

## **Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

### **Focus area 1: Contribution of older persons to sustainable development**

#### **The Scope:**

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

#### **Substantive guiding questions:**

##### **National Legal and Policy Framework**

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:
  - a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented;

The Constitution of the Republic of Serbia is the keystone document that guarantees the fundamental human rights such as the freedom of opinion and expression, the right to access information, the freedom of association and assembly. It is the foundational element of the public policy in the Republic of Serbia, backed by the Constitutional Court. Several important documents, strategic and operational, deal directly with this topic: Strategy for Preventing and Combating Gender-Based Violence against Women and Domestic Violence for the period 2021-2025, National Gender Equality Strategy for the period 2016-2020 with Action Plan for the period 2016-2018, Law on the Prevention of Domestic Violence, Rulebook on conduct of police officers in cases of domestic and intimate partner violence against women, Special Protocol for the judiciary on cases of domestic violence and intimate partner violence, Special Protocol on action of centers for social work – guardianship authority in cases of domestic and intimate partner violence against women, Special Protocol of the Ministry of Health for the protection and treatment of women exposed to violence. On the other hand, the Rulebook on the protocol for institutional procedure in response to violence, abuse and neglect deals specifically with the incidents of violence against institutional beneficiaries – including those in residential institutions – as soon as identified that the violence has occurred outside the family, in an institution.

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In 2015, the Republic of Serbia Government established an Interministerial Working Group for the implementation of the United Nations Sustainable Development Agenda by 2030. This group is composed of high-level representatives of 27 ministries and other institutions and its tasks include the coordination of activities related to the Agenda 2030 of all relevant ministries, monitoring its implementation, proposing the adoption of the National Sustainable Development Strategy with a financial plan for the integration of individual strategies and harmonizing efforts to achieve Sustainable Development Goals (SDGs), statistical monitoring of objectives, submitting reports on their implementation and continued information sharing with UN representatives in Serbia and the UN system.

In 2014, the Government formed a Council for monitoring the implementation of UN Human Rights Mechanisms, which is in charge of reviewing and monitoring the implementation of the recommendations of United Nations human rights treaty bodies and recommendations received by Serbia under the Universal Periodic Review. This Council furthermore developed the UN Recommendations Monitoring Plan, with unified records of all recommendations by UN human rights mechanisms, activities undertaken towards fulfilling them, participating institutions, indicators measuring the degree to which the recommendations have been fulfilled, links with UN Agenda 2030 SDGs, deadlines for fulfilling the recommendations, as well as remarks by civil society organisations (CSOs) which have submitted shadow reports to UN human rights mechanisms and other relevant actors.

The Plan currently contains 392 received and accepted recommendations of UN human rights mechanisms, which are being implemented. Out of the total number of recommendations, 4 relate to improving the situation of older persons provided by the CEDAW committee (in 2019), and 42 recommendations to Serbia within the Third Universal Periodic Review indirectly refer to improving the situation of older persons within the recommendations related to preventing domestic violence and gender-based violence, promoting gender equality, and enforcing antidiscrimination policies regarding vulnerable groups at high risk of discrimination.

It is important to also mention independent regulatory bodies that exist to ensure protection of human rights and freedom from discrimination:

The Commissioner for Protection of Equality is an independent, autonomous and specialized state authority established on the basis of the Law on Prohibition of Discrimination. The Commissioner for Protection of Equality is competent to carry out the procedure based on complaints in cases of discrimination against persons or groups of persons connected by the same personal characteristic. The Commissioner is competent to receive and consider complaints of discrimination, to issue opinions and recommendations in concrete discrimination cases, and to stipulate measures defined by the Law. In addition, the Commissioner is obliged to inform the complainant about his or her rights and possibilities to initiate a court procedure or another protection measure, including the reconciliation procedure. The Commissioner is also authorized to file complaints for protection from discrimination, with approval of the discriminated person. The Commissioner is also competent to file offence reports against discrimination acts prohibited by the antidiscrimination regulations. The Commissioner is authorized to warn the public about the most common, typical

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and severe cases of discrimination, to monitor the enforcement of laws and other regulations, to initiate adoption or amendments of regulations with the aim of making them more enforceable and improving protection from discrimination, and to recommend measures for achieving equality to public authorities and other parties concerned.

