

Contribution to the report on the implementation of the UN Resolution
on the situation and respecting of the rights of older persons

Question 1 Please provide information on the current situation of the human rights of older persons, including particular challenges and threats that may prevent the full realization of their rights.

Serbia belongs to a group of countries with predominantly elderly population, that is, people older than 65 years, with a tendency of constant ageing of the population. The data of the Statistical Office of the Republic of Serbia and the latest published assessment based on data from the 2002 census, in the period up to the year 2009, show the total number of inhabitants of Serbia is 7,320,807 individuals, out of which 1,250,817 are people more than 65 years old. Within the 65+ population, 723,370 are women (57.8%).

The most vulnerable are poor old people as they can not rely sufficiently on the state, their families or their own income in order to survive. Mostly they live in the rural areas in the countryside and considerable percentage of them suffer from some chronic disease so their death rate is significantly higher than the one of general elderly population. There is a strong connection between the poverty of the elderly and their educational level, in terms that the poorest older people have only completed primary school or not even done so. The other vulnerable group of elderly are older people with disability that are facing particularly difficult problem of obtaining the necessary treatment and medical aids, since many of them are not in the position to address the competent authorities in order to protect their rights. Older women are also in extremely unfavorable situation and that has been addressed in the National Strategy for the Improvement of the Position of Women and the Enhancement of Gender Equality.

Question 2 Please provide information on existing legislation, policies and programmes to protect and promote the human rights of older persons.

Among the most important documents there is the National Strategy on Ageing 2006-2015. The strategy foresees priority development of various aspects of social support to family and assistance to older people in their natural living environment by fiscal incentives for older people and families that take care of older people; stimulating integration of older people into the society; enhancement of the social, economic, political and cultural positions and roles of older people; enhancement of the integration of older people by encouraging their active inclusion in the community and by encouraging the development of inter-generation relations; improvement and spreading of a positive image of older people; facilitating and encouraging life-long learning; providing conditions for acquiring knowledge that is in the function of wider possibilities for employment; nurturing and improving the state of health and the quality of life of older people by providing health services of an appropriate scope, contents and quality, adequate response of the health care system to the challenges, and support for the setting up

and involvement of non-governmental and volunteer organizations and associations of older people themselves.

The Government has also set up the Council for Ageing and Old Age Issues – as an expert, advisory body of the Government, in charge of the monitoring and continuous evaluation of the implementation of the Strategy on Ageing.

In addition to this planning document the Poverty Reduction Strategy, Strategy for the Development of Social Welfare, Strategy on New Health Care Policy, Strategy for the Improvement of the Position of Women and Enhancement of Gender Equality and the Strategy on Adult education have also been adopted. By adopting these strategies, the Government of Serbia has foreseen a number of measures and activities aimed at the protection and enhancement of the human rights of older people that will be implemented in a continuous manner in line with the Action Plans for their implementation. Also, the Law on Social Welfare has been recently adopted.

Question 3 Please provide information on existing legislation, policies and programmes to address discrimination against older persons, including measures to address multiple discrimination (e.g., discrimination based on age and gender).

The existing legislation addressing these issues are The Law on Gender Equality, Law on the Prohibition of Discrimination of Persons with Disabilities, Labour Law, Law on Pension and Disability Insurance, etc. The Law on the Prohibition of Discrimination has a particular significance as it prohibits and sanctions discrimination of persons or groups of persons on the grounds of personal traits, their discrimination for a longer period of time, as well as any and all forms of multiple discrimination (older person-woman-Roma-person with disability). This Law has also provided a basis for the setting up of an autonomous state body, the Commissioner for the Protection of Equality, as a protection mechanism that may on behalf and for the account of another person initiate and lead a court proceedings for the protection against discrimination.

Question 4 Please provide information on existing legislation, policies or programmes to address violence and abuse against older persons in the private and public spheres.

Family Law, as the basic law, provides protection for older persons against violence in family.

Question 5 Please provide information on existing legislation, policies or programmes addressing old age-sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education.

