The following document represents Slovenia's response to the two questionnaires of the Independent Expert on the enjoyment of all human rights by older persons, namely on ageism and age discrimination, as well as on the intersection between ageing and gender and the specific human rights concerns and challenges faced by older women.

Annex II

Call for contributions: The Human Rights of Older Women

The Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler, is mandated by the United Nations Human Rights Council (HRC/RES/33/5) to report on developments, challenges and protection gaps in the realization of the rights of older persons as well as to assess the implementation of national, regional and international standards and identify best practices relevant to the rights of older persons. Throughout her work, the Independent Expert adopts an intersectional approach so as to address multiple and aggravated forms of discrimination faced by older persons.

Background and objectives

Older persons represent a large, and the fastest growing, segment of the global population. Women form the majority of older persons with global demographic data consistently showing that women tend to live longer than men, especially at advanced ages. Older women also make substantial contributions to our societies and economies, including as informal caregivers, volunteers and community leaders. Ageing, however, is not gender-neutral and inequality and discrimination experienced by women during their lifespan is often exacerbated in older age. For example, older women are at a higher risk of living in poverty and of facing barriers in accessing basic rights such as health, adequate housing, and protection from violence, abuse and neglect. Yet, the specific challenges created by the intersection between age and gender often remain invisible and understudied.

In this context, the Independent Expert will examine in one of her thematic reports in 2021 how older women experience ageing differently and what specific human rights concerns and challenges they face. In particular, her report will seek to analyse the causes of the discrimination and inequality affecting older women, identify good practices and formulate concrete recommendations.

Call for contributions

In order to inform the preparation of her report, the Independent Expert would like to seek written contributions from States, national human rights institutions, civil society, academia, international and regional organizations, and all other relevant stakeholders, with a particular emphasis on sharing concrete examples and good practices where available.

While the Independent Expert welcomes any information, reports, legislation or other materials deemed pertinent to the protection and promotion of human rights of older women, she is particularly interested in the following areas:

**The rights of older women in international, regional and national law, policies and programmes**

1. **What legal instruments, policies and programmes exist to address the particular challenges faced by older women, and how are they implemented and monitored?**

*Domestic violence encroaches on fundamental human rights and constitutes a gross abuse of power of one person over another. Domestic Violence Prevention Act which came into force in 2008, clearly defines domestic violence and various types thereof (for elderly people is relevant Article 3: »Neglect is a form of violence in which a perpetrator of violence does not provide due care for a victim who is in need of it due to illness, disability, old age, developmental or any other personal circumstances.«), defines the role, tasks and cooperation of the different state authorities and non-governmental organisations in dealing with domestic violence, and defines measures to ensure the security and protection of domestic violence victims. The Act provides particular protection to the most vulnerable groups of society, i.e. disabled persons, older persons, , persons with various handicaps and children (Article 4: »Special care in considering violence and providing assistance shall be accorded to older and disabled persons, as well as to persons who due to personal circumstances, are not capable of taking care of themselves.). The purpose of the Act is to prevent domestic violence and effectively protect victims against further violence. The Domestic Violence Prevention Act was amended in 2016 in order to better protect the victims of domestic violence. All changes contributed to a better systemic regulation of the prevention and suppression of domestic violence.*

*Ministry, responsible for gender equality, monitors individual fields of social life from a gender equality perspective and proposes to the Government and ministries the adoption or amendment of Acts and other regulations, as well as the adoption of other measures; coordinates activities aimed at implementing gender mainstreaming, including providing professional assistance for the development of appropriate methods and techniques; coordinates the preparation of the National Programme and monitors its implementation; coordinates the preparation of national reports on the fulfilment of the international obligations of the Republic of Slovenia in the field of equal opportunities; proposes initiatives for research and analyses required for the implementation of the National Programme; cooperates with non-governmental organisations working in the field of equal opportunities and providing cofinancing for their projects or activities.*

*In accordance with Article 11 of Equal Opportunities for Women and Men Act in Slovenia gender equality is horizontal theme. The promotion and establishment of equal opportunities is above all an obligation of the Government and its ministries, which, within the scope of their respective competences in their area of work, shall pursue the aim of the Act by appropriate general and special measures.*

