

Identification of possible gaps in the protection of the human rights of older persons and how best to address them

## QUESTIONNAIRE

### Identification of gaps:

1.

#### a) Equality and non-discrimination

- There is a lack of effective legal protection of older people against discrimination and unequal treatment.
- Equal and timely access of older people to high-quality, long-term sustainable, cost-effective and affordable social services is not sufficiently ensured.
- Equal and timely access of older people to quality health care, including long-term health and social care, is not sufficiently ensured.
- In the digitized era, as a result of the absence, weakening or loss of digital literacy and mastery of modern means of communication and technology among older people over 75 years of age, conditioned also by the objective accompanying consequences of older age, the access of these older people to public resources and services is reduced, to necessary information and tools for social participation on the same basis as the rest of the population.
- From the point of view of labour protection, the right to work and access to the labour market are basic human rights that apply to all age groups, including the elderly. Older persons have the right to dignified and fulfilling working conditions, which include fair wages, reasonable working hours and a safe working environment. They also have the right to equal opportunities in accessing the labour market, regardless of their age. Age discrimination should not take place at any stage of employment, including selection, performance of work, training or education.
- From a legislative point of view, despite the enshrining of the protected reason "age" in several legal regulations, in Act no. 365/2004 Coll. The Act on Equal Treatment in Certain Areas and Protection from Discrimination and Amendments to Certain Acts (Anti-Discrimination Act) (hereinafter referred to as the "Anti-Discrimination Act") still lacks a definition of multiple or cross-sectional discrimination, which is directly related and its subsequent problematic practical reflection in individual cases. In this context, there is therefore room for improvement by introducing a definition of multiple and cross-sectional discrimination so that the relevant entities in the process of interpretation, but above all the application of the law in individual cases, reflect the accumulation of discriminatory reasons and take their individual points of view more adequately into account.

On the basis of the above, there is scope for taking measures to raise awareness in relation to discrimination based on age, including the closely related issue of multiple discrimination, as well as amending the anti-discrimination law.

#### b) Violence, neglect and abuse

- In general, a problematic aspect in this area is ignorance of the specific aspects of elder neglect and abuse. One of the most important tasks is therefore education, both general and institutional education. At the same time, it is necessary to strengthen the awareness of older persons about this issue, the possibilities of solving violence and about the organizations they can turn to.
- Another problem may be the lack of a comprehensive strategic document with a specific focus on all aspects of the prevention and elimination of violence against the elderly, as is the case with other vulnerable persons – women and children. Since the population development forecasts point to the aging of the population, and therefore to the increase of the population share of elderly people, it is necessary to adopt a conceptual national strategy specifically in relation to violence against senior citizens.

#### c) Long-term care and palliative care

- There is no provision of integrated, linked long-term health and social care with the support of health rehabilitation and social rehabilitation of the individual (including the elderly) and the satisfaction of their individualized needs for help and support, including its financing.
- There is a lack of effective coordination of social and health interventions for the benefit of the individual; there is a lack of a unified integrated system of assessment of the functional and social consequences of health status.
- Access to integrated social and health long-term care services is currently also marked by a persistent lag in the scope of such professional care provided to dependent elderly people in the home, or community environment, compared to the scope of such professional care provided in the residential form.
- There is a lack of developed social services based on the community principle, so that an elderly person who is dependent on the help of another physical person for self-care can stay as long as possible in their natural environment, especially with the provision of outreach and ambulatory social services. There is still a high number of elderly persons with an unsatisfied need in the field of providing social services conditioned by dependency.
- Access to long-term social and health care is characterized by different financing of its health and social components (compulsory public health insurance vs. sources of the state budget, budgets of higher territorial units and budgets of municipalities within the framework of co-financing of this care, and, under established conditions, payment for the provided social service by the recipient of this social service).
  - Insufficient staffing of care and nursing activities for dependent persons in various care environments, including large differences in individual regions of Slovakia (lack of qualified care staff and qualified nursing staff) and a low rate of stabilization of professional staff in social services, including in helping professions in social services.
  - There is a lack of systemic preventive measures aimed at protecting the mental health of older people and early diagnosis of its disorders.