The national Ombudsman, Protector of Citizens is an independent and autonomous body, responsible for the protection and promotion of rights and liberties, particularly: rights of ethnic minorities, children's rights, rights of persons with disabilities, rights of persons in custody and gender rights. The role of the institution of the Protector of Citizens, defined by the Constitution of the Republic of Serbia and the Law on the Protector of Citizens, is to constantly influence the respect of human liberties and rights by personal and institutional authority. By the power of argument, the Protector of Citizens should persuade the authority that an error has been committed, that it is necessary to rectify it and change the way of work.

- b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development;

The Law on Planning System of the Republic of Serbia regulates the system of public policy management and mid-term planning, type and content of planning documents proposed, adopted and implemented in line with their competencies by all the participants in the planning system. This Law guarantees the principle of equality and non-discrimination, which entails that during the development and implementation of planning documents human and minority rights and freedoms, guaranteed in the Constitution and the Law are respected. These documents include: development planning documents, public policy documents and other planning documents, with public policy documents further classified into strategies, programs, policy concepts and action plans. The principle of publicity and partnership entails that public policies are developed through a transparent and consultative process, supported by the Ordinance on the methodology of public policy management, policy and regulatory impact assessment, and content of individual public policy documents, followed by the Government of Serbia Conclusion on guidelines for including civil society organisations in working groups for the development of public policy documents or regulation proposals and drafts , as well as the Rulebook on good practice guidelines for public participation in the drafting of laws and other regulations and acts.

This has provided the civil society and older persons themselves with the opportunity to collect evidence and best practices, participate in consultations, panels, focus groups, interviews, round tables, research, etc. and influence the design of public policies. This means that the representatives of the older population, through their organisations and civil society organisations advocating for the rights and interests of older persons, have the opportunity to participate in public policy making processes in the domain relevant to this population.

Pensioners' organizations, as well as civil society organizations representing and working with older persons have their representatives in two relevant councils of the Government of the Republic of Serbia: the Council for Old Age and Ageing Affairs and Council for Improving

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Intergenerational Cooperation and Solidarity. This provides them with an advisory role shaping and implementing public policies. Additionally, the Board of Directors of the Republic Fund for Pension and Disability Insurance has one seat reserved for a member from the ranks of beneficiaries, at the proposal of the Union of Pensioners established at the national level with the largest membership.

A Red Cross of Serbia expert is a member of the Governing Body of the UNECE RCEM (United Nations Economic Commission of Europe Regional Civil Society Engagement Mechanism) through which she represents the civil society in Serbia in the platform with official status of MGoS aimed to enable stronger cross constituency coordination and ensure that voices of all sub-regions of Economic Commission for Europe are heard in all stages of follow up and review of the SDG implementation. Her focus is on older persons and their role in the SDG process.

- c) good practices to ensure older persons' participation in, and contribution to sustainable development.

In 2018, the seven civil society organisations, coordinated by Amity CSO and including the Red Cross of Serbia, prepared a Shadow Report to the Committee for the Elimination of All Forms of Discrimination against Women, on discrimination against older women in the Republic of Serbia. The report was written on the basis of interviews with 68 older women in seven focus groups, 10 in-depth interviews and desk analysis of the existing research and legal document in the Republic of Serbia.

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

A large part of cases reported to national Ombudsman relate to the right to employment and professional rehabilitation, right to equal access to services and rights of persons deprived of legal capacity, violations of the rights of older persons and/or rights of persons in social protection and healthcare institutions, rights to social protection services for older persons and right to special healthcare for older persons. Labor market analysis shows that the percentage of employment decreases with age, with population between the ages of 55 and 64 more likely to be unemployed or outside of the labor market. This translates into financial insecurity towards and in the older age for a portion of the population. Additionally, there are gender-based inequalities visible in the domain of financial security (women have lower income than men), and some groups of women are exposed to higher risks of poverty. Especially women over 50 years of age, having lost employment, remain discouraged in the attempt to find it again. In recent years, there has been a registered improvement in the position of women on the labor market, which contributes to their increased independence and autonomy. Special potentials have been perceived in the area of ICT.

