



REPUBLIC OF CROATIA
OMBUDSMAN

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Ambassador Martin García Moritán
Chair of the UN General Assembly Open-ended
Working Group Ageing
e-mail: ageing@un.org; rhada@ohchr.org

Subject: Call for inputs-10th session of the UN Open-ended Working Group on Ageing,
New York, 15-19 April 2019

Dear Mr Moritán,

Following the request by your Excellency, the Ombudswoman of the Republic of Croatia, as an "A status" NHRI hereby submits formal input to the work of the forthcoming Tenth Session of the Open-Ended Working Group on Ageing, on the issue of Social protection and social security.

I remain at your disposition for any further questions you may have.

Yours sincerely,


OMBUDSWOMAN
Lora Vidović
Lora Vidović



REPUBLIKA HRVATSKA

Pučki pravobranitelj

Input by the Ombudswoman of the Republic of Croatia to 10th Session of the Open-Ended Working Group on Ageing, on the issue of social protection and social security

Pursuant to the Constitution of the Republic of Croatia, weak, infirm or other persons unable to meet their basic subsistence needs are guaranteed the entitlement to assistance. Equally so, the Constitution recognizes the right to health care in accordance with the law. Various social welfare rights of older persons are stipulated in the Social Welfare Act and the Foster Care Act. In addition, children are obligated to take care of their older and infirm parents, which is why this obligation is also stipulated in the Family Act. Furthermore, care for older persons is one of the strategic areas of the Strategy for Combating Poverty and Social Exclusion in the Republic of Croatia (2014-2020) and the 2017-2020 Social Care Strategy for the Older Persons is also in effect.

In order to ensure that social security and social protection are equally available to all, including older persons, social welfare principles also include respecting human rights of social welfare beneficiaries and preventing discrimination. As under the Anti-Discrimination Act, the older persons enjoy protection from discrimination, the National Anti-Discrimination Plan and the related Action Plan define a number of measures aimed at protection of older persons in the area of social security. However, although more and more resources are invested in non-institutional forms of care in a community for the older persons (day rooms, centres for gerontology, in-home assistance services and alike), these services are not equally available in all parts of the country. This poses an especially great problem in rural areas and on the islands due to the fact they are often not connected with larger cities and lack local services of that kind. At the same time, rural areas are significantly more exposed to the risk of poverty, and the at-risk-of-poverty rate of some municipalities in rural areas exceeds 40%. Moreover, the at-risk-of-poverty rate of people above 65 years of age in Croatia in 2017 was significantly higher (24.3%) than the European average (13.9%) and general population average (20.00%), while the older persons in single households represent a particularly vulnerable group (47.8%). Besides that, life of the people at risk of poverty in rural areas is also related to various aspects of material and housing deprivation, as they often do not have adequate heating, washing machines, bathrooms or indoor toilets. During field visits, we have repeatedly visited older persons living in houses with earthen floors, with no electricity, whose only access to water was by wells or even streams.

Regarding the measures for ensuring adequate amounts of social security and social protection benefits for the older persons, the Government of the Republic of Croatia is currently in the process of adopting decisions on the amount of two different social benefit bases that are not related to any specific indicators, but should depend on an improvement or decline in one's standard of living. For several years, the Ombudswoman has been pointing out that social

benefits are extremely low and insufficient to ensure an adequate standard of living or a dignified life, and should be increased, especially with regard to older persons.

Regarding the right to health, the Compulsory Health Insurance Act and the Healthcare Act represent the basis for exercising and protecting healthcare rights. In Croatia, compulsory health insurance is universal, as it is intended for all categories of citizens. Compulsory health insurance of older persons who do not pay contributions for compulsory health insurance and do not have sufficient means of subsistence is ensured from the state budget. However, no special attention is paid to eldercare, especially in terms of healthcare tailored to meet the specific needs of the older. For instance, one of the problems in rural areas and on the islands is the fact that healthcare services are unavailable due to a shortage of physicians, and it is precisely these areas that are faced with population aging. Furthermore, the need for healthcare, for example for in-home physical therapy, is often greater than the one estimated by the Public Health Service Network.

Under the Pension Insurance Act, all employed persons are insured under compulsory pension insurance. Persons whose mandatory pension insurance have terminated may insure themselves under the extended insurance scheme. The Ombudswoman has regularly proposed that national pension be introduced to ensure protection of citizens who do not meet the minimum qualifying requirements for old-age pension. National pension should reduce the risk of poverty for those persons who have not accrued enough years of service for old-age pension and do not receive any other earnings, in other word – persons who are now mostly social welfare beneficiaries. The Government has announced introduction of national pensions in 2020, but the process of its adoption should be accelerated.

Despite publishing guides on the rights of the older and conducting projects for informing and raising awareness about their rights, older people themselves are often unfamiliar with their own rights. Older persons are involved in the creation of regulations through various associations, mostly during public consultations before the adoption of regulations. However, the Ombudswoman has been pointing out that, in addition to online consultations, state administration bodies must also use other forms of consulting and informing as well. Namely, as much as 70% of population in rural areas do not own a computer.

Even though administrative supervision of social welfare centres and local and regional self-government units performing social welfare activities is implemented in the social welfare system, for several years now, the Ombudswoman has warned that the supervision system does not have any preventive function due to a deficit of inspectors. When it comes to out-of-court mechanisms, administrative procedure (first and second instance), as well as the possibility to file complaints before various state bodies and institutions are regulated by law. Court protection is exercised by initiating an administrative procedure before the Administrative Court.

Yours sincerely,


OMBUDSWOMAN
Lora Vidović