**INPUT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS TO THE REQUEST OF UNITED NATIONS INDEPENDENT EXPERT ON THE ENJOYMENT OF ALL HUMAN RIGHTS BY OLDER PERSONS** **CONCERNING HUMAN RIGHTS IMPLICATIONS OF THE IMPLEMENTATION OF THE MADRID INTERNATIONAL PLAN OF ACTION ON AGEING (MIPAA).**

*The Slovak National Centre for Human Rights (the Centre) is a national human rights institution established in the Slovak Republic, accredited with status B by the International Coordinating Committee of National Human Rights Institutions. As an NHRI, the Centre is a member of the European Network of NHRIs (ENNHRI). The Centre was established by the Act of the Slovak National Council No. 308/1993 Coll. on the Establishment of the Slovak National Centre for Human Rights. Pursuant to Act No. 365/2004 Coll. on Equal Treatment in Some Areas and on Protection from Discrimination, and on amendments and supplements of certain acts, as amended (the Anti-discrimination Act) the Centre acts also as the only Slovak equality body. As an NHRI and Equality Body, the Centre performs a wide range of tasks in the area of human rights and fundamental freedoms including the rights of the child and observance of the principle of equal treatment. The Centre among other powers:*

*1) monitors and evaluates the observance of human rights and the observance of the equal treatment principle;*

*2) conducts research and surveys to provide data in the area of human rights; gathers and distributes information in this area;*

*3) prepares educational activities and participating in information campaigns aimed at increasing tolerance of the society;*

*4) provides legal assistance to victims of discrimination a manifestations of intolerance;*

*5) issues expert opinions on matters of the observance of the equal treatment principle;*

*6) performs independent inquiries related to discrimination;*

*7) prepares and publishes reports and recommendations on issues related to discrimination;*

*8) provides library services and services in the area of human rights.*

The Slovak National Centre for Human Rights is not included in the process of implementation of MIPAA. Therefore, we addressed The Council of the Government of Slovak Republic for Seniors´ Rights and Adjustments to Public Policies on Aging Population, which participated in the process of creation of the National Programmefor Active Ageing for the years 2014 – 2020 that concludes from relevant international documents including MIPAA, and the Ministry of Labour, Social Affairs and Family of the Slovak Republic to help us with filling in this questionnaire.

***Question 1:***

***What is the role of your organization? Do you participate in MIPAA implementation or monitoring thereof?***

By the resolution of the Government of Slovak Republic No. 488 of 9 July 2008 the Government Council for the Rights of Seniors was established as an advisory body of Government of the Slovak Republic, which transformed into the Committee for Seniors under the Government Council for Human Rights, National Minorities and Gender Equity. In 2014, the Slovak Republic re-established **The Council of The Governmentof SlovakRepublic for Seniors' Rights and Adjustments to Public Policies on AgingPopulation (hereinafter as „Government Council for the Rights of Seniors“)**.

 Government Council for the Rights of Seniors is a permanent expert, advisory, coordination and initiative body of the Slovak Republic on the rights of the elderly, issues of their living conditions, equal opportunities and equal treatment of seniors and on ensuring closer cooperation of stakeholders to address the impact of population aging.

Within its mandate, the Government Council for the Rights of Seniors:

* Fulfils its tasks within its own plan;
* Proposes, coordinates and controls measures aimed at elimination of negative impacts of population aging on economy, labour market, pensions and other areas;
* Opinions and adopts resolutions on draft laws that may have an impact on
the current state of development and welfare of the elderly;
* Presents incentives for creation and amendment of the laws impacting the rights, obligations and support for the elderly in all areas of life to ministries and other central state administration bodies;
* Presents initiative proposals to local and regional governments, NGOs and interest groups in the field of social services, social prevention and social counselling to improve the coordination of activities in creation and development of living conditions of the elderly in all areas of life and for their integration into society.

The Government Council for the Rights of Seniors participated in the process of creation and continuously participates in evaluation of the fulfilment of the National Programmefor Active Ageing for the years 2014 - 2020(hereinafterasNPAS), participates in updating NPAS, commenting and developing other materials that directly affect the status of the elderly and issue of population aging, such as the National Strategy for Human Rights Protection and Promotion in Slovakia and the National project Strategy for Active Ageing.

 NPAS is a document aimed on promotion of human rights of elderly people through their activation through public support policies. These are not just policies dealing with employment of older persons but also support of lifelong education, social and civil activities, and support of their independence, dignity, economic and social safety including protection from ill treatment.

 NPASconcludes from relevant international documents, such as: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Principles relating to older people, the International Plan of Action on Ageing (adopted at the first World Assembly on Ageing in Vienna in 1982), the **Madrid international Plan of Action on Aging 2002**, European Social Charter, the Charter of Fundamental Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) etc.