Digital divide is one of the noted challenges for older persons in this domain. The concept of digital divide means that the power that technological and informational innovations carry is not distributed evenly and certain groups in the society are at an advantage and others at a disadvantage, based on geography, their economic status, ethnicity as well as their age. For older persons, being

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left behind in the digital domain is a real and present risk. The general issues of ageism and age discrimination are compounded by the lack of older representation in the tech industry. This means that the needs, ideas and perspectives of older persons are not included in the process of designing hardware and software, which in turn creates biases in new designs.

According to the data obtained in a research conducted by the Red Cross of Serbia, the older people population in Serbia uses these technologies very sparsely. Namely, in the course of 12 months, only 17% of the population aged 65+ used a computer – a much lower rate than the same population in the EU (52%); 18% of those aged 65+ used the internet (54% in the EU). The most accessible device for internet use, according to this research, are "smart" mobile phones, but the older persons in Serbia use them far less frequently than their peers in the EU. In 2017, only 3% of people aged 65-74 used the internet on mobile phones in Serbia, while in the EU, this percentage was 16. The older persons use e-government services notably rarely, which is partly a consequence of this population's low propensity to use these technologies, but also of the fact that these services are not as developed as in the EU.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development?

The Cabinet of the Minister without Portfolio in charge of demography and population policy in 2019 supported two important the Red Cross of Serbia research studies, titled Intergenerational Exchange in the Republic of Serbia and Intergenerational Solidarity between the Family and the State. The research determined that older persons contribute to their families, for example through providing childcare, to the corresponding monthly monetary value of 57,000 RSD.

The Research into unpaid work of women in Serbia done by UN Women in 2020 shows significant contribution provided by women over men, especially in the duties related to providing care to other family members. In 2015, for example, women have spent two and a half hours per day longer than men in providing care to other family members. However, the available research data is not disaggregated by age and while it is obvious that this means older women provide significant contribution through provision of care – including to their grandchildren – concrete figures yet need to be identified.

In the research on informal care conducted in 2020 by the Red Cross of Serbia with support of the Cabinet of the Minister without Portfolio in charge of demography and population policy, 76.7% of the surveyed informal caregivers were women, and (23.1%) in the sample were older women, with the eldest caregiver in the research being an 84 years old woman.

The Red Cross of Serbia research report Social Inclusion of Older Persons (65+) in Serbia shows that almost 10% of men and more than 3% of women aged 75 and over are still working. For the most part, this active older population is engaged in agriculture and activities of households that produce goods and services for their own needs, which are also predominantly agricultural households. Among older men, 86% are employed in these activities, and among older women, 89.2%. These older people work because it is usually their only source of income.

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An article published in *Gerontology*, the journal of the Gerontological Society of Serbia, (November 2020, issue 2/19) provides an overview of the goals and good practices related to Ageing and Sustainable Development Goals. It also provides recommendations for greater involvement of older persons in these processes at the local, national and global levels.

On 18 and 19 May 2018, the 10th International Gerontological Congress was held in Belgrade, on the topic of Ageing and Human Rights. Over 200 experts from the Republic of Serbia and abroad presented their papers in the area of geriatrics and gerontology, contributing to knowledge building in this area.

### **Equality and non-discrimination**

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

The Republic of Serbia Government Office for Human and Minority Rights (since 2020 Ministry of Human and Minority Rights and Social Dialogue) has funded several important projects dealing with the promotion of rights and the situation of older persons: in 2017 two projects; in 2018 four projects; in 2019 five programmes; in 2020 four programmes; and in 2021, one programme was supported, titled Promotion of Non-Discrimination and Protection from Violence against Older Women during the Pandemic. Total value of these projects was over 100,000 EUR.

