

1) Does your country's constitution and/or legislation (a) guarantee equality explicitly for older persons or people of all ages and (b) forbid discrimination explicitly on the basis of age? If so, how is the right to equity and non-discrimination defined?

Article 21 of the Serbian Constitution prohibits all direct or indirect discrimination based on any grounds (explicitly mentioning age); the Law on the Prohibition of Discrimination also explicitly lists age as one of the grounds for discrimination that is prohibited.

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

The latest Commissioner's annual report to the National Assembly of Serbia among other findings contains these, related to ageing:

- *Employment*

According to the number of complaints that were addressed to the Commissioner for the Protection of Equality during 2016, greatest number of complaints was filed in the area of work and employment (33.9%), out of which 10.1% of complainants considered themselves discriminated on the grounds of age.

- *Access to goods and services*

Until recently, most of the banks had stipulations related to the age of a client interested in using certain banking services (overdraft, loans etc.). After the Commissioner confirmed that one banks committed discrimination of a client who was over 67, the recommendation was sent to the National Bank of Serbia to undertake appropriate measures, within their legal powers, aimed at elimination of discriminatory stipulations related to the upper age limit for using banking services, that commercial banks included in their general acts. This recommendation for achieving equality has led to significant changes related to the availability of banking services to older clients.

- *Social protection/Social care*

The survey called "Older People in Rural Areas", conducted during 2016 by Commissioner for the Protection of Equality and Red Cross in Serbia, revealed that one of the key challenges in achieving of equality treatment of older persons is limited access to social care services. Therefore, Commissioner for the Protection of Equality issued recommendation in the yearly report for 2016, that efforts aimed to improvement of position of older people, especially those living in rural and hard to reach areas, should be intensified, especially in providing of social and health care services, including early recognition of social exclusion and timely activation of all types of help and support.

- *Health care*

The Strategy for Prevention and Protection against Discrimination accented that there is insufficient access to therapy, accommodation and care services related to health problems that often affect persons over 65, confirmed by results of research "Older People in Rural Areas" according to which

12.1% of respondents have expressed their discontent with attitude in health institutions, leading to conclusion that it is necessary to carry out educations related to aging and seniority for all employees of these institutions. There are insufficient numbers of geriatricians working in health system to provide the optimal care for older patients with multiple chronic conditions or with functional limitations and disabilities. Additionally, there is shortage of geriatric beds in hospitals and insufficient capacity for institutional care for such patients.

- Justice, Inheritance

Although there are no legal obstacles for older people to access justice, living in institutions for care of elderly can sometimes lead to their practical isolation, denial or hindering the exercise of the right to the access information they need, to make decision on protection options and possibilities for submitting complaints to the competent authorities¹. Regarding the right to inheritance, it is provisioned by the Constitution of Republic of Serbia and it can't be denied or restricted on grounds of failure to meet public service obligations². Some civil society organizations mention that it in certain cases older people make decision to give up their right to inherit, mainly for the benefit of their children and thereby lose property that they could inherit³.

- Decision-making and autonomy, Living environment

The experience of Commissioner for the Protection of Equality reveals that in some cases older persons are housed in retirement homes against their will, following decision made by their children. The survey "Older People in Rural Areas" from 2016, organized by Commissioner for the Protection of Equality and Red Cross in Serbia, revealed that some older persons in rural areas are exposed to social isolation, with small number of social, cultural and educational contents barely accessible, while the equipment that facilitate the independent living of the elderly in rural areas is also missing. Among the survey respondents, 34% are living in one-person households, while 64% of households have no members younger than 65.

3) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

- Availability of, access to and quality of health care services
- Financial services

Older persons in rural areas are under multiple vulnerability risk (isolation, poverty, exclusion). This is especially true for those living outside of city centers, not being able to move, not knowing their rights, being poor and not knowing where to seek help. One of the frequent issues they face is low accessibility of health services – health stations and ambulances in remote areas are being closed due to depopulation and migrations to cities, while home care and patronage services are not being formed due to low population density. Integrated services at local level that include geriatric home assistants,

¹ Strategy for Prevention and Protection Against Discrimination

² Constitution of Republic of Serbia, Article 59.

³ "Guide through rights 65+" Amity, Belgrade, 2015.

palliative care and care for terminally ill patients are of insufficient capacity to meet the existing needs of older people. The home based services exist but their capacities are also insufficient to meet the needs of older population.

Following a recommendation by the Commissioner the National Bank of Serbia informed the Commissioner that it has determined that a large number of banks (19 out of total 33) stipulates in their general acts the upper age limit for certain banking services, and that it recommended the banks to review and revise their General Terms of Conduct in order to comply their general acts with relevant provisions of anti-discrimination laws.

4) Are there any areas where differential treatment based on old age is explicitly justified?

Provision in Article 14 of the Law on the Prohibition of Discrimination stipulates that measures introduced for the purpose of achieving full equality, protection and progress of an individual or a group of persons in an unequal position shall not be considered to constitute discrimination.

According to provisions of the Law on Pension and Disability Insurance⁴, full pension service is reached with age 65 and 15 years of service, or 45 years of service (for men and women). Stated condition of age is related to men, while women still have right to decide whether they will retire according to general conditions or earlier (in 2017 women can retire in age of 61 year and 6 months and 15 years of service). Also, when an older person with no income as, defined in the Law on Social Care⁵, reach the legal age for pension, will be considered as person incapable of work and it can materialize right for increased financial help. As far as other social care services are concerned, older persons who are no longer capable to live independently in their apartment / house / local community can be housed in the social care institution for housing of adults and elderly. Persons that are 65 or older and have no health insurance, have the right to health care that is free of charge (it will be charged from the budget), because they belong to the population group that is exposed to greater risk of illness. Also, people over 65 who gained right to health care on the grounds of age, having no other ground of insurance, do not have to pay participation for the health care services (examinations, diagnostic procedures, treatments and rehabilitation). It should be accented that the health care is provided for all under the equal conditions, especially for those citizens who are exposed to increased risk of disease, including citizens older than 65.

Finally, general acts of some local self-governments that stipulate special benefits for older citizens in many areas of social life are important from the aspect of affirmative measures. For example, Belgrade, capital city of Serbia, adopted the rule book regarding the public transport and transport services payment. This rule book defines the categories of people who can have benefits of discounted and free transportation, with persons older than 65 among them.

⁴ "Official Gazette of RS", no. 34/2003, 64/2004 – decision of USRS, 84/2004 – other law, 85/2005, 101/2005 – other law, 63/2006 – decision of USRS, 5/2009, 107/2009, 101/2010, 93/2012, 62/2013, 108/2013, 75/2014, 142/2014

⁵ "Official Gazette of RS", no. 24/2011

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