## **Introduction**

We are providing answers to the questions asked by the UN Independent Expert. The answers are a compilation of available research, reports, and study materials from academia, the public sphere, and the non-profit sector. All answers provided are publicly available and traceable. Above all, it is information from colleagues who we know are dealing with the given topics. Therefore, this report does not provide a comprehensive overview of all research conducted in the Czech Republic. However, we tried to find all possible sources that could be relevant for you. At some points, it was also impossible to provide more recent information and data due to their non-disclosure or non-existence. We hope this provided information helps you with the preparation of a monitoring report and will be an additional document for provided materials from stakeholders from the Czech Republic. The questions target on legislative processes will be answered in the report provided by the Czech Government.

# **What forms does age discrimination affecting older persons take and which ones are the most prevalent? Where available, please provide concrete examples and collected data including in employment, education, social protection, and health, financial and social services.**

The Public Defender of Rights has been a national equality body pursuant to the law and applicable directives of the European Union (e.g. 2000/43/EC, 2000/78/EC etc.) since 2009. The provision of sec. 21b of Act on the Public Defender of Rights stipulates: *The Defender shall contribute to promotion of the right to equal treatment of all persons regardless of their race or ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or opinions.*

Age is mentioned in anti-discrimination legislation as a forbidden discriminatory reason. Age discrimination is prohibited not only within the labor market (cf. [Policy brief by UNECE](https://unece.org/DAM/pau/age/Policy_briefs/ECE-WG1-30.pdf)), but also, for example, in the provision of services, health care, and the like. Age is a relatively common reason for discrimination, as indicated by the number of people who complain to the Ombudsman about age discrimination.

The most common are complaints of age discrimination in **access to employment**. The complainant did not get a job due to his/her age. Other complaints are in the **employment termination** (if the employer has to decide who from his/her employees will dismiss, often he/she will choose an older employee). There is also the issue of **remuneration at work**. For example, the Ombudsman encountered a situation when the employer did not pay certain components of the employee's salary due to his/her receiving another income (pension).

However, age discrimination does not occur exclusively in the field of employment. For example, the Ombudsman has been repeatedly approached by seniors regarding the availability of financial services and products (consumer loans, credit cards, etc.). They argued that the banks did not provide them with the products in question, which they justified on the applicants' age ground.

In addition to employment and the products or services, there are some other complaints. Age discrimination includes not only disadvantages of the older adults but also children. Complaints of discrimination against children also appear, although the Defender rarely encounters such cases.

As you do not specify the required period/years in question, we list below the activities in which the Ombudsman addressed age discrimination since the beginning of her/his activity as an equality body in December 2009.

The Office of Public Defender of Rights dealt with age discrimination in 2018. Summary of their activities are presented in Annual Report from p. 26: **Annual Report of the Public Defender of Rights on Discrimination 2018** (see attachment). At that time, they created a **leaflet for victims of age discrimination**. The leaflet informs about the possibilities of defense against discrimination and is based on solved cases.

**Leaflet**: <https://www.ochrance.cz/uploads-import/Letaky/Diskriminace-z-duvodu-veku.pdf> (CZE)

**Annual Report of the Public Defender of Rights on Discrimination** **2019**: <https://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyrocni_zpravy/VZ_DIS_2019_EN.pdf>

According to the Annual Discrimination Report from 2018, around 2,000 people 60+ turn to them each year. The range of problems they come with is very varied. Although it is most often a question of pensions and care allowances, there are also frequent complaints about noise, etc. They also visited facilities for the older adults and other places where people are restricted in their freedom and at risk of ill-care and ill-treatment. Many older people also complain of discrimination, especially in employment.

The topic of “age” has been addressed by the Ombudsman in the past in the following documents:

1. **Manifestation of discrimination in job advertising (2011)**

The research results confirm that discriminatory job advertising is not an isolated phenomenon in the Czech Republic. An analysis of 12,044 advertisements from the www.prace.cz portal showed that 16.9 % of the analyzed advertisements contained one or more unauthorized requests. The advertisements were most often discriminatory on the grounds of age (this unjustified request occurred in 11 % of the examined advertisements) and gender (7% of the advertisements). Discrimination on the grounds of nationality, health, and marital status was present to a much lesser extent (equally less than 1 % of adverts).

