

## 14th session of the Open-ended Working Group on Ageing

### Guiding questions for the focus area on participation in public life and in decision-making processes

#### National and local legal and policy framework

1. **What are the national and local legal provisions and policy frameworks in your country that guarantee**
  - a) **right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;**
  - b) **elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;**

Human rights and freedoms in Slovenia are guaranteed by the Constitution of the Republic of Slovenia and are elaborated in more detail in its 40 articles. Under Article 14 of the Slovenian constitution, everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.

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.

- c) **right to freedom of expression, including freedom to seek, receive and impart information;**

Under article 39 of the Slovenian Constitution, freedom of expression of thought, freedom of speech and public appearance, freedom of the press, and other forms of public communication and expression are guaranteed. Everyone may freely collect, receive, and disseminate information and opinions.

- d) **right of peaceful assembly;**
  - e) **right to freedom of association;**

Under article 42 of the Slovenian Constitution the right of peaceful assembly and public meeting are guaranteed, as well as the right to freedom of association with others.

- f) **right to take part in the government of country, directly or through freely chosen representatives;**

Slovenian citizens receive active and passive suffrage (voting right) at the age of 18 and exercise it throughout their lives. This is a value that is particularly pronounced in the population of older persons, as polls and research show that the share of older persons in elections is usually higher than the share of younger age groups.

- g) **active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes;**

Slovenian citizens receive active and passive suffrage (voting right) at the age of 18 and exercise it throughout their lives. This is a value that is particularly pronounced in the population

of older persons, as polls and research show that the share of older persons in elections is usually higher than the share of younger age groups.

The Government of the Republic of Slovenia established a Council for Active Ageing and Intergenerational Cooperation in 2018 for the implementation of the Active Ageing Strategy. Related to this Strategy, an Action Plan with numerous measures was drafted.

In some Slovenian municipalities, the Councils of Seniors are organized as an advisory body to the municipal administration. Even where there are no such councils, organisations of older persons and various civil society organizations have the opportunity to actively contribute to local policy-making and implementation, through public debates on spatial and other development plans, programs and financial plans (participatory budgets), and in designing individual or special social groups.

**h) access to prompt remedies and redress when older persons' above mentioned rights are violated.**

The Protection against Discrimination Act, which determines personal conditions (including age) for which protection against discrimination is ensured, also established the Advocate of the Principle of Equality, an independent and autonomous state body mandated to deal with discrimination, also based on age.

**2. What steps have been taken to ensure participation in public life and in decision-making processes without discrimination**

In accordance with Article 21 of the Protection Against Discrimination Act, the Advocate of the Principle of Equality'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-sight inspections, conducting human rights education, research, through cooperation with civil society as well as through own initiatives and statements on legislative proposals.

Slovenia is committed to addressing human rights at different stages of life, so its priority is also to adequately address the rights of older persons in the future. We are committed to the elimination of all forms of discrimination against older persons, as well as combating ageism.

## **Equality and non-discrimination**

### **4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?**

Ageism is one of the main barriers to older people's participation in public life and decision-making processes. Older people are too often stereotyped as a homogeneous group characterised by a decline in various functions (physical, mental, etc.). The deeply held fatalistic attitude towards old age as a period of decline and inactivity is still present and unconsciously discourages a large proportion of older people from becoming more actively involved in society and its processes.

Another important barrier is loneliness among older people, which is most often caused by ordinary life events for which people are generally unprepared, such as the death of a partner, retirement, moving, friends dying... These events make people feel isolated, lonely, they avoid social integration and fear integration into a new social environment. People are often unaware of the extent of their loneliness problem, which can have major health and social consequences.

These two causes are often accompanied by intersectional challenges of exclusion, such as abuse and discrimination based on sexual orientation and gender.

Participatory policy-making is an important lever for building trust between people of different ages and between authorities (government, local level). Here we see and support the important role of NGOs representing older people.

Older people's NGOs have an important role to play in shaping or improving policies, from the very early stages of the process, where they can make comments and suggestions. We are aware that simply providing information is no longer enough, but we need to actively participate.

Another perceived barrier to the participation of older people is the lack of legal instruments that would more clearly define the role of NGOs in policy-making at different levels of government.

## **Accountability**

**5. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?**

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.

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.