



PERMANENT MISSION OF THE RÉPUBLIC OF SLOVENIA

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The Permanent Mission of the Republic of Slovenia to the United Nations Office and Other International Organisations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to enclose herewith a response to the questionnaire on the implementation of the Madrid International Plan of Action on Ageing by the Independent Expert on the enjoyment of all human rights by older persons.

The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

L.i.s.

Geneva, 7 August 2015



Office of the United Nations High Commissioner for Human Rights

GENEVA

**Questionnaire to assess the human rights implications of the
implementation of the Madrid International Plan of Action on Ageing:
Reply by SLOVENIA**

Question1:

Please provide information as to how your Government has incorporated a human rights-based approach in the implementation framework of MIPAA and how this translated into concrete policies and normative actions? How does your Government monitor and evaluate this impact of MIPAA implementation on the enjoyment of all human rights by older persons?

Older people are afforded protection of their human rights under the Constitution of the Republic of Slovenia and national legislation.

Article 14 of the Constitution provides that everyone in Slovenia is guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status, disability or any other personal circumstance. The second paragraph of Article 14 provides that everyone is equal before the law. In the framework of the general principle of equality includes equal protection of the rights governed by Article 22 (equal protection of rights in proceedings before courts and other state bodies).

In Slovenia, we do not have a special law on the elderly and on the rights of the elderly; instead the rights of the elderly are defined in sector-specific laws.

As a special category of population the elderly are defined in the following documents:

- Law on Social Protection,
- Law on Pension and Disability Insurance
- Law on Health Care and Health Insurance
- Act on Prevention of Domestic Violence (Family Violence Prevention Act).

Social protection activity comprises of preventing and solving social problems of individuals, families and groups. This Act covers all the vulnerable groups of population, including older people. This is fulfilled through the services, which are mainly aimed at this particular group, as home help, family assistance and institutional care.

Bylaws, like Rules on standards and norms of social welfare services, define services in more detail and are also aimed at older people (in addition to institutional care in nursing homes and home help, further institutional care in care homes, sheltered housing, care in other family, social services to the protection at distance).

In addition, the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSA) prepared the following documents, which directly affect the role of older people in the Slovenian society:

- Strategy of care for the elderly by 2010 - solidarity, coexistence and quality ageing of the population,
- Report on the realization of the strategy of protection of the elderly, adopted for the period 2006 to 2010,

- Action Plan tasks of the competent ministries until the end of strategies care for the elderly by 2010 (adopted by the Government 2. 4. 2009),
- Analysis of the implementation of home help on annual level.

In 2012 amendments to Pension Act were adopted to enable sustainable financing of pension costs.

With amendment of Labour Market Regulation Act temporary work for pensioners is allowed according to legally set restriction (max payment, hours worked, etc.)

According with the Family Violence Prevention Act, Republic of Slovenia adopted also Regulation on procedure of mutual exchange of information and providing help by competent organizations in the field of family violence. That regulation comprises of rules on the organization and work of multidisciplinary teams. Special attention is given also to elderly people, children and people with disabilities. Decision on creation of such a multidisciplinary team is taken by the Social Work Centres, when victims' life is in jeopardy.

The Social Work Centres provide services for victims and perpetrators of violence according to the law. They regulate a particular field of social security, where elimination of direct threat is the goal. The Centres are also taking care for the victims' long-term safety and well-being by eliminating causes or circumstances, in which violence is present. The Social Work Centres can refer the perpetrator of violence to corresponding educational, psychosocial and medical care programmes that are provided by the authorities and organizations, as well as nongovernmental organizations (NGOs).

A multidisciplinary team is formed at the Social Work Centres to deal with instances of family violence. The structure of these teams and their working methods are determined by the Minister responsible for work, family and social affairs.

The government is currently preparing a report on the implementation of the Resolution on the National Programme of Family Violence Prevention for the period 2009-2014 and at the same time composing a new resolution. Special attention will be given to elderly and disabled in this regard.

Inspection for Social Affairs (ISA, Labour Inspectorate of the Republic of Slovenia) prepares an annual report on the inspections carried out by different operators. MLFSA together with ISA examines the procedures for any inconsistencies and, if necessary, decides to amend legislation. Providers of home help, institutional care and social assistance programs, aimed at older people, are made familiar with its findings. This proved to be positive, because inconsistencies hardly occur anymore.

Good cooperation was in recent years established with the Office of Ombudsman. It follows a period of intense collaboration between experts from Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSA) and Office of Ombudsman, who met a few times per year. Several times a year Minister of Labour, Family, Social Affairs and Equal Opportunities and the Ombudsman also met. Particularly strong cooperation is in the field of treatment of persons with dementia, where Ombudsman also participated in preparing guidelines for working with people with dementia.

Otherwise, the National Programme for dementia is being prepared in cooperation between the MLFSA and the Ministry of Health.

In 2010 the National Programme of palliative care was approved. Programme aims to achieve greater equity, accessibility, autonomy, quality and efficiency for all patients who need palliative care.

The Government of the Republic of Slovenia is aware of the importance of issues related to the ageing population and issues related to human rights of older persons. However, there is a need for more coordinated and analytical responses to complexities of ageing.