During the last five years, the civil sector has had continuous activities on promoting a positive image of ageing and older persons, with full participation of older persons. The most massive form of promotion of the positive image and concept of healthy ageing is the Third Age Sports, Health and Culture Olympics organised since 2008, and it has become even more massive since 2015. In late 2019, the representatives of Hungary, Republic of Slovenia, Republic of North Macedonia, and Republic of Serbia founded the European Third Age Movement, with headquarters in Belgrade, which decided in 2020 to hold the first European Third Age Sports Olympics in Belgrade. Due to COVID-19 pandemic, this event did not take place in 2020 and 2021. This event also fosters the concept of lifelong learning through organisation of art colonies for painting and iconography, literary encounters, cultural and artistic events, handicraft workshops and similar.

Activities on the promotion of positive image of ageing and old age are very well linked to the International Day of Older Persons, 1 October. To mark this day, the Commissioner for the Protection of Equality organizes campaigns entitled Bridge of Understanding – Intergenerational Solidarity awards for best literary work, artwork, and photograph. The participants in the contest are students in years 6-8 of primary schools in the Republic of Serbia, while older persons are on the awards committee. The event and the awards ceremony are organized in cooperation with different institutions, including the National Assembly of the Republic of Serbia.

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The Commissioner for the Protection of Equality implements also various projects promoting a positive image of older citizens, such as the project with Help Net, Advancing Intergenerational Dialogue, with the aim to encourage mutual cooperation, understanding among different generations, developing new forms of intergenerational knowledge, skills and experience exchange, through debates and socializing with younger and older people in several local contexts throughout the Republic of Serbia.

Through various campaigns, the Red Cross of Serbia has promoted a positive image on ageing and old age, including the 2019 and 2021 campaigns, using posters in public transport vehicles in seven and five towns in Serbia. It is estimated that these messages and posters were seen by approximately 1,700,000 people during each of the campaigns. Red Cross of Serbia has also organised street photo exhibitions two times, with the topics of social inclusion of older people and prevention of violence against older persons, in 2018 and 2021 in the pedestrian zone of Belgrade, and estimates are that the exhibitions were seen by 210,000 and 150,000 persons, respectively. In 2018, an older volunteer of Red Cross of Serbia participated in the ceremony to mark the International Day of Older Persons in the United Nations in New York, representing their generation and country. A 2021 Red Cross of Serbia campaign in post offices featured a short film focusing on elder abuse.

The organisation Amity has for eight years in a row continuously promoted active ageing, through implementation of annual awards for best travel journals of persons over 60 years of age. The contest is international as it includes older people from the region and other countries. In the period 2018-2021, 439 different authors participated, among whom 119 travel journals were selected for awards or special commendations.

The Festival of Older Persons' Creativity "Golden Age", organised by the Gerontological Centre Belgrade aims to affirm and promote amateur creativity of older persons, foster and transfer non-material cultural heritage, and the Intergenerational Cooperation Festival "Okay", with the aim to connect people of different generations through culture, sports and amateur creativity, with the aim to improve intergenerational tolerance, cooperation, understanding, empathy and create a society fit for all generations. The Mixer Festival, in 2020 and 2021, also promoted the positive image of older persons and strengthening of intergenerational cooperation.

### **Remedies and Redress**

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

Court system, Commissioner for Protection of Equality, Ombudsman.

### **Focus area 2: Economic security**

#### **National legal and policy framework**

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1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

Regular and adequate income is one of the foundations of security in older age. In the Republic of Serbia, the coverage with pensions has been continuously increasing in the recent past (833,012 registered old-age pension beneficiaries in 2017 and 934,761 in 2020).

The Law on Amendments to the Law on Pension and Disability Insurance stipulates that pensions, starting with the pension for the month of January of the current year, are aligned in the percentage representing the sum of the half of percentages of consumer price changes and the half of percentages of average wage without taxes and contributions in the period of 12 months counting backwards starting with the month of June of previous calendar year, in relation to the period of 12 months prior to the stated period.