 ***The Slovak National Centre for Human Rights*** *applied for the seat in the**Government Council for the Rights of Seniors, however, the application was rejected due to the reason that in according to the Statute of the Council it was not entitled to have its representative in the Council for the Rights of Seniors. Currently, the Centre is discussing possibilities of inclusion of its representative in the Council for the Rights of Seniors.*

***Question 2:***

***Has a human rights-based approach been integrated in the implementation framework of MIPAA in your country and if so, how did this translate into concrete policies and normative actions? Are there any mechanisms to monitor and assess the impact of MIPAA implementation on the enjoyment of all human rights by older persons?***

*Please include information on existing data, legislations, policies, programmes and institutional mechanisms and resources allocated to respect, protect and fulfil all human rights of older persons through the implementation of MIPAA. Please provide references and copies/ translation of relevant instruments[[1]](#footnote-1).*

**1.** **National Action Programme for protection of elderly people** (hereinafter as NAPPEP)

 In NAPPEP, which was implemented in 1999, the Slovak Republic identified itself with the Principles for protection of elderly. These principles created the basis for state policies towards elderly citizens.

 NAPPEP represented a particular presentation of ruling policy towards elderly people with the aim to maintain their independence, social participation, integration and autonomy. It was supposed to prepare the society to population aging.

 This document contained specifically formulated principles and regulations of policies in relation to elderly people and obliged individual ministries and other central state administration bodies to their implementation. The Government of the Slovak Republic also tasked above mentioned bodies to fulfil this duty permanently to ensure continuation in activities also after the International day of elderly people in 1999.

In this document the Government of the Slovak Republic recommended to observe:

***Principle of independence*** – to respect the rights of older people and seniors to self-determination and independence in accordance with their physical and mental capacities; to ensure the access to work, or remuneration for work, access to services and assistance, access to education and further training and possibility to remain in natural home or community setting with adequate conditions of accessible housing and other necessary services and support as long as possible.

***Principle of participation*** – to ensure co-decisions, application of knowledge, skills, social initiatives and possibility to establish movements or associations of elderly citizens

***Principle of caring*** - to provide possibilities for family and society help, ensure an access to health, social and legal services and institutional care.

***Principle of self-realization*** – to create opportunities for elderly people to fully develop their potential, to have an access to educational, cultural, spiritual and recreational possibilities of the society

***Principle of dignity*** – to avoid exploitation, physical or mental abuse, to highlight the need of fair treatment and non-judgement according economic contribution

**2. NPAS**

The aim of the NPAS is, in accordance with the state policies, to protect human rights, to promote active independency and civic participation of elderly people, to support employment and employability of elderly people, to ensure independent, safe and quality life of elderly people.

 The Slovak Government in NAPS laid down obligations for relevant institutions to implement these principles on national, regional and local levels:

***Principle of dignity*** - to respect the needs of people in every age as equally important and valuable for support. Integral part of this principle is also the protection of elderly people from ill treatment in every field of their lives.

***Principle of equal treatment*** – to forbid discrimination based on age specifically in areas of employment and remuneration for work, but also in the fields of access to healthcare, lifelong education, housing, social and financial services of all kinds.

***Principle of gender equality*** – to strengthen the meaning of dignity of person regardless his/her gender and respect variability of life experiences and choices of older persons and seniors, which exceed stereotypical expectations of the society regarding the aging women and men.

***Principle of independence*** – to strengthen the right of elderly persons and senior to self-determination and independence in accordance with their physical and mental capacities, the right to remain as long as possible in their home or community settings with adequate conditions as barrier-free housing and other necessary services and support.

***Principle of self–determination*** – to support active aging as a long –term process and active attitude to life in accordance with the expectations, needs and possibilities of each individual. The condition for application of this principle is an accessible life-long education, easier access to new “age-friendly” technologies and support of the voluntary work of older people and seniors as a form of their community participation and establishment of a stronger society.

***Principle of solidarity*** – to allow inter-generational exchange that guarantees the sustainability of development of society in all its areas and towards persons of different ages and socio-economic statuses.

***Principle of subsidiarity*** – to share the responsibility of stakeholders on different levels (national, regional, community, family and individual) in fulfilment of goals and aims to support active aging as public interest in favour of all relevant sides (older people and seniors and public authorities).

***Principle of participation on public affairs*** - to respect the rights of older people and seniors to exercise their influence in determining the direction and development of the country, region or community through a variety of movements, groups and associations and civic associations defending the rights of older people and seniors.