The Government therefore committed to develop a long term strategy to cope with demographic change. In this context, the Prime Minister, in spring of 2015, designated a Secretary of State, who will coordinate responses to the consequences of demographic change and intergenerational solidarity. Among other things, she will also coordinate the preparation of the new strategy of quality ageing.

In October 2015 Festival for the third life period will be organized for the 15th consecutive year. Event represents the greatest gathering dedicated to the elderly and intergenerational cooperation in Slovenia. Three-day event is filled with presentations, educational round tables, cultural programs, etc., with a sole vision to successfully respond to today's challenges of ageing. The event is designed for all generations. Each year is dedicated to different topics such as protection the quality of life, quality of support and assistance for all older people, informal home care for elderly etc.

More info:

- Constitution of the Republic of Slovenia: <http://cj.md/uploads/Slovenia.pdf>
- Family Violence Prevention Act
http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/zpnd_en.pdf
- Strategy of Care for the Elderly by 2010 - Solidarity, Coexistence and Quality Ageing of the Population;
http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/strategija-SI-starejsi.pdf
- Analysis of the implementation of home help for 2014;
http://www.mddsz.gov.si/si/zakonodaja_in_dokumenti/pomembni_dokumenti/#c8073
- Resolution on the National Programme of Family Prevention; <https://www.uradni-list.si/1/content?id=92436>
- National Programme of Palliative Care;
http://www.mz.gov.si/si/zakonodaja_in_dokumenti/dokumenti_strategije_resolucije/
- Festival for the third life period: <http://www.f3zo.si/ljubljana/>

Question 2:

How has your Government taken into consideration the needs of specific groups of older persons in the process of implementation of MIPAA?

Despite of the belief that older people are homogenous, they are very heterogeneous group. It is a population that is most commonly defined as part aged 65 and over. In this group, you can find adults who are still working, and those who need 24-hour assistance and care.

Slovenia, according with needs of older people, continuously adjusts legislation and its activities:

- In 2015 activities to prepare the strategy of quality aging will be restored. The new strategy takes into account also the needs of specific groups of older people,

- The Report on the Resolution on the national program of prevention of domestic violence 2009-2014 is currently being prepared. This report will evaluate the first period after the enactment of the Law on Prevention of Domestic Violence;
- In 2013, the Resolution on the National Social Assistance Programme 2013-2020 was adopted. In this resolution, older people have a special role. The resolution specifically highlights the need for a greater proportion of community forms of care for the elderly in contradiction with currently dominant form of institutional care (deinstitutionalisation). Particularly exposed are programs of advocacy and self-advocacy for elderly and the creation of at least 15 regional intergenerational centres,
- Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Health are preparing a National Programme for Dementia,
- Older people are also given particular attention in the Resolution on the National Programme on Road Traffic Safety for the period 2013-2022.

MLFSA is aware of the needs of various groups of older people and growing number of aging population. Therefore MLFSA also closely cooperates with the NGO community and prepares tenders to co-finance social welfare programs every year. These programs are intended for specific population groups, including older people and can be financed from various sources. These are programs that significantly complement the activities of the public network, which operates under the auspices of the state and local communities. Some of the programs that affect predominantly the elderly are the following:

- Elderly for the elderly,
- A network of intergenerational programs for quality aging,
- Group of older people for self-help,
- Living with dementia and dementia-friendly environment,
- Various programs, that operating in cooperation with intergenerational centers.

More info:

- Resolution on the National Social Assistance Programme 2013-2020; <https://www.uradni-list.si/1/content?id=113130>
- Resolution on the National Programme on Road Traffic Safety for the period 2013-2022; <https://www.uradni-list.si/1/content?id=113131>

Question 3:

How has your Government informed older persons about MIPAA and how are older persons participating in the implementation of MIPAA including in decision-making about MIPAA implementation?

In Slovenia, the implementation of MIPAA is not solely in the hands of Government, but more of a joint venture with the numerous NGOs in this field. The collaboration is necessary and proved very useful in the past. Thus, the report for 5-year period of implementation of MIPAA is prepared by the largest NGO (Slovenian Federation of Pensioners' Organisations - ZDUS) covering the older population along with the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSA).

Consultation on issues related to human rights of older people are regularly organised in the National Council. To cite just few:

- in 2011 there was a conference on the topic the advocacy of the older people,
- in 2012 there was a conference on the topic of the discrimination against older people.
- in 2013 there was the conference on the topic of the rights of older people.

At above mentioned consultations numerous politicians, officials, experts, members of the NGOs, civil society and other interested members of the public participated.

More info:

- Conference Proceedings from the conference of the of advocacy of older people; http://www.ds-rs.si/sites/default/files/dokumenti/zbornik_zagovornistvo_starejsih.pdf
- Conference Proceedings from the conference of the discrimination against older people; http://www.ds-rs.si/sites/default/files/dokumenti/zbornik_diskriminacija_starejsih.pdf

Question 4:

What impact has MIPAA implementation had on equality and non-discrimination of older persons?

Implementation of MIPAA had a major impact on awareness of the rights of older persons and their implementation in Slovenia. The aforementioned consultations in the National Council present one of the examples of MIPAA implementation.