**Summary:**

* The research showed that the occurrence of discrimination in job offers is not an isolated phenomenon in the Czech Republic: 16.9% of analyzed offers contained one or more discriminatory requirements placed on applicants.
* Offers were discriminatory most frequently due to age (this unjustified requirement appeared in 11% of examined offers) and gender (this cause appeared in 7% of offers).
* In the Czech language the so-called generic masculine, i.e. the masculine gender, is generally used to refer to both males and females. Those offers are not discriminatory only on the grounds that the name of the position is in the masculine form.
* A job offers which clearly show that an employer is seeking only men or only women is discriminatory due to gender, provided the requirement of a specific gender is not necessarily related to the position to be filled.
* A job offers intended only for younger persons or only for older persons as well as the establishment of minimum or maximum age limits as a job requirement is discriminatory, except for strictly defined exceptions.
* Among others, requiring inadequately long work experience of an applicant may constitute indirect discrimination in job offers on the basis of age.
* If an employer offers working in a young team as a benefit in an offer, it may discourage some older age applicants from taking part in the selection procedure. This is a case of indirect discrimination due to age.
* Requiring excellent health condition or physical condition for the performance of work that does not necessitate such a requirement constitutes a breach to the prohibition of discrimination according to the Employment Act. At the same time, it might constitute discrimination of disabled persons according to the Anti-discrimination Act.
* The requirement of Czech nationality of an applicant for job is discriminatory on the grounds of state citizenship and nationality.
* An employer can require the knowledge of a language, including the Czech language. Nevertheless, the required level of the language has to correspond to the character of the position to be filled.
1. **Accessibility of financial services for the older adults (2013)**

**A summary of the results of the questionnaire survey**:

* The results of the questionnaire survey indicate that of all services subject to the research, services that are the least accessible to older people include life assurance (all insurance companies surveyed set an age limit), accident insurance (an age limited is set by 90 % of insurance companies) and payment protection insurance (an age limited is set by 78 % of banks, 100 % of insurance companies and 86% of non-bank providers).
* Approximately a third of the surveyed entities also set age limits for providing travel insurance (37 % of insurance companies) and mortgage loans (33% of banks).
* Relatively most accessible services to older people include financial leasing, voluntary motor insurance, compulsory motor third-party liability insurance, credit card and overdraft account (each of these services is restricted with respect to age by only one entity), followed by consumer loans (18 % of banks and 6 % of non-bank providers set age limits).
* It can be therefore concluded that an age limit was applied at least once with respect to each of the monitored services.
* As regards the specific age limits, the strictest conditions apply to payment protection insurance, which entities refuse to provide on average to clients aged 63 and over, and to financial leasing, where this limit reaches 65 years. As regards the remaining services, the age limit stands, with slight variances, at around 70 years. Voluntary motor insurance and compulsory motor third party liability insurance are the only exception, with an average age limit of 80 years as an additional criterion.
1. **Discrimination the Czech Republic: Victims of Discrimination and Obstacles Hindering their Access to Justice (2015)**

**Summary:**

* **The Czech population perceives the most frequent types of discrimination in our country to be based on ethnic or racial background, or on the age above 55 years**. At the same time, discrimination on the ground of religion or the age less than 30 years is not perceived as widespread.
* 11 % of the respondents experienced discrimination or harassment in person over the past five years. The discrimination was primarily related to their employment; **they felt discriminated against mostly when seeking employment or when carrying out their work duties. The key cause was advanced age.** Another widespread form of work discrimination is different approach due to gender and discrimination of parents.
* **Only a minor part of respondents who felt discriminated against reported their experience** to any authorities or organizations (11 %). The respondents primarily contacted the police, and to lesser extent the inspection authorities, the ombudsman or the trade union.
* **The key barrier to reporting the cases of discrimination is the lack of trust in the capacities of the relevant institutions to resolve the case**. The respondents were also dissuaded by the lack of proof, or they did not know to whom to turn, or they were anxious about the negative consequences of such action.
1. **Research on work-life balance in the on Czech ministries has focused on both parenting and age (2017)**

**Summary:**

* There are certain standard measures applied in the area of work-life balance at the Ministries; these measures enable to easier combine work and out-of-work duties of the employees in this part of public administration; however, the survey confirmed existing differences among the individual Ministries, despite the fact the legislation regulating the area of civil service applies to all equally.
* The survey found discrepancies in the position and responsibilities of the “gender focal points” at the Ministries. Their position in terms of the organisational structure of their respective Ministries differs (assignment to a section, department, or unit) and they usually do not devote a sufficient part of their work capacity to the topic of gender equality, which also includes work-life balance. They usually also have responsibilities in other areas, often at the expense of gender equality.
* The Ministries often use only some of the available forms of flexible work and there were significant differences in the provision of certain other benefits. • Only flexible scheduling of working time is available everywhere; in contrast, shorter working time or work from other places are only available to a few percent of civil servants, even though many more are interested. In an online survey conducted among the civil servants, 10 percent expressed interest in shorter working time and nearly 50 percent were interested in working from other places.
* The survey confirmed that the issue had to be approached cross-sectionally – across generations and age groups, as well as in the context of various life situations, as the need for combining work with private life as well as the practical possibilities for such a combination vary over the lives of individuals (due to changing needs, values, individual wishes and preferences as well as the actual living conditions and opportunities). Currently, most attention is devoted to parents with small children, especially mothers, although there is room also in this area for further improvement in work-life balance (see children playgrounds, care for children during school holidays, care for children under 3 years of age, etc.).
* It is clear that one of the prerequisites for an effective solution to work-life balance is an actual awareness of the requirements, needs and satisfaction among the employees, in this case the civil servants at the Ministries. Although an annual evaluation of progress in this area is conducted (the application of measures etc.), it is not entirely clear how the results are applied at each individual Ministry and, especially, what conclusions are drawn on their basis by the Government’s Council for Gender Equality and the Department for Gender Equality at the Office of the Government of the Czech Republic.