***Principle of employment*** – to respect the rights of older persons and seniors to work and earn money from dependent activities, businesses or other self-employed gainful activity after reaching pension age to value work experiences and capital of seniors, to strengthen their economic sovereignty and maintain work and social contacts. Creation of flexible and “age –friendly” working conditions is a part of this principle.

***Principle of care*** – to respect the rights of older persons to receive necessary help and support from the side of caring persons (in formal and informal care), access to health, social and legal services and institutional care.

Councils of seniors, which are established by several municipalities, are helpful in implementation of goals and duties concluding from NPAS. These councils are established as advisory bodies for the issue of aging.

**Example of good practice:**

Council of seniors of the Capital city of Slovak Republic Bratislava is an advisory body of the Mayor of Bratislava for the issues concerning the status of seniors.

Its aim is mostly to:

* develop initiatives to increase the level of support, safety and respect for the rights of the seniors;
* elaborate drafts of partial and systematic measures to promote the interests on and improve respect for the rights of the elderly;
* create proposals of statements and resolutions to draft laws, generally binding legal regulations and internal regulations, as well as municipal, departmental and other materials that may have an impact on the quality of life of seniors;
* actively cooperate and take part in the process of creation of the Strategy on the active aging of seniors in Bratislava and its Action plan;
* actively engage in implementation of the content of the Strategy on Active Aging of Seniors in Bratislava;
* actively cooperate on the actualization of the Strategy on Active Aging of seniors in Bratislava;
* stimulate research activities in the field of quality of the life of seniors and seek to create and widen sources of the statistical information important for the issue of seniors and population aging;
* follow documents from the European Union and other international organizations regarding the issue of seniors and population aging;
* cooperate on processing of interim monitoring reports on solution on the issue of seniors and population aging in Bratislava.

The Council of seniors of Bratislava cooperates and coordinates its activities with relevant professional bodies of the Magistrate of Bratislava. It also cooperates with other associations and professionals on the issues of the elderly.

***Question 3:***

***Have the needs of specific groups of older persons been taken into consideration in the process of implementation of MIPAA and if so, how?***

*Please provide information about existing data, legislations, policies, programmes and institutional mechanisms, and resources allocated regarding the protection and promotion of the rights of older women, persons with disabilities, persons of African descent, individuals belonging to indigenous peoples, persons belonging to national or ethnic, religious and linguistic minorities, rural persons, persons living on the streets and refugees, among other groups. Please provide references and copies/translation of relevant instruments.*

Ministry of the Labour, Social Affairs and Family of the Slovak Republic (hereinafter as “MLSAaF”) stated the following with regards to the request of the Centre: *the Ministry of Labour, Social Affairs and Family of the Slovak Republic perceived older people generally as a group without definition of specific groups of seniors such as persons with African background, migrants… We, however, consider classification of older persons as one of the most vulnerable groups as a necessity.*

***Question 4:***

***Have older persons been informed about MIPAA and if so, how? How are older persons participating in the implementation of MIPAA including in decision-making about MIPAA implementation?***

*Please provide information about existing data, legislations, policies, programmes and institutional mechanisms and resources allocated that ensure the full and effective participation of older persons in decision-making regarding MIPAA implementation, assessment and follow-up. Please provide reference and copies/translation of adopted instruments.*

Establishment of advisory bodies itself was, besides the increase of awareness among senior public, a guarantee of discussion of the relevant topics regarding seniors on separate meetings. Also through the Councils of Seniors working in several towns older people have the possibility to take part in the implementation of NPAS.

Members of the Government Council for the Rights of Seniors initiated several legislative changes, for example:

1. Consumer protection – Act No. 250/2007 Coll. on Consumer Protection and on amendments to the Act of the Slovak National Council No. 372/1990 Coll. on Offences as amended;

2. Amendment of the Act No. 327/2005 Coll. on Provision of Legal Aid for People in Material Need;

3. Act No. 102/2014 **on Consumer Protection related to Selling** or Providing of Services based on a Distance Contract, or a Contract Concluded Outside Operational Premises of the Seller; as amended.

Support of the civil participation and co-decision of older persons on key public issues also mirrored in the process of preparation of the chapter on *Protection and promotion of human rights of older persons* within the National Strategy for Human Rights Protection and Promotion in Slovakia. This chapter was developed on the basis of intensive and balanced cooperation of public authorities (state and local governments), civil sector (representatives of senior organizations) and other key societal components (for example representatives of scientific research and academia) in accordance with the requirements defined in key international documents.

***Question 5:***

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

*Please provide information about existing data, legislations, policies, programmes and institutional mechanisms and resources allocated that ensure equality and non-discrimination. Please provide reference and copies/translation of adopted instruments.*

According to MLSAaF, the principle of equal treatment was applied with regards to social insurance, which established the prohibition of age discrimination, particularly in the fields of employment and remuneration, but also in access to health care, lifelong learning, housing, social and financial services of all kind even before the MIPAA was implemented, which, however, does not exclude sensitive approach in developing proposals and measures in relation to older people who are one of the most vulnerable groups of the society.