With the aim to increase the sustainability of the pension system, the age limit to access the right to old-age pension for women is gradually rising in the period until 2032, when it will reach 65 years and become equal to the age limit for men. In addition, in the period until 2023 for men and 2024 for women, conditions for accessing the right to early retirement will become stricter, and entail reaching 60 years of age and 40 years of insurance. At this moment further tightening of the conditions for retirement have not been planned.

The latest, 2021 amendments to the Law on Personal Income Tax, in the part related to incentives for older entrepreneurs, stipulate the age of taxpayers and their ability to work as some of the corrective elements when determining the amount of flat-rate income for payers of tax on income from self-employment, who pay taxes on a flat-rate basis. In this way, for entrepreneurs paying flat-rate taxes over 55 years of age, as well as those over 60 years of age, registered for certain activities, the application of stipulated coefficients reduced the baseline for the calculation of the amount of flat-rate income, which also serves as tax base for income from self-employment for these entrepreneurs.

2. How is poverty defined in the national policy framework?

At-risk-of-poverty rate is the percentage of people with equivalent income available lower than the poverty risk threshold, which in 2020 amounted to 22,000 dinars on average per month for one-member household. The at-risk-of-poverty rate does not show how many people are really poor, but the percentage of people who have equivalent disposable income below the at-risk-of-poverty threshold. Poverty risk threshold for a household with two adults and one child under 14 years of age amounted to 39,600 dinars, while for a four-member household with two adults and two children under the age of 14 amounted to 46,200 dinars in 2020. The at-risk-of-poverty or social exclusion rate shows the percentage of people at risk of poverty, or are severely materially deprived, or live in very low-intensity households work.

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The at-risk-of-poverty rate for persons over 65 in 2020 was 22%. It increases with age, probably as a result of more expressed needs for appropriate healthcare than is the case with the younger older population, which also entails higher financial costs.

According to the Republic Fund for Pension and Disability Insurance data from January 2021, average pension amounts to 29,378 RSD (approximately 250 EUR), while average amount of agricultural pension was 11,896 RSD (approximately 101 EUR). This means that for a high number of pensioners (approximately 75%), their monthly income is lower than the amount of the minimum consumer basket. This represents a direct threat to economic security in older age and makes older persons dependent on family members and the community.

The number of persons of 65 years and above who do not receive pension by the Republic Fund for Pension and Disability Insurance was estimated in December 2020 at 128,000, calculated by cross-referencing data on population size assessment published by SORS and data on age structure of pension beneficiaries, from the records of the Republic Fund for Pension and Disability Insurance.

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

The national Ombudsman reports that older persons continue to face poverty and discrimination, with a specific problem being the insufficient availability of special support services, especially support and assistance services delivered at home, dissatisfaction with the right to financial assistance due to difficult financial and living situation, as well as difficulties in exercising the right to assistance and care provided by another person. These issues are particularly pronounced in rural areas, where older women are in a particularly challenging position, living alone or most often dependent on other family members to meet their needs, as they often do not have the right to own real estate and movable property, have no income, or adequate access to community services in places without roads or public transport infrastructure.

The work of the Commissioner for the Protection of Equality demonstrates that age as grounds for discrimination is among the most frequent personal traits regarding the number of complaints submitted for the protection of discrimination over a period of ten years (2010-2020). Older age as grounds for discrimination was the second most frequent grounds according to the number of complaints in 2016, 2017 and 2018; in 2019, these grounds were the fourth by frequency, but they were listed in approximately 10% of the total number of complaints, while in 2020, discrimination on the grounds of older age again was second by frequency, with 14.8% of the total number of complaints submitted.

Out of the total number of complaints submitted to the Commissioner for the Protection of Equality on the grounds of age, around one-third refers to the discrimination of persons over 65 years of age, having in mind that discrimination on the grounds of age includes all age categories. These grounds for discrimination often come in combination with another personal trait – disability, health status, sex, etc. When it comes to social relationships, discrimination against older persons

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is encountered in nearly all areas: in proceedings before public authorities, in the provision of public services, in the area of social protection and healthcare, pension and disability insurance, labor and employment, property rights, housing, education, culture and sports, as well as in the area of public information and media.