Factors involved in ageism, according to Tošnerová:

 • Demographic trends of the "graying" Europe, America, and other developed countries, gradually affect developing countries (graduating demographic panic).

• Segregation of people into different groups based on age.

• General devaluation of traditions.

• Rapid social change in the post-industrial information society

• Development of technologies requiring rapid change and new approaches in education.

• Cult of youth, socially overestimated youthful appearance.

• Accepting the thesis that old age is useless.

• Preference of values primarily taking into account individualism and independence

• Mass media supporting ageism, reports reviving gerontophobia.

**Sources of Ageism according to Vidovićová:**

**I. Individual**

* Fear of ageing
* Fear of death
* Frustration, aggression
* Selective perception
* Auto-stereotypes

If a senior accepts the idea of himself/herself as less efficient, his/her work performance will tend to decline, which in turn confirms the negative attitudes of the society as "correct".

**II. Social**

* Demography
* Age/generational conflict
* Age segregation
* Language, media, popular culture

**III. Cultural**

* Value system
* Language

Contemptuous names for the older

* Media culture

Issue of quantity and quality of senior’s representation in media

The specificity of cultural resources is their ability to replicate stereotypes and discriminatory attitudes once inserted into them almost indefinitely. Therefore, cultural resources are often identical with forms of ageism.

The topic of ageism is broad and is conditioned by a variety of factors.

# **Please provide information and data collected about the causes and manifestation of ageism in society, both of younger and older generations, and how it translates into discriminatory practices.**

*ESS Round 4: European Social Survey Round 4 Data (2008). Data file edition 1.0. Norwegian Social Science Data Services*

The issue of ageism was the goal in the international research European Social Survey Round 4 (ESS4), in which several European countries, including the Czech Republic, participated in 2009. ESS4 research shows that ageism is the most widespread type of discrimination in the Czech Republic. A total of 54 % of Czechs over the age of 15 said in this survey that they had experienced at least one unfair treatment or prejudices based on their age in the last year. Similarly, we can find manifestations of ageism when asked about stereotypes and prejudices against age groups. For example, 63 % of respondents say that most people think they are in their twenties. However, only a third of people consider seniors over the age of 70 to be capable. Other questions asked what emotions young people and seniors arouse in others, according to respondents. From the four emotions identified (envy, admiration, compassion, and contempt) Czechs most identified with feelings of compassion for seniors aged 70+ (55 % said). Young people are not viewed to such an extent in the light of these prejudices. Most respondents agreed that people feel envious of people in their twenties (28 % of respondents). Overall, half of the respondents (among them more often older people) agreed that age discrimination in the Czech Republic can be considered a serious or very serious problem.

When someone talks about age discrimination, we usually associate it with people 55+.Czechs perceive the problem especially among older people, and it starts after the age of fifty. We do not consider it essential for young people, although more are being addressed in the Western world. Paradoxically, people between the ages of 18 and 25 are considered inexperienced on the one hand and very technologically proficient. On the other - but neither applies to everyone. Both views are just big stereotypes.

Although the risk of age discrimination is the smallest between the ages of thirty and forty, even at this age, we begin to be confronted with our chronological age, for example, in the health care system. So, we can perceive unpleasant remarks about age throughout our lives.

**Areas of ageism**

It is now the most talked about in connection with employment and the labor market in general. But it often appears in services, health care, housing policy, and laws where there are several age limits. It is difficult to prove age discrimination. For example, it is not so easy to measure objectively it's a lot about the individual settings and sensitivity of each person.

**Ageism and media**

An example is the research of Vidovićová and Sedláková. The research marked the first in-depth analysis of the Czech media scene from the point of view of age and old age. They analyzed a selection of reports published in 2004 in the main news programs of ČT1, Nova and Prima and the five largest national dailies (MF Dnes, Právo, Lidové noviny, Hospodářské noviny and Blesk). The selected messages contained at least one of the keywords: senior, seniors, senior, pension, pensioner, pension, pensioner, retiree, old age, old, grandmother, old-man, granny, etc. This large-scale study concluded that:

* In newspapers with keywords prevailed economic topics (pensions 34%), crime (28%). On television, the ratio was the opposite. Themes such as health, social policy, and culture occurred sporadically.
* Similar events are reported differently if a senior is involved - if the victim of a traffic accident is a senior, the report has an average of 22 words. If the victim is a child, we read a 330-word news.
* The terms used are often inappropriate both concerning the context of the message and the genre (CT1 1.4.2004: "shelter for people with Alzheimer's disease"; using the word "grandmother" without talking about kinship)
* "The theme of seniors and old age in Czech media culture is again accompanied by the so-called **elderspeak**. It is an English term for the way how adults are speaking to young children. The messages have been identified, both in language and in thematic contexts. If an active senior (rarely a senior) and his abilities are presented, then only as a rarity, as something unusual. "

**Ageism and the labor market**

The percentage of unemployed in the age group 50+ is growing. That is perhaps still an optimistic age limit. Age, together with gender and education, plays a key role in the labor market. The labor market is structured according to age, and also defines the period of an individual's participation in the labor market. There is an age limit from when it is possible to work legally and a retirement age. "*Ageism is present in all employment phases, but also organizational structures, selection, deployment of the workforce and work tasks, performance appraisal, career planning, remuneration, and employee benefits. Ageism is also present in the individual's selection of a specific type of training, education, and development and decisions to transfer to another job, promotion, termination of employment, and the right to a pension*. " (Vidovićová 2008).