The Slovak Republic also adopted the Act no. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, amending and supplementing certain other laws (the Antidiscrimination Act), which lays down the principle of equal treatment and regulates the means of legal protection in case of violation of this principle. This act did not result from the implementation of MIPAA, however, it pays attention also to discrimination on the ground of age.

***Question 6:***

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

*Please provide information about existing data, legislations, policies, programmes and institutional mechanisms and resources allocated that ensure the right of older persons to an adequate standard of living. Please provide reference and copies/translation of adopted instruments.*

In December 2013, the Government of the Slovak Republic decided to strengthen the position of the Committee of Seniors due to the will to increase living standard of seniors. Consequently, the Government Council for the Rights of Seniors was established. Thanks to the work of the Government Council several topics were being discussed in the society:

* ill treatment - cruelty, abuse and neglect of seniors and violence against the elderly;
* life-long education – universities of third age, academies of third age, educational centres for seniors;
* intergeneration solidarity – the rights of the elderly in the context on intergeneration justice;
* age management, labour market and active aging;
* health and social issues.

National project “Strategy of Active Aging” was implemented by the Educational centre of the Ministry of Labour, Social Affair and Family of the Slovak Republic in July 2010. The aim of this project was to:

* increase the employment rate of persons above 50 years, particularly in the age of 55 – 64 years;
* attract and keep in employment more people in the productive age;
* elaborate a proposal of strategic measures on the policy of increase and improvement of employment of older people in ages from 55 to 64;
* elaborate a proposal on systematic widening and implementation of active, effective and inclusive policy and modernization of social protection systems.

Action plan on fulfilment of the Strategy on active aging is based on the National project on active aging and is an integral part of it. Several experts from different fields and science disciplines participated in processing of particular phases of the National project and the Strategy on active aging. By analysis and synthesis of background papers and studies the Strategy on active aging and its Action plan were established. Individual measures aim on fulfilment of the following strategic goals in these fields:

1. Population policy;

2. Economic growth and public finances policy;

3. Employment policy;

4. Education policy;

5. Pensions scheme policy.

In 2015, the Ministry of Labour, Social Affairs and Family of the Slovak Republic submitted to the Government of the Slovak Republic, based on the observance of standard of living conditions and in accordance with the Policy statement of the Government of the Slovak Republic for the years 2014 – 2020 with the aim to set minimal pensions, a draft law aiming to:

* increase the retirement pensionanddisability pensionto the amountof the minimum pensionafterreaching theretirement age**;**
* establish an institute of compensatory allowances;
* extend the range ofthestate-insuredby thecategoryofendangered orprotected witnesses.

***Question 7:***

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

*Please explain why it is considered a best practice and provide concrete examples.*

Examples of good practices:

**1. Creation of National programme on the protection of elderly people** which was elaborated by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The given document contained specifically formulated regulations and principles of individual policies in relation to older people and obliged separate ministries and other central governmental to fulfil them. The implementation of the National programme on active aging for the Years 2014 – 2020 based on the MIPAA shall also be mentioned.

**2. Establishment of the advisory body – the Government Council for the Rights of Seniors** , membership of which was based on a parity principle of government and non-governmental sector representing the interests of older people. This was a guarantee of a balanced decision-making and participation of older people in the implementation of MIPAA, and public awareness of seniors by senior's NGOs represented in the Government Council for the Rights of the Seniors.

Currently, it is not possible to objectively review what kind of impact the measures under NPAS will have, due to fact that particular tasks are in the state of analysis.

***Question 8:***

***Please provide information about the main challenges (such as institutional, structural and circumstantial obstacles) your country faces 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.***

*Please explain and provide concrete examples.*

According to the MLSAaF: At local and regional level it was necessary to thoroughly analyse public services and the costs associated with their provision due to financing destabilization of municipalities, cities and self-governing regions and clarify the extent of necessary state intervention in the process of financing of social services to ensure their long-term sustainability and accessibility for individuals dependent on the social services provision. Therefore, the complex audit of competences of different levels of public administration and their financing was made. The conclusions from this audit, however, did not content relevant bases for the need of creation of system of social services financing.

1. For instance regarding the right to health, including primary, long-term and palliative care services; the rights to work, to an adequate standard of living, including adequate food, clothing, housing, transportation; the right to social security and social protection, including poverty strategies; the right to education, training and life-long learning, including access to new technologies; the right to legal capacity and equal recognition before the law, care and support for caregivers, among others. [↑](#footnote-ref-1)