contributions, payment of early old-age pension to persons of pre-retirement age);

b) Active labour market policy is a set of programs aimed at improving the access of the unemployed to the labour market and to the efficient functioning of the labour market.

Citizens over the age of 50 are among the disadvantaged groups in the labour market for the purpose of providing employment services.

Among the tools of active labour market policy, in which the elderly participate, we include:

- Job placement, provision of information and counseling services and professional counseling services
- Education and training programs for the labour market (retraining) - upgrading of professional knowledge and skills of the unemployed and employees
- Subsidized employment programs - providing contributions to employers to encourage the employment of the unemployed, providing contributions for self-employment, direct job creation in the public or non-state sector (community service, including the form of voluntary service)
- Programs to support geographical mobility - providing allowances for commuting for work, to support mobility for work, for transport to work, for moving to work
- Social economy programs - providing contributions for integrative social enterprises
- Disability employment support programs - providing contributions to employers to encourage the creation and maintenance of sheltered employment for citizens with disabilities, allowances for self-employed citizens with disabilities, providing assistance to facilitate employment for people with disabilities.

7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

Equality and non-discrimination

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

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Remedies and redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?