4. What data, statistics and research are available regarding older persons living in poverty?

Red Cross of Serbia conducted studies on the following topics: Older persons in rural areas (2016), Social Inclusion of Older Persons (65+) (2018), Ageing in Cities – Challenges of the Modern Society (2018), Ageing and Digital Inclusion – Baseline Study with Recommendations (2019).

Commissioner for the Protection of Equality published a Special Report on Discrimination against Older Citizens in 2021.

Poverty and social inequality, (2019), is a report published by the Statistical office of the Republic of Serbia that includes some data on older citizens.

### **Progressive realization and the use of maximum available resources**

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The Republic of Serbia Budget System Law stipulates a special fiscal rule on the sustainable level of pension costs, which amount up to 11% of GDP. Starting with 2017 onward, and as a result of fiscal consolidation, total expenditures on pensions have not exceeded the level of 11% of GDP, and any fiscal opportunities created throughout the duration of the fiscal consolidation programme were used to pay one-off assistance to pensioners, and sustainably increase pensions. After the expiry of the fiscal consolidation programme, with the aim to improve predictability and sustainable pension increase, the “Swiss formula” has been used for pension calculation.

The Law on Amendments to the Law on Pension and Disability Insurance stipulates that pensions, starting with the pension for the month of January of the current year, are aligned in the percentage representing the sum of the half of percentages of consumer price changes and the half of percentages of average wage without taxes and contributions in the period of 12 months counting backwards starting with the month of June of previous calendar year, in relation to the period of 12 months prior to the stated period.

With the aim to protect the social situations of the beneficiaries of lower-level pensions, starting with November 2018, an amount has been paid as a top-up to the pensions. According to data from June, around 75% of pension beneficiaries receive this top-up. The amount of top-up depends on the pension, wherefore the beneficiaries of lower pensions receive higher amounts of money on top of the pension. The above-mentioned top-up is aligned in the same period and in the same percentage as the amounts of pensions.

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The Red Cross of Serbia, through its soup kitchens programme, which is partially funded from municipal budgets (in 68 out of 78 municipalities in 2021), provides support to 30,000 beneficiaries annually, out of whom approximately one-fifth over 65 years of age. For these persons, the meal that they receive at the soup kitchen is often the only warm meal during the day and represents an essential contribution to their health and wellbeing.

6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

Age limit for old-age pension for women will gradually increase until 2032, when it will be equal with the age limit for men (65 years).

The 2018 Law on Amendments to the Law on Pension and Disability Insurance has helped overcome some of the issues affecting older persons for years. These amendments repealed the authorization to the Fund for Pension and Disability Insurance to forcefully collect contributions by cancelling one-third of pension. The control of payment of contributions for social insurance is under the auspices of the Tax Administration, and beneficiaries will receive the pension proportionally to the insurance periods for which the contributions have been paid.

This change is based on the Constitutional Court Decision from 2017, made on proposal by the Ombudsman, establishing that the provision in Article 4 of the Decision on type of insurance payer and obligation to pay contributions for compulsory pension and disability insurance, is not in accordance with the Constitution and the Law.

Another important change was the limitation to the temporary nature of the decision on pension, which is an issue that had for many years affected persons accessing the right to old-age pension and reducing their financial security. Now, in case if the missing facts are not established within three years of entry into force of the temporary decision, the amount of pensions becomes final, ex officio. The amendments to the law also facilitated the calculation of the final pension amounts for persons who spent part of their working life in the Autonomous Province of Kosovo and Metohija, for members of the Ministry of Internal Affairs and military personnel, but also those that worked in enterprises that no longer exist, and the documentation about their employees does not exist in the archives. The valid Law on Pension and Disability Insurance still has considerable shortcomings, including that the term of agricultural insurance payer has not been adequately defined, nor have the criteria for becoming and ceasing to be an agricultural insurance payer been proscribed, the procedures for registering for insurance, establishing the type of insurance payer, cancelling insurance and establishing the termination of insurance payer status been clearly regulated, or the dormancy of insurance payer status regulated in more detail, or a number of other

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issues of importance for establishing the rights of agricultural producers to pension and disability insurance.