Randstad (HR company) published press release from their research: *The most common reasons for discrimination in Czech companies? Age and gender.* Randstad Workmonitor survey show, Czechs still encounter it in various forms of discrimination at work. More than a fifth of employees have ever experienced exaggeration due to their age, whether "too low" or high. This form of discrimination affects young people under the age of 24 the most and then workers aged 55+.

"Hidden age discrimination is one of the causes of higher unemployment of people in these age groups. Many employers still live in the misconception that the ideal employee should be between 24 and 35 years old. At the same time, they most often refer to the allegedly lower flexibility of people over 40. The real reason for preferring younger grades is often the reluctance to adapt work style and team leadership to people with different experiences.

However, this approach is extremely short-sighted: "In a situation where we have the lowest unemployment rate in Europe and a complete shortage of technically educated people, deliberately neglecting the whole group of workers with experience and oversight is more a sign of reality. "

Discrimination in Czech companies does not only affect people of a certain age but is also a problem for other groups of workers. 16 % of employees have ever experienced gender-different treatment, 10 % of them have had to face racial as well as religious discrimination. According to 84 % of respondents, sexual orientation is not addressed at all in the company. 11 % of respondents mentioned that sexual orientation was a form of discrimination, which they also struggled at work.

The topic of ageism is broad and is conditioned by a variety of factors.

All the provided information bellow is from the article *Age Discrimination in the Czech Republic – A Decade of Development* written by sociologist Lucie Vidovićová. This article was part of project “Ageism 2012”, which was supported by the Ministry of Labour and Social Affairs and Research Institute for Labour and Social Affairs.

 It has been 45 years since the term “ageism” was coined by Robert Buttler pointing at the disparities and unequal treatment of people on the basis of their chronological age. Since then the topic was picked up by many academics, philosophers, policy makers and researchers. The interest in the phenomena rose, as well as its recognition among lay actors. Supported by increasing awareness of population aging, the number of areas and records of recognised unfair treatment on the basis of age are raising, especially in (Eastern) Europe and North America. However, answers to the question “Could you tell me whether, in your opinion, age discrimination is widespread or rare?” are indecisive: latest Eurobarometer (393/2012) counts 45 % for total “widespread” and 46 % for “rare” (rest of 9 % stand for spontaneous answers “don´t know” and “nonexistent”). National results show that discrimination on the basis of being over 55 years old is most likely to be thought to be widespread in three neighbouring states: Hungary (75 %), the Czech Republic (68 %) and Slovakia (66 %). Ireland with only 19% of respondents being convinced that older people are discriminated against is closing the list of 27 countries included in this survey.

In the Czech Republic we have followed the issues of age salience, age discrimination and ageism for almost a decade. The first survey was carried out in 2003, the second one in 2007 and the last one in 2012. All three surveys are representative for adult Czech population aged 18–80 years, total N = 1584, 1810 and 1640 respectively. The standardised face to face questionnaire was used to ensure maximum possible level of comparability among the three surveys. Using the classical Palmore´s (2001) “Ageism Survey” as point of departure, the labour market, interpersonal communication, citizen´s rights, politics and media, pension and health care systems, business and service provision, and extreme forms of ageist behaviour such as abuse and mistreatment were followed in our surveys. Through this rich database, we may now gain deeper insight into the “question of age” in the country with extremely high levels of perceived age discrimination of older people. However, due to the space restriction only a small selection of data is presented here.

The Experience of Age Differentiating Behavior Ageism and age discrimination are only two among many other inequalities experienced in current societies. The relative position of age between main, public-recognized sources of discrimination is set in the Figure 1. Age, followed by sex, gained the top position, being one of the most often experienced discrimination. Gender discrimination is more often indicated by women. Lower income increases the risk of discrimination based on health or disability, and slightly also on the basis of age. Higher age of a respondent, however, makes the experience of discrimination stronger on all monitored basis. Age context is essential, especially with gender discrimination, where such experience is acknowledged three times more by women than men under the age of thirty, almost seven times more by middle-aged women, and eleven times more by women than men over sixty. That being so despite the fact that gender discrimination, compared to age discrimination, is weaker in the highest age categories (see Figure 2).





In our whole sample, 65% of respondents have not experienced any of the monitored forms of discrimination, 22% have experienced just one, and the remaining 13% gave an account of multiple jeopardy— i.e., experienced discrimination on two or more areas. The percentage of respondents who did not experience discrimination is 8 percentage points lower - compared to the year 2007 - and the increase is evenly split between discrimination on one and multiple bases. Consistent with the theory, women report multiple bases discrimination experiences more often.