*In drawing up regulations and other measures that apply in the fields which are relevant for the establishment of equal opportunities, ministries shall take into consideration the gender equality perspective, work together with the Ministry, responsible for equal opportunities for this purpose and take into account its suggestions and opinions. Ministry, responsible for equal opportunities and ministries, within the framework of their competences, shall monitor and examine other forms of gender-based discrimination that represent an obstacle to the establishment of equal opportunities in accordance with the Act, such as violence arising from unequal gender relations, and take them into consideration in their measures intended to achieve its aim. In accordance with the Equal Opportunities for Women and Men Act each Ministry has a coordinator for equal opportunities for women and men responsible for implementing the tasks specified by the Act and for cooperating with the authority responsible for gender equality policy. Ministry of Labour, Family, Social Affairs and Equal Opportunities cooperates with the coordinators at regular meetings, where the work, experience and issues related to gender equality are discussed.*

*Pursuant to the Equal Opportunities for Women and Men Act, the self-governing local communities may appoint a coordinator for equal opportunities for women and men, who propose measures and activities in the field of the establishment of equal opportunities, and have a consultative role in the formulation of solutions in order to achieve the aim of the Act within the framework of an individual local community.*

*In 2016 the National Assembly of the Republic of Slovenia adopted a Protection Against Discrimination Act (PADA) which established the Advocate of the Principle of Equality, an independent and autonomous state body mandated to deal with discrimination, including discrimination based on gender. In accordance with Article 21 of the Protection Against Discrimination Act, the Advocate’s tasks are the following:*

*- conducting independent research on the position of people with certain personal circumstances, particularly gender, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation and other issues regarding discrimination of people with certain personal circumstances;- publishing independent reports and making recommendations to state authorities, local communities, holders of public authorisations, employers, business entities and other bodies regarding the established situation of people in certain personal circumstances, i.e. relating to preventing or eliminating discrimination and adopting special and other measures to eliminate discrimination;- conducting tasks of supervisory inspection on the basis of complaints regarding the observance of the provisions of this or other acts determining the Advocate’s competence;*

*providing independent assistance to persons subject to discrimination when enforcing their rights regarding protection against discrimination in the form of counselling and legal assistance for clients in other administrative and judicial proceedings related to discrimination;*

*- raising the awareness of the general public on discrimination and measures to prevent it;*

*- monitoring the general situation in the Republic of Slovenia in the field of protection against discrimination and the situation of people in certain personal circumstances;*

*- proposing the adoption of special measures to improve the situation of people who are in a less favourable position due to certain personal circumstances;*

*- participating in judicial proceedings involving discrimination;*

*- ensuring the exchange of available information on discrimination with bodies of the EU;*

*- conducting other tasks determined by the PADA.*

*The competences of the Advocate of the Principle of Equality extend to both public and private sector.*

1. **What type of statistical data are collected on older women, if any, and is it disaggregated by age, gender, and other relevant factors? How are older women defined for the purposes of law, policy and data collection?**

*The Statistical Office of the Republic of Slovenia (SURS) is the national institution that collects the data and creates the database. Some data are also available by age group and gender, which provides insight into the situation of older women.*

*There is no single definition as who is defined as older or old. There is a growing division in the definition of people by age, according to which age begins with retirement. In Slovenia, the following division is usually used to classify the population into large age groups: persons aged 0-14 years: ‘young’; persons aged 15-64 years: ‘working age people; persons aged 65 years and over: “old”.Sometimes a slightly different division is also used: 0-19 years: ‘young’; 20-59 years: ‘adults’; 60 years and over: “older adults”.*

1. **Please indicate how older women take part in participatory mechanisms?**

On the basis of the Equal Opportunities for Women and Men Act, the Government of the Republic of Slovenia and the respective ministries must cooperate with social partners and non-governmental organisations active in the field of equal opportunities when formulating solutions and proposals to achieve the purpose of the Act. To this end, an Expert Council for Equality between Women and Men shall be established at the MDDSZ as an expert and consultative body of the Minister, on matters relating to equality between women and men and the implementation of the principle of non-discrimination on grounds of sex. The Council is composed of experts working within academic institutions and non-governmental organisations. The Council discusses strategic and legislative proposals from a gender perspective, discusses and adopts decisions on topical issues in various areas, such as gender equality in the media, balanced representation of women and men in decision-making positions, reproductive health, violence against women, etc. The last expert council was appointed in February 2021, involving non-governmental organisations in the field of violence against women, women from rural areas, women from the field of female entrepreneurship and also the organisations such as Red Cross, Caritas, Hospic.