The Ombudsman has established that many difficulties regarding the access to rights to financial benefits for assistance and care provided to another person are the result of the possibility to access this right being proscribed by two different laws, before two different authorities and according to two different legal grounds, even though it is essentially the same right, which is according to both laws accessed by fulfilling the same requirements. According to valid regulations, this right can be accessed pursuant to the Law on Pension and Disability Insurance before the Republic Fund for Pension and Disability Insurance, as the right to compensation for assistance and care provided to another person, and pursuant to the Law on Social Protection, before the Centre for Social Work, as the right to allowance for assistance and care provided to another person, but the same requirement regarding the health status is stipulated for access.

Therefore, it can happen that this right is “lost” if the circumstances change, or if formal requirements have been met (e.g. by acquiring the right to pension) and cannot be accessed before the other authority, even if the need was established as permanent beforehand, and health status of the beneficiary has not changed. Losing the right in practice causes a gap in receipt of the necessary funds for a certain period of time, or a complete loss of opportunity to access this right. In 2018, the Ombudsman submitted a legislation initiative to the Government, indicating the need to regulate the right to receive another person’s care and assistance in a simple and precise way, under equal conditions and criteria and before one authority. The Ministry of Labour, Employment, Veteran and Social Affairs has declared that this initiative is considered justified, and that they have also been trying to find ways to address this issue, as well as that a comprehensive analysis is required to show which authority would be the most fit for this purpose.

7. What good practices are available in terms of ensuring older persons’ economic security, including through a life-course approach?

The newly formed Ministry of Rural Welfare supports the notion that following the model of neighbouring countries, the concept of social, guaranteed pension should be followed, which would be reserved for persons over 65 years of age, who did not acquire the right to pension and have no other income, starting from the fact that it is evident in rural areas that there is a number of people, mainly women, about whom there is no precise data, over 65 years of age, who have not acquired the right to pension and have no other income.

After the necessary data is acquired, analyses performed and the Social Card Law comes into effect (adopted in February 2021 to be implemented from March 2022), providing for a single centralized registry with accurate up-to-date data on the socio-economic status of individuals and their personal connections, the Ministry of Rural Welfare is planning to, in cooperation with the Republic Secretariat for Legislation, submit a formal proposal to the Republic of Serbia Government with the aim to find suitable legal solutions, so that this population category can acquire the right to guaranteed social pension and thus improve their socio-economic situation.

### **Equality and non-discrimination**

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8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance?

The Law on Free Legal Aid, adopted in 2018, is one of the most important changes in recent past, which, inter alia, guarantees the right to free legal aid for adults and persons placed in social protection institutions without their consent. The implementation of this law in practice shows that this institute needs more promotion, considering that those that need it the most know the least about how to access it, as well as that the procedure of application for free legal aid should be simplified, making it more accessible for those that need it the most.

Older persons are recognized as a vulnerable social group in the process of development of the new Strategy of Prevention and Protection Against Discrimination.

The Commissioner for the Protection of Equality continuously implements training on discrimination and protection mechanisms, which is a very important activity, not only in the field of education, but also prevention of discrimination and achieving equality. Trainings include, in addition to older citizens, also different stakeholders – representatives of the government and local self-government administrations, social protection and healthcare, law enforcement agencies, civil society, judiciary, employees in inspection services, media, etc.

By adopting the Strategy for Prevention and Protection against Discrimination for the period 2013-2018, Republic of Serbia recognized older persons as one of the five vulnerable social groups at increased risk from discrimination.

The Action Plan for the implementation of the Strategy envisages eight measures that explicitly focus on older persons. Regarding measures for systemic prevention of discrimination and improvement of anti-discrimination practices, a prevention measure was implemented – a campaign for the adoption of positive/ affirmative social attitudes towards older persons, with specific measures to be implemented in local communities yet to follow.

### **Remedies and redress**

**Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons**

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

Court system, Commissioner for Protection of Equality, Ombudsman.