Table 1 gives a general overview of situations where some of the age differentiating experience may have happened, in three years comparison. We may underline three key messages from this overview. First, since the awareness of age differentiation is generally always higher than the real testimonies, it is safe to conclude that age discrimination is more often heard of rather than really experienced. Firsthand experience (not someone else’s) is given on average by less than 8% of the respondents over the age of 50. Joking about old age is the most given form (16%), whereas waiting at the doctor or a higher salary is the least frequent one (1–2%). Second, between 2003 and 2012 the number of respondents who have never heard of such situations, let alone believed this could be happening in the Czech Republic, dropped down. In some cases the numbers had increased slightly between 2003 and 2007, only to decrease in 2012 even below the initial level of 2003. This development testifies to the raising awareness in the society. Third, though, out of eleven situations presented here, only four registered a statistically significant increase in the personal or vicarious experience. Moreover, even in these areas we cannot talk about an exponential increase, considering previous decrease between 2003 and 2007. In theory, we assume that occurrence of this phenomenon should be relatively low in the time when it is not yet generally recognized, labeled and problematized. In the next stage, its prevalence is hypothesized to grow in reaction to rising awareness. In the last phase the decrease of its evidence should once again come about as its real presence (personal experiences) would be truly eliminated in the society. As this small sample of the data on the dynamics of age discrimination in the context of Czech society in the last ten years shows, we are still in the phase of both increasing awareness, and in some areas also in the rising of occurrence of (perceived) age discrimination. As it seems, the battle against ageism in our society, which according to projections will have one of the oldest demographic structures by 2030, only begins.

# **From an intersectional perspective, are there specific factors that aggravate ageism and age discrimination and how? Please provide concrete examples and collected data where available.**

The **Strategy of social inclusion 2021-2030** reflects the possible combination of several risk factors, which may lead to even deeper discrimination of the person, in our case, a senior. Namely, if the individual (senior) also belongs to other groups of persons exposed to a higher level of risk, such as people with mental or disability, people with a criminal record, people suffering from any form of addiction, or, for example, LGBTIQ + minority. Foreigners in the Czech Republic may also be at greater risk of social exclusion, both from third world countries as well as EU citizens with different statuses (temporary, permanent residence, asylum seekers). In some regions, the number of citizens from Slovakia increases, including the Roma, who live in unsatisfactory conditions and are a source of income for "poverty traffickers". Other minority groups of the population are also at risk - both in terms of belonging to a concrete religious, national, or, for example, ethnic minority. Furthermore, residents, for whom an affiliation to one of the minorities is presumed without self-affiliation or personal identification with the minority. These groups have an increased risk of discrimination or stereotyping by society, and therefore a risk of problematic access to areas such as housing, education, or health care.

We provide research results on **LGBT senior communities** and **women older migrants**. Those vulnerable groups of people have to face multiple discrimination.

LGBTI community of older people in the Czech Republic

According to NGO Life 90 (in original: *Život 90*), the topic of LGBT older people is a traditionally taboo theme in the Czech environment. The media image of gays, lesbians, bisexuals, or trans people usually gives the impression that they are "young Praguers". The fact is, however, that these people have always been and still are among us. They live in an environment that is highly heteronormative, with the vast majority of them facing discrimination and humiliation because of their sexual orientation or gender identity. Therefore, they learned to hide and hide these inseparable aspects of their personality. Many of them are lonely or live in heterosexual marriages. Their starting position for old age is much more uneasy than for their heterosexual peers.

In 2016 was published the first and unique research targeted the LGBT community of seniors in the Czech Republic, called *LGBT older adults - an invisible minority: The situation of aging lesbian, gay, bisexual, and transgender people in the Czech Republic and the perspectives of LGBT-friendly health and social care*. All provide information is from this publication. In this foreword, sociologist Jaroslava Hasmanová Marhánková claims that: “It is necessary to emphasize that the specifics of LGBT seniors are given primarily by the social context of their lives - living in a society that expresses certain forms of sexuality and gender “stigmatizes”. She comes across the fact that the current LGBT senior generation lived most of their productive lives during the time when homosexuality was in Czechoslovakia practically taboo, despite the decriminalization of homosexuality in 1961.

Before 1989, it was not an exceptional situation for gays and lesbians to conceal their sexual orientation, its denial. Many lesbians and gays have opted for a double life - heterosexual in a classical marriage and secret, some of them prefer to live alone. All secrets affected their social networks. Many of them did not start families or were abandoned by their relatives due to their sexual orientation. In old age, these people lack the necessary help and contact from loved ones (so-called informal help). Sociologist Hasmanová Marhánková also states that: The feeling of loneliness and the lack of informal support in old age harm mental and physical health and affect the experience of aging. LGBT seniors have lived most of their lives in social conditions where a non-heterosexual orientation has been a major social stigma. Empirical research also suggests that LGBT seniors have fewer traditional social networks compared to the majority of society. " Although it could be assumed that the LGBT community could become a social network, this is not the case. LGBT seniors are an invisible group even within the LGB community itself. LGBT seniors have faced stigma and discrimination for most of their lives. Stigma and discrimination significantly affect LGBT senior's health, increase social isolation, and affect relations to social and health services, which usually do not reflect their non-heterosexual experience.