#### d) Autonomy and independence

In relation to autonomy and independence, it is necessary to consistently create an environment that eliminates physical, psychological, information, and communication

barriers of older persons. From a practical point of view, it is also important to ensure the participation of representatives of senior citizens in decision-making processes, i.e. on issues that affect their lives.

- e) Protection et sécurité sociales (y compris protection sociale minimale)
  - Insufficient elimination of the number of elderly persons at risk of poverty and social exclusion (including elderly people living in segregated communities with the presence of concentrated and generationally reproduced poverty and homeless elderly people) mainly due to insufficient targeted development of field social work with its synergistic effect with other tools of activating aid and support, as well as insufficient support and development of crisis intervention social services.
  
- f) Education, training, lifelong learning and capacity-building
  - Low participation of older people in lifelong learning programs and activities, also in connection with the dynamically changing computerization of society and robotization and related demands on the personnel component and its knowledge and skills on the labour market.
  - Obstacles to employing the elderly (people in the age category 50+)
    - low rate of adaptation to innovative technologies,
    - frequent absence of computer knowledge and adaptability in relation to the introduction of new software,
    - lower language skills,
    - deteriorating health status related to older age,
    - customary work and social stereotypes.

The Ministry of Labour and Social Affairs of the Slovak Republic is sensitive to the employment of people aged 50+, also because it is a category of employees who, if they lose their job in the labour market, face more significant problems in obtaining a new job when they re-enter the labour market.

Also for this reason, as part of the provision of employment services, education and preparation for the labour market is carried out in the form of education in:

- accredited educational programs that lead to supplementing, renewing, expanding or deepening the qualifications necessary for the performance of a professional activity;
- accredited educational programs that lead to the acquisition of a partial qualification or the acquisition of a full qualification, professional competence for one or more work activities in a permit other than the one for which the job seeker obtained a qualification through school education;
- in educational programs aimed at the development of communication, computer, managerial, social and business competences and aimed at the development of language competences, if the development of language competences is a condition for the development of communication, computer, management, social and business competences;
- in non-accredited education programs or courses that are conducted on the basis of authorization, certification or registration;
- in educational activities within international programs;

□ in educational programs to gain practical experience.

g) Right to Work and Access to the Labour Market

- Underestimating the importance and application of age management in the practice of employer entities (public and private).
- In the conditions of the Slovak Republic, discrimination of persons is still a frequent phenomenon in the very access to the labour market, specifically in the publication of job offers or the implementation of selection interviews.
- Published job offers often discriminate against women. It is even more intense in the case of older women. Job offers are often formulated with the information "young and dynamic team", which is not a neutral statement. According to the results of a survey by the Slovak National Centre for Human Rights (hereinafter referred to as "SNSLP"), it appears that older women do not respond to such job offers or, if they do, the selection process turns out to be negative for them. According to the SNSLP survey, women encounter ageism during interviews. Explicit expressions encountered by survey respondents were questions directly related to the age of the applicant, or questions related to generational differences.
- It is also necessary to introduce internally non-discriminatory policies that are age-friendly and generally support diversity in the workplace. At the same time, it is necessary to introduce specific means of protection for persons aged 50+ who find themselves in an undignified work and life situation due to the fact that they cannot retire even if they wanted to, because the retirement age is regularly increased, but at the same time they have a problem apply in the labour market.

h) Access to justice

In relation to the enforceability of law and the administration of justice, it is necessary to facilitate the access of senior citizens to Legal Aid Centres, information offices for victims of crimes and human rights institutions in terms of accessibility.

j) Economic security

- In the National Action Plan of Active Ageing, there are also tasks aimed at improving the conditions for ensuring income in old age. In the long term, in order to ensure a high level of economic as well as social security, the gradual reduction of the gender wage gap, which has a negative impact on the pension income of older persons, is essential.
- Secondly, it is desirable to intensify preventive activities through education in connection with economic crimes, of which senior citizens are the most frequent victims.

k) Right to Health and Access to Health Services

- Significant lagging behind of Slovakia compared to other EU28 countries in terms of life expectancy parameters, especially years of healthy life expectancy.

l) Social Inclusion

- Loneliness of older people, the decreasing intensity of social contacts with age, more intensively in Slovak conditions than the average in the EU28, especially personal contacts of older people with family and relatives in their surroundings either on a daily

or weekly basis, the frequency of their personal contacts is also somewhat lower with friends or neighbours (this is mainly about the decreasing intensity of interpersonal communication with age and quality interpersonal relationships with the ability to listen, encourage and emotionally help even in difficult situations).

