**Questionnaire regarding the human rights implications of the implementation of the Madrid International Plan of Action on Ageing**

Following the overview of the 6th Working Session of the UN OEWG on Ageing, held in New York from 14 to 16 July 2015, we hereby provide you with a brief presentation of the institution and the mandates of the Ombudsman of the Republic of Croatia, as well as the general overview on the situation of human rights of older persons in Croatia.

Ombudsman is an independent institution established by the Constitution of the Republic of Croatia as a commissioner of the Croatian Parliament. It is responsible for the protection as well as promotion of human rights deriving from the Constitution, legislation and internationally binding documents. International Coordinating Committee for Human Rights accredited him as an „A“ status NHRI (reaccredited in 2013). Besides that, Ombudsman is also the National Equality Body - NEB (pursuant to the Anti-discrimination Act from 2009) and the National Preventive Mechanism against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – NPM (pursuant to the Optional Protocol to the Convention Against Torture and Cruel Inhuman or Degrading Treatment of Punishment and the Act on National Preventive Mechanisms against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from 2012).

Implementation and monitoring of MIPAA is under the responsibility of the government and Ombudsman formally doesn’t participate in it. However, being an institution with diverse mandates (promotion and protection of human rights, NEB and NPM) older person’s issues constitute significant part of all of them and position of older people in society is observed holistically.

More specifically, Ombudsman disposes with various powers related to the protection as well as to the promotion of human rights of older persons. Within the scope of its work the Ombudsman has the power to:

- receive and examine individual complaints and take actions required for the protection of the rights of complainants;

- monitor general occurrences of violations of HR of older persons including discrimination;

- Undertake strategic litigation before the courts (only in the cases of discrimination as NEB)

- monitor human rights based approach both in institutional and non-institutional settings responsible for the care of elderly (as the Partner in implementation of ENNHRI Project we monitor how older persons care providers implement human rights standards in their work)

- monitor human rights based approach in regard to older persons in the prisons (as NPM)

- raise awareness of the different issues and challenges older people face in society

- report on the issues related to older persons in the Annual Reports.

The issues of human rights of older persons are regularly tackled by the Annual Report of the Ombudsman to the Croatian Parliament, containing a chapter dedicated to the situation and rights of older people (available on www.ombudsman.hr).

Due to the lack of specified services, an increase in the number of requests for information and advice on how to exercise rights of the elderly in the area of providing care (both institutional and non-institutional) has been registered during the last year. Half-day care and home help, as well as other types of community based services depend on the capacities of the local communities. Therefore additional efforts should be made to develop and enhance the non-institutional forms of care for the elderly, as well as residential care facilities in areas where they are not developed, although there is a need for them.

When it comes to discrimination, 9.5% from the total number of discrimination complaints received in 2014, pointed to age discrimination. Bearing in mind specific needs of elderly as well as obstacles which, due to the lack of universal design, they face in daily life, this number shows that trend of underreporting exists even in the cases of age discrimination.

However, it is commendable that problems of older people in Croatia were publicly recognized and two strategies were drafted to deal with the issue: Strategy for Combating Poverty and Social Exclusion in Croatia (2014 - 2020) and the Strategy of Social Welfare for the elderly in the Republic of Croatia (2014 – 2016). Hereby the authorities responsible for these issues acknowledged that they are aware of the fact that the existing network of service providers for the elderly is not adequately distributed throughout the territory of the Republic of Croatia. This is a problem since it allows the service providers to apply inconsistent and unclear criteria in admission decisions. To avoid this it is necessary to set clear and measurable criteria for admission. Development of social services that contributes to the inclusion of older people in community life is another necessity. Consulting and support services for the elderly are inadequate: in some counties these types of services are not even envisaged.

The media are not aware of (or do not care about) the unacceptability of inappropriate speech in public space in relation to the elderly. Unappropriated and stereotyping messages have become increasingly common, including in advertisements.

Lack of information about the protected rights and available services is another issue. Many of the necessary information is published only on the websites what makes them less accessible for elderly, who rarely use IT technology, Internet or other means of modern technology.

Limit to the right to work is set by the law which prescribes obligatory retirement at the age of 65.

The economic crisis combined with low pensions and permanent reforms of health system, affected the health protection of older people and jeopardized their access to equal health protection, especially for numerous older people who have low incomes.

Needs of the families who care for their elderly members are not recognized either. Left to themselves and their resourcefulness they are often forced to use the services of unqualified personnel who, working on the black market, are not subject to any supervision or control. Activities aimed at the reconciliation of family and professional life deal mainly with parental responsibilities towards children, and the needs of and obligations towards older family members remains unrecognized.

Participation in the ENNHRI project "Human rights of the elderly and long-term care“ will further increase our knowledge about the level of enjoyment of human rights by older persons.