Economic, social and cultural realities lived by older women

1. **What are the specific challenges and concerns faced by older women, including on the basis of their accumulated life experience as compared to older men, in enjoying their economic, social and cultural rights (for example in terms of social protection, health, education, work, adequate standard of living, land and property ownership)? Please provide related data and statistics, including disaggregated data, where available.**

*According to the data of the Statistical Office, the poverty risk rate among older persons is higher than among the population as a whole. At the beginning of 2019, approximately 268,000 residents of Slovenia lived on an income below the poverty threshold, among them 89,000 pensioners (which is 18.1 per cent of all pensioners) of which 60,000 are retired women.*

*Slovenia is one of the countries where old-age savings are modest, while total savings for the population are relatively high compared to other EU countries.*

1. **What forms of gender-based discrimination and inequality experienced by women throughout the life cycle have a particular impact on the enjoyment of their human rights in older age?**

*Women face inequality throughout their lives. The employment rate for women is lower than that of men, on average women receive lower wages than men, they do more unpaid work, they are more often absent from work due to care for sick family members, they are predominant in lower paid occupations and fewer in management posts, etc., which affects the situation of women in old age. Pensions are also one indicator of differences in the economic situation and in terms of equal opportunities for women and men. These are the only and most important source of income for the vast majority of older people. On average, women live longer than men, and often find themselves alone in low-income households. In Slovenia, the gender pension gap in 2019 was 16,4 % and the at-risk-of-poverty rate of women over 75 was 23.3 % in 2019.*

1. **Has the COVID-19 pandemic affected older women differently than older men and how?**
2. **Please share examples of how older women participate in and contribute to economic, social and cultural life, including inter-generational solidarity and support.**

*The Older for Elderly Programme is a humanitarian program of the Association of Pensioners of Slovenia, which has been carried out since 2004 by volunteers, especially volunteers, associations of pensioners. Through the program, older volunteers help older people who need help. Volunteers visit older people in their surroundings and ask them about how they live and if they need any help that they can help organise.*

*The Programme is intended for direct assistance to people 69+, especially those who live alone at home. Its purpose is to enable older people to stay in their home environment for as long as possible. The programme received the recognition of the EP Citizen of Europe 2017. Around 3,500 volunteers of the program in 136 municipalities (of 212) care for close to 60,000 people (the date for 2019), which is 65% of the whole amount of the age group 69+ in Slovenia. Volunteers visit people who are willing to be involved in this form of assistance and, based on their needs offer them a number of small services that they can no longer provide on their own, including making company.*

***Types of assistance provided*** *during the Covid 19 epidemic when physical home visits were not possible: -telephone conversations; SMS messages; ZOOM application; home visits; delivery of packages,; food and medicines delivery; delivery of donated food and protective equipment; production of protective masks; -daily TV performance of a 1-hour physical exercise for older people.*

*Resolution on the National Programme for Equal Opportunities for Women and Men 2015-2020*

*Objective: Increasing social inclusion and reducing the risk of poverty among women, especially older women living alone and single-parent families and disadvantaged groups of women.*

*Actions:*

* *implementation of projects and programmes to increase social inclusion and reduce the risk of female poverty*
* *special programmes to increase social inclusion and reduce the risk of poverty, in particular older women living alone and single-parent families*
* *establishing a method of monitoring (continuous monitoring – data) and analysis on social exclusion and exposure to the risk of poverty for disadvantaged groups of women*
* *specific programmes and projects aimed at increasing the social inclusion of disadvantaged groups of women*

**Forms of discrimination against older women and gender-specific abuses**

1. **What forms of structural and systematic discrimination do older women face (for example through laws, policies, traditional and customary practices, etc.) and what measures have been taken to address them?**

*Slovenia is becoming an ageing society. People older than 65 years of age account for 20,5% in 2020 of Slovenia's population and, according to projections, this will increase to 30% by 2050. The percentage of those over 80 years of age will increase from 5% in 2016 to 11.4% in 2050. 4.5 % of persons aged 65 or more reside in retirement homes, of which 75 % are women. The number of residents in retirement homes has increased by 15 per cent in the last eight years (also on account of new capacities).*

