

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

### **Guiding questions on the normative content related to social inclusion**

#### **Definition**

- 1. How are the key human rights related to older persons' social inclusion defined in the national and local legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional and international legal frameworks?**

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. In addition to the general provision on the protection of rights and freedoms and their judicial protection, it guarantees the right in equality before the law and with other rights important for the rule of law, such as: protection in proceedings before courts and state bodies at all levels, the right to personal liberty, the right to appeal or legal remedies, the right to compensation, ensuring personal security and dignity, protecting the right to freedom of expression, performance, information, access to information, the right to gather and associate, ensuring participation in the management of public affairs and the right to petition and public initiative.

Under social rights, the protection of freedom of work, social security, health care, of the rights of persons with disabilities, the right to education and its public funding, the right to enjoy public goods and natural resources, the right to drinking water and of the right to a healthy living environment are guaranteed.

Adopted laws regulating individual areas must be harmonized with the aforementioned provisions of the Constitution of the Republic of Slovenia.

#### **Scope of the right**

- 2. Please provide references to existing national legal standards relating to older persons social inclusion on normative elements such as:**
  - c) ensuring that older persons can live independently and be included in the community;**
  - d) ensuring the social inclusion of older persons living in institutions;**

In July 2023, Slovenia adopted the Long-Term Care Act, which specifically addresses the needs of older persons. It aims to provide a solid public network of community-based services that allows older persons to stay in their home environment for as long as possible, with the support they need, which prevents the institutionalisation of older persons and ensures them to live independently. No matter where they live, older persons always have the right to participate and be included in the community, which is ensured by the Constitution, as stated above.

Residential care homes ensure that older persons living there are socially included. Many of them have their own coffee shops, which are open for public, where people can meet. Visits from other institutions such as kindergartens and schools are promoted. Some of the residential care homes also offer day care for children of employees, which enables older persons living in care homes to connect with children, as well as offers employees better work-life balance.

- e) older persons' inclusion in intergenerational policies and programmes;**

Ministry of Labour, Family, Social Affairs and Equal Opportunities annually organises a public tender for the co-financing of social security programmes, covering 10 target groups or areas,

including programmes for older persons who are at risk of social exclusion or need support and assistance in their daily lives. The programmes are designed to provide support for persons with dementia and their relatives, older persons who wish to stay in the primary environment for as long as possible, older persons at risk of social exclusion or need assistance in their daily lives. The programmes include counselling, day centres, field work, self-help groups and community work. More than 62,000 users are included in the programmes and more than 890 groups are organised. Depending on specific problems, older persons can also be included in all other co-financed programmes in the fields of addiction, violence, mental health problems, etc.

**f) Access to prompt remedies and redress when older persons' rights related to social inclusion are violated.**

**State obligations and special considerations**

- 3. What are the measures that should be undertaken by the State to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?**
- 4. What special measures and specific considerations should be considered to respect, protect and fulfil relevant human rights to ensure the social inclusion of older persons?**

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. In accordance with Article 21 of the Protection Against Discrimination Act, the Advocate'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.

The Ombudsman deals with individual complaints sent by applicants in which they claim that their human rights have been violated by any state authority, local self-government body or holder of public authority. The Ombudsman may submit opinions to any authority on the protection of human rights and fundamental freedoms in a case under consideration. The Ombudsman may also initiate a procedure for the review of the constitutionality or legality for reasons of human rights or fundamental freedoms violations and a constitutional complaint in relation to a case under his review before the Constitutional Court of Slovenia.

The Ombudsman submits an annual report to the Parliament of Slovenia in which he evaluates the state of human rights violations by the authorities, explains his activities and findings as well as provides recommendations to the authorities. The Report is publicly discussed each year at the Plenary Session of the Parliament.

## Implementation

### **5. What are the best practices and main challenges faced by your country in the adoption and implementation of relevant human rights to ensure the social inclusion of older persons?**

One of best practices is the "Older for Older" program, within which Slovene Federation of Pensioners' Associations (ZDUS) runs the Seniors with Volunteering project to improve their own lives and the lives of their peers. As part of the project volunteers, who are usually representatives of the older generation, visit older persons in their area. Volunteers and project coordinators have previously received training, so that visiting older persons, identifying their needs for possible assistance, and providing information to other institutions is carried out in accordance with the agreed procedure. The project's purpose is to get to know the needs of older persons, especially those who have no or minimal contact with others. In cases of loneliness, volunteers also cooperate with other non-governmental organisations. When the needs of an older person exceed volunteers' competences, or if abuse or violence occurs, the volunteers inform a social work centre or the police. Cooperation with social work centres is increasing, as there is more and more information among the older population about various forms of abuse.

There are several other organizations in Slovenia that contribute to the social inclusion of older persons like Srebrna nit, Red Cross Slovenia, Slovenian Karitas, Slovenian Philanthropy, Spominčica, AlzheimerSlovenia – Slovenian Association for Help with Dementia, the Slovenian Seniors Association, Gerontological Society of Slovenia, Simbioza, CNVOS - National NGO umbrella network, and Sloga. They amplify the voice of older persons in proposing measures for sustainable solutions in programming and legislative documents, eradicating poverty, health and well-being, long-term care, education, gender equality, clean water and sanitation, decent work, reducing inequalities, and promoting sustainable cities and communities.