This research identified **loneliness** as one of the biggest problems. Loneliness in this group of people is often worse than in the rest of the population because LGBT seniors often live and live without a family background. Their original family renounced them because of their sexual orientation, sexual behavior, or lifestyle. Either they did not start their own family and have no children, or they started - the marriage or partnership broke up, and then relationships with biological children can be complicated for various reasons. Their friends (as well as their partners) die, and they are no longer able to establish new relationships.

Formal disadvantages for LGBT seniors:

Compared to the majority population, LGBT seniors still face certain formal disadvantages, which may be more relevant in old age. The current regulation of a registered partnership in the Czech Republic does not allow for the drawing of a widow's / widower's pension in the event of the partner's death. Compared to heterosexual marriage, the registered partnership offers a financial disadvantage as financial security in old age. This form of discrimination can further increase the risk of poverty in old age.

The current approach of formal institutions perceives decision-making and the provision of information on care in old age as the exclusive right, especially of the biological family. In this regard, LGBT seniors (and especially their chosen family) may face difficulties in negotiating care decisions. In the case of people who choose to remain “in the closet”[[1]](#footnote-1) in permanent care (such as nursing homes or long-term care facilities) create the unclear position of the chosen family can become a barrier in decision-making about care and in maintaining existing social ties. As an example, could be to explain why these friends (secret partners) should get information about the patient's health.

Possible solutions according to research:

The possible solution is to eliminate the imaginary barrier between those who are young and old and those who are gay or hetero. Various meeting platforms could help, which - by the way - are already very popular at the level of the majority society. It would also be possible to think about LGBT clubs for seniors. Regardless of the specific "solution" to the problem of the invisible minority, however, it necessary to said above all that LGBT seniors are still not a topic that would be of interest to anyone at the institutional level. And that's not exactly the ideal starting point for change.

**Older women migrants**

All the provided information about this endangered group of women is from the research Women on the Second Track (?) published by the Association for Integration and Migration, and Faculty of Humanities, Charles University in Prague in 2016.

Definition of old age and older women workers in this research

The definition of "old person" is difficult to determine, mainly because the aging process is different for everyone. In this research, a senior is a person who has reached the statutory age required for retirement (whether or not he or she is receiving it). An older employee is a woman over the age of 50 who has not yet been entitled to that pension.

 Employment discrimination against women is not a new problem in the Czech Republic. Together with age discrimination, it is one of the main obstacles to inclusion in the labour market. If discrimination on the grounds of ethnic and social affiliation is added, this is a difficult barrier to overcome.

Women foreigners in the Czech Republic often do not have a suitable position. Due to their nationality, insufficient language skills, ignorance of the environment, lack of experience, and limited social ties, they often become the target of exploitation, non-respect of employment rights, and depending on the employer. They are frequently cheap labour, willing to accept any job, regardless of their level of education, and often find themselves on the edge of society. Their situation worsens with the onset of retirement age. They usually do not have access to draw pension benefits. In extreme cases, they are at risk of homelessness.

In regard to the more than twenty-five-year history of the Czech Republic as a host state and current migration trends, it can be expected that the number of permanently settled seniors with a migrant history will increase. If we add other important factors like increasing numbers of women in the senior population and the feminization of migration, we can talk about the growing social group of women migrants. Respectively, women seniors with a migration history can be expected to have a higher risk of discrimination and social exclusion in general than others. The main reasons leading to the unsatisfactory position of this group of women in the European, but especially the Czech context, are the following:

• Generally, women live longer, and also in worse material conditions and quality of life compared to men

 • Compared to men of the same age and women from the majority population, women migrants are more vulnerable due to possible discrimination based on race / ethnic origin, nationality, religion, or other specific characteristics. The multiplication of discriminatory grounds already mentioned is also significant for this group.

• Disadvantages that result directly from legislation, both in the labor market and outside it (especially this disadvantage is evident in women with temporary residence, i.e., in the field of health care)

 • Complicated recognition of qualifications in the Czech Republic, notification of diplomas, and the related issuance of work permits and employment

 • Difficult reconciliation of work and family life for women in general. As a rule, women migrants cannot find jobs that match their qualifications and would allow them to perform family responsibilities. Economic pressure and lack of support in caring for children / older parents then limit their opportunities for education (or retraining) and professional growth

• Migrant populations are at greater risk of falling into poverty, with migrant women being exposed to even higher levels of poverty compared to men migrants

 • Due to their complicated position on the labor market, migrant women (and even older migrant women) are often willing to accept any job, regardless of their level of education, original occupation, and employment rights. They find themselves in the position of cheap labor, where they show higher performance and a willingness to work under precarious conditions under the pressure of circumstances. In this context, the dependence on the employer is also evident, which results mainly from the interconnection of work permits and residence permits