- In connection with social inclusion, it is highly desirable to intensify institutional linking and ensure effective coordination of social services with other public services, but also non-public ones, i.e. with family care in accordance with the concept of the so-called shared care, informal educational institutions, volunteer organizations, etc.

m) Accessibility, infrastructure and habitat (transport, housing and access)

- In general, insufficient orientation of the consumer market on the so-called silver economy - the growing share of seniors is an opportunity for the development of the so-called silver economy and within it also segments of products, goods and services adapted to the needs of seniors.

- Unsecured affordability of adequate rental/social housing for low-income households, including the elderly.

- There is a lack of effective tools for preventing and ending homelessness even among the elderly.

- Unsecured access to basic public technical infrastructure and public services even for older people living in segregated communities with the presence of concentrated and generationally reproduced poverty.

n) Participation in the public life and in decision-making processes

- Underdeveloped support for the social participation of older people and, within it, support for the creation and functioning of mechanisms for the organization of older people in various spheres of social life

- Engagement of older people in Slovakia in volunteer activities or in caring for dependent elderly people in the community is lower than the EU28 average, especially when it comes to caring for people over 75 years old. In Slovakia, the rate of political participation of older people and their civic organization is also lower than the EU28 average.

**Options on how to best address the gaps:**

1. Please state how your Government/organization has engaged with international and regional human rights mechanisms (for example: universal periodic review (UPR) treaty bodies, special procedures, regional mechanisms), specifically with regard to older persons.

- With effect from January 1, 2014, the Government of the Slovak Republic established the Council of the Government of the Slovak Republic for the Rights of Seniors and the Adaptation of Public Policies to the Process of Population Aging, as its permanent professional, advisory, coordinating and initiative body in the field of the rights of seniors, in solving issues of living conditions, equal opportunities and equal treatment

of seniors and in ensuring closer cooperation of interested entities in solving the consequences of population aging. The Council followed up on the activities of the Committee for Senior Citizens, which was an expert body of the Government Council of the Slovak Republic for human rights, national minorities and gender equality (the Committee for Senior Citizens was transformed into the Government Council of the Slovak Republic for the Rights of Senior Citizens by Resolution No. 17 of the Government of the Slovak Republic dated January 8, 2014 and adaptation of public policies to the process of population aging).

The Council cooperates with:

- ministries and other central state administration bodies,
- local and regional self-government bodies,
- non-governmental organizations,
- scientific workplaces and academic institutions.

- The Government of the Slovak Republic adopted by the Resolution no. 657/2021 the National Program of Active Aging for the years 2021-2030, which represents the second strategic document in the field of active aging. The vision of the document is to support the building of a sustainable society through the support and appreciation of the potential of people of all age categories, especially in the context of their aging process. The global goal of the document is to create optimal value, resource and institutional conditions for achieving the vision, based on the Madrid International Action Plan on Aging, as well as the challenges arising for Slovakia from the UN 2030 Agenda for Sustainable Development (2015), Development Visions and Strategies of Slovakia until 2030 - a long-term strategy for the sustainable development of the Slovak Republic, as well as from the latest UN guidelines or the European Green Book on Aging.

- The Government of the Slovak Republic, also by the Resolution no. 223/2021 approved the National Strategy for Gender Equality and Equal Opportunities in the Slovak Republic for 2021-2027 and the Action Plan for Gender Equality and Equal Opportunities for 2021-2027

- At the same time, the Slovak Republic adopted the National Women's Employment Action Plan for the years 2022-2030, which in task 2.7 provides for the provision of available field and ambulatory forms of care for dependent persons and task 3.6 acquisition and improvement of women's skills, including digital and language skills.