*The ageing of the population will result in a growing need for long-term care. Currently, Slovenia does not have a uniform system of long-term care. Current system is faced with two key challenges: fragmented and non-transparent services which are governed by different legal regulations and various sources of financing these services. Services and cash benefits are provided by the healthcare and social protection systems, pension and disability insurance and systemic care for persons with the most severe disabilities, those disabled in war and war veterans. Beneficiaries can choose between services provided in their home environment or in institutional settings. They can also apply for cash benefits, for example an assistance and attendance allowance, or a care and assistance allowance.*

*New, systemic regulation of long-term care is needed to guarantee the system’s sustainability, so that it will be able to fulfil beneficiaries’ needs in the long run. In 2017, the Ministry of Health took on the task of drafting the umbrella law, which will in a uniform manner regulate long-term care. The proposed measures are moving in the direction of:*

*1. the setting up of a one-stop shop for information on health, social protection and long-term care and for beneficiary-friendly procedures;*

*2. the introduction of uniform assessment of eligibility, leading to a system in which beneficiaries with comparable needs have access to comparable rights;*

*2. the introduction of new services so that the beneficiaries in all environments – be it at home or in an institution – have access to comparable services and are provided with the services for strengthening and maintaining their independence and e-services;*

*3. the establishment of efficient quality and safety controls;*

*4. a higher percentage of public funds for co-financing long-term care, which will in turn reduce the amounts paid by beneficiaries for services and reduce financial burden on local communities.*

*In Annual Report 2019 the Human Rights Ombudsman as gravest problems the older persons face highlights poverty and loneliness. In his view older persons encounter discrimination, violence and abuse, and a lack of special measures and services. In Ombudsman view, the entire social legislation must be amended as the long-term care act by itself will not resolve all problems. The Ombudsman believes that the response to a long-living society does not lie in increasing the capacities of institutions but to take a step towards deinstitutionalisation. Therefore, Ombudsman recommended to the Government to adopt necessary measures to regulate long-term care.*

1. **How do intersectional factors exacerbate the combined effect of ageism and sexism, including the perspective of older LGBTI women, older women with disabilities, older migrant women, older women belonging to indigenous and minority groups, etc.?**
2. **What forms does gender-based violence and abuse against older women take and how is such violence prevalent? Please share available data and statistics, including in relation**

*In 2019 the study Violence against the elderly in institutional and home environment was conducted. The participants were a total of 43 men and 177 women, 47 individuals were abused, 30 of them in home environment, with prevailing psychological violence, neglect and economic violence, committed by other relatives, partners and offspring, and 17 in nursing homes, with prevailing psychological, economic and physical violence, committed by roommates and caregivers. Most victims were older than 75 years, the majority of whom were women. The main reasons for the occurrence of violence were physical helplessness of older persons and the lack of social contact of the perpetrators.*

*Number of restraining orders imposed to male perpetrators, where victims were women over 64: 2015 – 70, 2016 – 80, 2017 – 80, 2018 – 87 and 2019 – 102.*

1. **Please provide examples of how the life cycle perspective is integrated into policies and programmes to prevent and address gender-based violence against women and girls.**
2. **Please share information about reporting, accountability, remedy and protective mechanisms available and targeted to older women victims of gender-based violence and discrimination.**

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| --- | --- | --- | --- | --- |
| Number of female victims for the specified criminal acts, criminal act committed in a relationship: (former) spouse or intimate partner, jan-nov 2020 | | | | |
| **Article** | **Description of classification violation** | **Age** | **Injury** | **Number of victims** |
| 115 | Manslaughter | over 64 | aggravated bodily harm | 1 |
|  |  |  | death | 1 |
| 122 | Actual Bodily Harm | over 64 | actual bodily harm | 3 |
| 123 | Aggravated Bodily Harm | 54-64 | aggravated bodily harm | 1 |
|  |  | over 64 | aggravated bodily harm | 1 |
| 191 | Family Violence | 54-64 | actual bodily harm | 6 |
|  |  | over 64 | actual bodily harm | 4 |

How to submit your written contribution?

Please send your submissions in English, French or Spanish in attachment by email to olderpersons@ohchr.org, indicating in the heading “Submission to the call for contributions on older women – 2021”. Please also kindly whether you have any objection for the responses provided to be made available on the OHCHR webpage of the Independent Expert on the enjoyment of all human rights by older persons.

The deadline for submissions is 22 March 2021.