• According to the available findings, their employment also affects the non-use of qualifications, the small effect of retraining, and the above-mentioned administrative complexity of the recognition of qualifications and education. As a result, they remain in a marginalized position in the labor market

• They often perform unskilled work, where there is a higher risk of unemployment they often work in temporary and precarious positions on the labor market

• Women migrants are also frequent victims of forced labor and human trafficking, especially in the sex industry, where they are often exposed to physical violence

• A specific problem of women migrants on the labor market is theirs involves in domestic works (nanny, cleaner or caregiver for the sick or older or children) because the Czech legislation does not provide sufficient protection at least minimum standards. In the field of work, they are often exposed to specific forms of gender-based violence and racial discrimination

 • One of the principal problems for women migrants with a history of migration may be that they do not have worked for the necessary years to claim a pension or are not recognized for years worked in other countries. In such a case, they must be active in the labor market even in years when other people are already drawing a pension. In addition, it is uneasy to find a job in general for the category of people over 50 years of age. Thus, senior migrant women often work in precarious working conditions, despite their unsatisfactory state of health.

• Other reasons for women´s labor higher vulnerability includes worse language skills, ignorance of the environment, limited social ties, respectively social capital, or long-term isolation.

However, disadvantage does not only concern the labor market but also political debates or strategic documents concerning equal rights, migration, or integration. It is obvious, women migrants' experiences with discrimination can be qualitatively different from their male counterpart's experiences.

The above reasons explain why women with a migration history are more affected by structural inequalities than men migrants or senior women from major society. Women migrants are at risk of the same disadvantage as women in general and migrants and seniors. Due to other unfavorable circumstances and contexts - the absence of international agreements on the recognition of work in another state for calculating benefits and pension income, and discrimination in the labor market often resulting in long-term unemployment - women do not have access to benefits from the Czech pension system, health insurance or other social rights that are granted to Czech citizens. These facts lead to a complete loss of integration potential and, in extreme cases, to homelessness.

# **What international, regional and national legal instruments are in place to combat ageism and age-discrimination?**

In accordance with the Constitution, the Czech Republic observes its obligations resulting from international law and the promulgated international agreements, the ratification of which has been approved by the Parliament and which are binding on the Czech Republic, shall constitute a part of the legal order. Under Art. 10 of the Constitution international agreements form a part of the Czech law, and their provisions prevail over the national legislation. In their decision-making, judges are bound by legislative acts and international treaties that form part of the national legal order.

The equality and the prohibition of discrimination is guaranteed by the universal human rights treaties, to which the Czech Republic is party. The International Covenant on Civil and Political Rights guarantees in its Art. 26 the equality of all before the law and the equal protection of the law without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The same list of discriminatory grounds is contained in the Part II, Art. 2 of the International Covenant on Economic, Social and Cultural Rights. It binds the state to guarantee that the rights enunciated in this Covenant will be exercised without discrimination of any kind. In both covenants, the term "other status" includes other grounds such as the age.

At the regional level, the Czech Republic is a party to the European Convention on Human Rights. Art. 1 of the Convention states the general prohibition of discrimination. Art. 14 of the Convention guarantees the enjoyment of the rights and freedoms provided in the Convention without discrimination on any ground. Although the Convention does not explicitly state the age as a ground for discrimination, it may be subsumed under the more general category of "other status". Protocol 12 to the Convention (2005) expanded the scope of the prohibition on discrimination, to cover all rights guaranteed at national level, regardless of whether or not they are rights within the Convention. The right of individual complaint to the European Court of Human Rights establishes the legal liability of the Contracting Parties (i.e. the member states of the Council of Europe) for breach of their obligations under the Convention in relation to individuals.

In its Art. 21 the Charter of Fundamental Rights prohibits discrimination and is legally binding for all EU member states, including the Czech Republic, which must observe the Charter in relation to EU laws. As a member state of the European Union, the Czech Republic applies directly the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation banning – among others – discrimination on the basis of age in employment and occupation.

At the national level, the general prohibition of discrimination is enshrined in constitutional laws and laws. The Charter of Fundamental Rights and Freedoms introduces the general provisions for equality and non-discrimination. Its art. 1 states that people are free and equal in dignity and rights. Art. 3 (1) of the Charter guarantees the fundamental rights and freedoms to everyone irrespective of gender, race, colour, language, religion and faith, as well as on the basis of political or other opinion, national or social origin, belonging to a national or ethnic minority, property, birth or other status. The term "other status" includes other grounds, including age. According to the art. 3 (3) of the Charter, the exercise of fundamental rights and freedoms may not cause prejudice to holder’s rights.

Act No. 198/2009 Coll., On Equal Treatment and Legal Means of Protection against Discrimination and on Amendments to Certain Acts (Anti-Discrimination Act) defines the rights to equal treatment, direct and indirect discrimination, as well as harassment, sexual harassment, instruction to discriminate and incitement to discrimination. It also provides the core of the protection afforded to the older people in work and social areas. The Anti-Discrimination Act provides the protection from discrimination on grounds governed by EU law “race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or opinions and, in legal relationships governed by the directly applicable regulation of the European Union on freedom of movement for workers, also on grounds of nationality.” The Anti-Discrimination Act provides protection from discrimination in employment, access to employment and occupation, self-employment, membership of workers’ or employers’ organisations, and access to social protection and health care, social benefits, education, goods, and services, including housing. The scope of areas and anti-discrimination grounds is fully consistent with EU law.