2. Have those engagement resulted in positive impact in strengthening the protection of the human rights of older persons? Please elaborate.

Given the fact that the National Program of Active Aging, the Action Plan for Gender Equality and Equal Opportunities and the National Action Plan for Women's Employment are currently in the process of implementation and fulfilment of the individual tasks listed in them, the overall evaluation of the positive impact on the protection of the human rights of the elderly will be possible only after all measures have been implemented.

3. What other options can be considered to strengthen the protection of older persons? Please elaborate.

- Resolution of the Government of the Slovak Republic no. 688 of December 4, 2013, the government approved the National Program of Active Aging for the years 2014–2020, and the Slovak Republic declares the issue of active aging as a political priority in all its complexity. The aim of this national program is to create, through public support policies by implementing specific formulated measures, better opportunities and working conditions for older workers and their application in the labour market, to fight against the social exclusion of those born earlier by strengthening their active involvement in society, to support healthy aging, to change negative attitudes towards aging, adapt goods, products and services to the growing number and proportion of older people and their needs, limitations and preferences, pay increased attention to creating conditions for a sustainable quality of life for older people, including long-term sustainability of social security, availability and quality of public transport, housing, lifelong learning, satisfying cultural needs, availability and quality of health care and social services supporting an independent, safe, dignified and active life in old age.
- A draft of the National Program for Active Aging for the years 2021–2030 was subsequently prepared under the auspices of the Ministry of Labour, Social Affairs and Family of the Slovak Republic on a participatory basis and with interested civil society entities, in line with the basic approaches to active aging policy in other EU countries as well.
- The National Program for Active Aging 2021–2030 aims to address issues of active aging as an ongoing priority that transcends political cycles and election periods. The document was drawn up in a participatory manner, meaning that representatives of various sectors of society were involved in its preparation - from the state administration, local self-government, civil sector and independent experts. The goal was to create sustainable and feasible material from the document, which represents a societal commitment of the responsible entities accepted by a wide range of social and political actors and covered by the government of the Slovak Republic.
- The target group of the program is not defined by any age limit or life situation. The document focuses on all persons actively preparing for aging, including older persons who, because of their age, could be disadvantaged in any way in accessing public services or other support.
- The national program contains more than 80 measures in nine domains - areas of support for active aging. Their implementation is financed mainly from the state budget, but also from the Recovery and Resilience Plan and the Partnership Agreement for the years 2021–2027. The National Program of Active Aging for the years 2021–2030 was adopted by Government Resolution No. 657 of November 16, 2021. The domains (areas) of active aging support within the NPAS are:
  - Support for active aging from a family perspective,
  - Support of human resources in the whole life cycle,
  - Health care supporting active aging,
  - Support of economic activity in a life cycle perspective,
  - Support for social participation and inclusion of older people,
  - Income security in old age,

- Supporting the dignity and quality of life of older people,
  - Active aging policies closer to citizens and their management,
  - Awareness raising, data and research.
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- In the strategic part of the NPAS, strategic goals, operational goals, measures and their corresponding measurable indicators are established for the individual domains mentioned above as a basis for future evaluation of the implementation of the NPAS, which will be implemented in two-year cycles.
4. If applicable, what is your assessment on the protection of the human rights of older persons according to regional and international instruments?
- We are of the opinion that since seniors represent the fastest growing and, due to accompanying manifestations of aging, particularly vulnerable segment of the world's population, it is justified to take a specialized measure to strengthen the international management for the enforcement and protection of the human rights of the elderly (international legal instrument). This is about the need to adopt a new specialized international legal instrument for the promotion and protection of human rights and, in particular, the dignity of the elderly, ensuring the full exercise of the civil, political, social, economic and cultural rights of the elderly - the specialized Convention on the Rights of the Elderly.
  - In the field of protection of the rights of the elderly, there is primarily a lack of data, which is a necessary prerequisite for the adoption of adequate, effective and, above all, targeted measures.