Placement of older persons at social protection institutions and health care institutions is regulated by the Law on Social Welfare and Social Security of Citizens and the Law on Health

Care. Individual strategies provide for an establishment and development of a network of out-of-institution forms of support and assistance to older people.

Currently there are 41 state and 42 private homes for the elderly. The state-owned homes are overpopulated, and there are still five-bed and six-bed rooms. The managements of the homes try to use the available space rationally "from floor to ceiling." In addition to the housing services, the gerontological centres also provide out-of-institution services in the form of assistance to older persons at their homes and there are also day centres and day-stay centres. In addition to these there are also shelters, with insufficient capacities, for the housing of adults and older persons which are used, by the rule, to place the poorest and/or oldest persons without their own housing. The vacancies are generally available at private homes in the hinterland of Serbia where the standard of services is of a lower level.

The homes for the elderly are more and more health care institutions so that the stationary departments within the homes that house immobile beneficiaries are becoming the most numerous, or rather, the biggest departments. There is an increase in new departments for the so-called palliative care. Homes do not have a sufficient number of employees, particularly the nursing and medical staff. Owing to the mentioned trend that more senior persons come to the homes, mainly aged between 70 and 80 and of an increasingly more deteriorating state of health, it may be observed that there is a need for setting up specialized homes for the elderly of the psycho-geriatrics type.

An issue that requires particular attention is the lack of legal ground for keeping the elderly in private and state institutions/homes, often against their free will. Persons accommodated in the homes or institutions face locked dormitories and other restrictions in their attempt to leave the institution. An assent given by a family member, the guardian of the person deprived of their business capacity, or even the person himself/herself, does not constitute a valid legal ground for permanent keeping of people in locked premises and/or in conditions of deprivation of their liberty. Respecting the best interest of some elderly people as the ground for such detention given the particular health condition, it must be stated that legal norms must regulate these situations and there is certainly urgent need for it. The fact that raises concern is that the proceedings for deprivation of capacity to practice and extension of guardian rights are regularly conducted, whereas the proceedings for reconsidering these decisions are very rarely instituted.

Question 6 Please provide information on existing legislation, policies or programmes concerning social protection measures as well as the right to work and the right to social security with regard to older persons.

There are diversified forms of incentives, just to mention a few: increase in the material assistance to older persons and their families, reduction of the property census as a precondition for acquiring the right to material assistance, increase in the age limit for retirement, employment of people with disability, professional rehabilitation, etc.

Question 7 Please provide information on existing legislation, policies, programmes and capacities to systematically collect, update and analyze information disaggregated by age.

In addition to regular censuses, the Statistical Office of the Republic of Serbia statistically processes the estimations, projections and demographical indicators, which also includes the estimation of the population by age and gender.

Question 8 Please provide information on existing legislation, policies or programmes to enhance participation and active engagement of older men and women in community, political and cultural life.

The National Strategy on Ageing stipulates numerous measures for the enhancement of the participation and active presence of older people in social community, as well as the National Strategy for the Improvement of the Position of Women and the Enhancement of Gender Equality. It is particularly important to point out incentives and support of the civil sector the mission of which is the protection of the rights of older persons, monitoring of and providing support to gender dimension in any activity in local community, as well as in the planning of budget allocations and taking part at the decision-making process.

Question 9 Please provide information on existing legislation, policies or programmes to ensure access to justice and judicial remedies for violations of the rights of older persons, including references to specific mandates of institutions such as national human rights institutions to address their rights.

Equality before the law and accessibility are entirely at the same level for all categories of the population. Special state mechanisms of protection are the Ombudsman of the Republic of Serbia which has recently acquired status "A" of NHRI, the Ombudsman of AP Vojvodina, the Commissioner for the Protection of Equality and legal assistance services at local self-governments. Within its mandate Ombudsman of the Republic of Serbia pays particular attention that the rights and freedoms of vulnerable group of citizens such as women, elderly, persons with disabilities, persons belonging to national minority, children and persons deprived of their liberty are protected and promoted.