The Labour Code, sec. 16 (2), prohibits discrimination on grounds of “sex, sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, gender, language, state of health, age, religion or belief, property, marital or family status and family relationship or responsibilities, political or other opinion, membership and activities in political parties or political movements, trade unions or employers' organizations.” According to the sec. 16 (4) states that the differential treatment shall not be considered discrimination if the nature of the work implies that such difference in treatment is an essential requirement for the performance of the work; such exception must pursue a legitimate purpose and a reasonable requirement. Measures justifying the prevention or compensation of disadvantages resulting from the membership in a group defined by one of the grounds set out in the Anti-Discrimination Act shall also not be considered discrimination.

Protection against discrimination is also guaranteed by Act No. 349/1999 Coll., On the Public Defender of Rights. The Public Defender of Rights is an equality body accessible to any victim of discrimination for free. The Public Defender of Rights assesses whether discrimination may have occurred and provides methodological assistance to victims of discrimination in protecting their rights. It cooperates with NGOs providing free legal assistance to victims of discrimination who would otherwise be unable to afford it. In addition, the Public Defender of Rights issues recommendations and opinions on specific manifestations of discrimination in the society and recommends how to avoid such conduct.

Victims of discrimination may seek a court order to cease from discrimination, to eliminate discrimination effects, and to adequate satisfaction, including financial compensation for non-material harm. These procedures are allowed by the Anti-Discrimination Act, and in cases of discrimination not regulated by the Anti-Discrimination Act by the Civil Code. Victims may lodge their complaints seeking an inspection or the initiation of administrative proceedings for violation of the prohibition of discrimination with the administrative authorities.

# **Please also note any action plans or policies to raise awareness and combat ageism (including anti-ageism in school curricula) and to move toward a more age-friendly and inclusive society.**

**History of interest in seniors in the Czech Republic**

1977 Principles of care for the older adults

1983 Program of preparation for old age in the Czechoslovak Socialist Republic until 1990

1999 UN Year of the Older adults

1999 "prohibition of discrimination based on age ”- Act No. 65/1965 Coll. Labor Code§1 / paragraph 4.

2002 National Program for Preparation for Aging 2003-2007

2004 "prohibition of discrimination on age ”- Act No. 435/2004 Coll. - Employment Act (§4)

2004-2006 / 2006-2008 National Action Plan for Social Inclusion

Government Council for the Older adults and the Aging Population

2007 Office of the Minister of the Government of the Czech Republic for Human Rights and National Minorities Džamila Stehlíková, European Year of Equal Opportunities for All

* *National Action Plan supporting positive aging from 2013 to 2017*
* *Strategic framework for preparation for the aging of society 2020-2025*

This document has been awaiting government approval since March 2020. The strategic framework will be followed by an action plan with concrete measures.

## *Government Council for the Older adults and Population Ageing*

The Ministry of Labor and Social Affairs is the coordinator of this agenda. The Government Council for Older Persons and Population Ageing was established on March 22, 2006, by Government resolution No. 1482 on implementation of the National Program of Preparation for Ageing for the period 2003 - 2007. The main goals of the Council are to ensure equal rights for older persons in all areas of life, to protect their human rights, and support the development of intergenerational relationships in family and society.

# **Please outline any other areas that you deem important in the context of ageism and age discrimination. Thank you for sharing any relevant reports about ageism and age discrimination.**

# It is necessary to support non-profit organizations that focus on the senior population and their problems - including ageism in society. One of the key NGOs are Elpida Life 90 (org. Život 90). The Life 90 with representatives of the professional community have joined the Galway call: Combatting exclusions and ageism for older people during the COVID-19 Pandemic: Four Key Messages.

We should also emphasis **age mainstreaming**. Authors Lucie Vidovićová and Eva Gregorová published chapter “Manual” - Practical procedures of age mainstreaming and aging as part of article *Age mainstreaming as a management strategy for ageing populations.*

**The role of age mainstreaming in the fight against age discrimination**

In achieving the goal of an age-inclusive society and eliminating age discrimination, age mainstreaming can be used to:

• providing the means to actively address the needs of people who are victims of discrimination,

• promoting diversity and equality in society,

• formalization of mechanisms influencing decision-making,

• calling on authorities and opinion leaders to take action against age discrimination,

• monitoring, documentation, and detection of age discrimination,

• maintaining equality in political agendas and promoting positive action (because these are not per mainstreaming of age)

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Web portal dedicated to study ageism and related issues: [www.ageism.cz](http://www.ageism.cz); starnuti.fss.muni.cz

1. Seniors do not thematize their sexuality in front of others, the dominant strategy of current LGBT seniors. [↑](#footnote-ref-1)