MIPAA is undisputedly an important contribution to a better understanding of the process of population ageing, awareness-raising of older people and the rest of the population, as well as a greater role of local environment. At the local level, however, we observe a very different rate of sensibility to the issues of population. With the new strategy of quality ageing we intend to give local environment a more prominent role and incentive for a more successful solution of the above mentioned challenges.

Question 5:

What impact has MIPAA implementation had on the fulfilment of the right of older persons to an adequate standard of living?

The situation in the area of living environment is very specific in Slovenia. According to the EU average the proportion of property owners in Slovenia is above average. Real estate can also be large and therefore expensive to maintain. Older people are reluctant to changing their residence and the property they live in. The biggest NGO for older people in Slovenia (The Slovenian Federation of Pensioners' Organizations - ZDUS) implemented the project HELPS with the help of European funds. The project examined the situation in this area and prepared a number of proposals for change (Information point, annuity purchase, timely adjustment of real estate to the life of older people).

Question 6:

Please provide examples of best practices from a human rights perspective identified by your Government in the implementation, monitoring, review and appraisal of MIPAA.

Below are two examples that have a significant impact on the implementation of MIPAA commitments in Slovenia:

- 1) The 'Council for solidarity, good intergenerational relations and quality ageing of the population' (Council) was established on the basis of 'Strategy of care for the elderly till 2010 -Solidarity, good intergenerational relations and quality ageing of the population'. It consisted of representatives of the government, representatives of service providers and programs for the elderly, representatives of scientific research sector, representatives of civil

society and different organisations as well as other stakeholders. The Council's main role was to provide for a continuous and coordinated interaction between the State, the experts and the civil society in planning and implementing different policies in this field.

This was the first body, which united the governmental, non-governmental and research organizations with a view to responding to demographic changes.

We believe that similar body should be established after the adoption of the new Strategy.

2) Elderly people improving the quality of their lives and the lives of their peers with voluntary work (Elderly for Elderly)

The following Program presents the response to the demographic change on the intergenerational level.

'Elderly for Elderly'

The Slovenian Federation of Pensioners' Organizations (ZDUS) started a project "Elderly people improving the quality of their lives and the lives of their peers with voluntary work (Elderly for Elderly)", creating a system whereby older volunteers visit older citizens in their neighbourhood.

GOALS:

- identifying the needs of elderly people living at home,
- finding those older people who do not know how, are unable or do not want to seek help,
- establishing regular contact with public services and other non-governmental organizations (Caritas, Red Cross, safe houses) and together with them provide help to those who need it due to social distress or domestic violence,
- organizing help from pensioners' organizations,
- informing local communities on the quality of life and the needs of older people living at home,
- setting up a civil society supervision of the work of all institutions dealing with the elderly,
- Awareness-raising on the elderly abuse and the ways of combating it.

Volunteers participated in a training that helped them to identify the needs of the elderly they visit. Volunteers also learn on the methods on how to direct the older persons to the necessary information and assistance services. The project targets specifically those older people who have no contact with other people and stay at home. In cases where volunteers become aware of cases of violence or abuse, they alert the relevant social work centre who then takes over according to an established practice. The volunteer who detected the case stays involved in the process, helping the expert team to prepare an action program.

Between 2008 and 2012 volunteers identified 205 cases of abuse or violence among older persons staying at home. The project covers 53% of people aged 69 years and above who live at home. The 3,376 members of pensioners' organizations volunteering in the project visited 133,137 elderly people at least once. Altogether, 436,960 visits were made and on 97,493 occasions assistance was provided or organized.

Project is co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Foundation for Funding Disability and Humanitarian Organizations of Slovenia. Municipalities also take part in the project.

More information:

<http://www.zdus-zveza.si/starejsi-za-visjo-kakovost-zivljenja-doma>

Question 7:

Please provide information about the main challenges (such as institutional, structural and circumstantial obstacles) faced by your Government at the various levels of government (communal, provincial and national etc.) to fully respect, protect and fulfil the human rights of older persons in the implementation of MIPAA.

During the economic crisis, the elder abuse has been escalating. There are new forms of abuse, such as the economic exploitation of the elderly by family members. New legislation in the field of long-term care is in preparation. Special attention is given to the quality of life of older people and to the prevention of abuse and violence, also in professional institutions. Therefore, greater attention is given also to ensure greater autonomy of older persons and their influence on their lives. The new legislation will comply with the Principles and guidelines for the wellbeing and dignity of older people in need of care and assistance from the Project "European Quality Framework for long-term care services" in which Slovenia also participated.

Slovenia is witnessing many responses to specific areas in the framework of older peoples' situation. This is particularly seen in the areas, where the need to adapt to the changed structure of the population is most acute (e.g. the Pension reform). Nevertheless Slovenia needs a new national strategy, setting up the context and the basis for an organized response to the population ageing that would enable high-quality and active ageing of the population while respecting the principles of intergenerational solidarity and cooperation. The scope of the human rights of older persons will undoubtedly play an important role in the new Strategy. Resumption of activity is anticipated in September 2015.