

EQUALITY AND NON-DISCRIMINATION

1)

Czech legislation deals with discrimination against older persons. Our Charter of Fundamental Rights and Freedoms declares „*People are free and equal in dignity and rights*“. Yet explicitly listed are „*sex, race, colour, language, belief and religion, political or other opinion, national or social origin, being part of a national or ethnic minority, gender or other status*“.

Nevertheless, we have separate legislation where discrimination on the basis of age is included such as Anti-discrimination law adopted in 2010. It deals (not only) with age discrimination in detail and also stipulates exceptions when and only is possible to use age as a criterion of different treatment of employees.

Naturally, labour law relationships are regulated by Labour Code and Employment Act where age discrimination is managed too. These statutory regulations also provide sanctions for employers. In spite of that people are rarely turning to the courts in cases of discrimination.

2)

Czech Republic produces information mostly about discrimination against older persons in employment area as you can see above.

On the labour market age is one of the most frequent disadvantages people in Czech Republic have to face. One third of our population have experienced job loss due to high age either personally or when happened to someone close. Another third experienced an employer refusal of a job applicant on grounds of high age. Also either personally or to someone close. Being over 50 (especially 55 -59 and women) means you are more likely to face discrimination in our labour market.

Generally, social status of older persons is lower than it used to be and that may be the main reason of different treatment.

The most relevant data are available through Research Institute for Labour and Social Affairs (<http://www.vupsv.cz/?p=index&site=en>).

4)

In Czech Republic there was a revision in setting the retirement age. Since 2011 the retirement age for women born after 1975 isn't shortened in accordance with the number of their raised children. It might have been felt as an injustice for some of the affected women but it is what the EU endeavour – non-discrimination nor among the same age.

So retirement age is a big theme too. Our senior-clients would be glad to choose when to leave the job themselves but they also know how complicated it is for the country. Our government is still trying to find convenient way how to manage pension system. Until last year we had a rising system when months were added as a year of birth – as younger you are so your retirement age raise.

E.g. year of birth 1979 retire in 67+4 months

year of birth 1999 retire in 70+8 months

This year it has changed again – our government approved an eligible age for retirement of 65 years.

In Czech Republic we don't have a mandatory age of retirement so the proportion is one third of people go early retirement, one third “regular” and one third of people continue working after reaching the eligible age.

As for the *Age limits in financial services and products* banks in our country have different limits on access to credit and credit cards e.g. for persons 70+. We lack accurate information.

Neglect, violence and abuse

1)

In Czech Republic we have a lot of studies and surveys but its accuracy is in some cases doubtful. It depends on who is the provider of the survey, for example we as a NGO have special crisis helpline for seniors in need and their families and other close persons. The most common issues elder people are dealing with is solitude, intergenerational relationships, health condition, advice in social and legal matters and in about 5% the problem is directly described as a neglect, violence or abuse. We can suppose the elder callers are just the visible tip of the iceberg. Still most of the victims are invisible so we have to work with studies made of those elderly people who manage to do something with their situation and dared to come out with their pain.

We will postulate the implementation of a structured national survey on the abuse of old people. We only have partial data obtained by the University of South Bohemia in 2005. We need to know the typology of perpetrators and victims.

Since 2015, the police have conducted age-structured statistics on perpetrators and victims of domestic violence. But these are just statistics of crimes.

For the relevant studies I would recommend *The National Institute of Mental Health* (<http://www.nudz.cz/en/>) and a book *Crisis intervention: Crisis in the life; Forms of crisis assistance and services* by Daniela Vodáčková.

2 a)

The most common form of violence and abuse of elder people is psychological when the perpetrator is a spouse/partner or a child / grandchild (domestic violence). Later physical incidents may follow on. However, this is not happening only in the shadows of home. We have been dealing with residential care facilities with terrible treatment of seniors.

When the perpetrator is a family member seniors are highly ashamed and worried about what will follow. In case it is in residential care facility they can be also intimidated by constant checking and sometimes even confiscating a mobile phone or other communication

devices to prevent informing potential help. These are the reasons why we only have estimates – it is a sensitive issue. In spite of the fact that the autonomy of victims is more than endangered seniors rarely share their bad experience as they are afraid of consequences such as solitude, shame, even worse treatment or higher dependency and in case of domestic violence – they can't imagine to go against their own family.

2 b)

In general, incidence of dementia or any disability increases chance of being victim of neglect, violence and abuse.

3)

Domestic violence in the Czech Republic is regulated by Article 199 of the Criminal Code and this understands it to be cruelty to a close person or another person living with the perpetrator in a common dwellings.

In March 2006 the Czech Republic adopted legislation for protection against domestic violence: Act No. 135/2006 Coll., which amends some acts in the area of protection from domestic violence with effect from January 1st 2007. This meant that the Czech Republic became another European country to accede to efforts towards a comprehensive solution to the issue of domestic violence. The state's position towards domestic violence - its will not to tolerate it and to help endangered persons resolve their situations in time - were thus clearly expressed for the first time.

This year on April 1st the amendment to the law regarding crime victims came into force where the spectrum of particularly vulnerable victims has been widened. So nowadays seniors are well protected due to this status too – they have a right to free fiduciary or attorney or the authorities' duty law enforcement are required to adapt instruction of a victim.

4)

In our legislation there doesn't exist specific protection of older persons against financial abuse nor inheritance abuse. However, we know there are cases of misappropriation of pensions, care allowances or even properties (house/flat). What makes it more complicated is that it is mostly committed by family members and a senior is often manipulated and excluded from decision-making. Then the victim can file a common criminal complaint but it is unusual as it concerns the family.