

**Contribution of the Republic of Slovenia**

**to the Questionnaire on the issue of violence, abuse and neglect against older persons**

**the Independent Expert on the enjoyment of all human rights by older persons**

 March 2023

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| **Questionnaire of the Independent Expert on the enjoyment of all human rights by older persons****Contribution of the Republic of Slovenia** |

1) **Legal, policy and institutional frameworks: is there a non-discrimination law that prohibits discrimination based on age? Is there a legislation on violence against persons and/or domestic violence that includes violence, abuse and/or neglect of older persons? Does the law establish a specialised independent body receiving complaints of discrimination based on age? Is there a national plan, policy or strategy to address violence against older persons, that is overseen by a national mechanism to monitor and implement it? Please provide detailed information and relevant documents, if applicable.**

In 2016, Slovenia adopted the Protection against Discrimination Act, which provides for the protection of everyone against discrimination regardless of gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, sexual identity and sexual expression, social status, financial status, education or any other personal circumstance. The Act also established the Advocate of the Principle of Equality, an independent and autonomous state body mandated to deal with discrimination, also based on age.

Domestic violence encroaches on fundamental human rights and constitutes a gross abuse of power of one person over another. Domestic Violence Prevention Act (ZPND) which came into force in 2008, clearly defines domestic violence and its various types, defines the roles, tasks and cooperation of the different state authorities and non-governmental organisations in dealing with domestic violence, and also defines measures to ensure security and protection of domestic violence victims The purpose of the Act is to prevent domestic violence and effectively protect victims against further violence. Within the framework of the Act, several regulations on the cooperation of various bodies were adopted, e.g. on the cooperation of centers for social work, multidisciplinary teams, regional services, police.

Another institution that also deals with the protection and promotion of human rights, also of older persons, in Slovenia is the Human Rights Ombudsman of the Republic of Slovenia, which is an independent institution, which contributes to the protection and promotion of human rights and fundamental freedoms in Slovenia through the investigation of the complaints, submission of opinions and recommendations to any authority, addressing pressing human rights issues, conducting on-sight inspections, conducting human rights education, research, through cooperation with civil society as well as through own initiatives and statements on legislative proposals.

**2) Manifestations of violence: what forms of violence, abuse and neglect are older persons facing? In which settings does it happen? Please provide detailed information.**

Older persons face various forms of violence, neglect and abuse. Physical, psychological, sexual and economic violence stands out in particular. Linguistic and employment violence is also present. Violence occurs in various places, e.g. within families, at home, in public places, workplaces, nursing homes and hospitals.

In the past, we have focused mainly on violence at home, within the family, in the future we intend to expand our activities to other forms of violence as well.

**5) Access to justice: how does the State fulfil its obligations to ensure older persons’ access justice, and to obtain remedies and reparations, when their human rights have been violated as a result of violence, abuse and neglect?**

In Slovenia the cornerstone for national legal framework regarding the access to justice is laid within constitution. There are several relevant provisions granting also the general access to justice also for older persons as the following ones:

*Article 14 (Equality before the Law)*

*In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.*

*All are equal before the law.*

*Article 15 (Exercise and Limitation of Rights)*

*Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.*

*The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.*

*Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.*

*Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.*

*No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.*

*Article 22 (Equal Protection of Rights)*

*Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities, and bearers of public authority that decide on his rights, duties, or legal interests.*

In 2016, **Protection Against Discrimination Act** was adopted. This act is relevant for non-discrimination on the field of human rights and on the field of every aspect of life.

Furthermore, **Court Rules** in third paragraph of Article 223 grants that any invitation to court hearings includes special notification that participants who are disabled or persons with special needs have the right to equal participation in the proceedings, and that such persons may notify the court prior to the proceedings that they will exercise the right to equal participation in the proceedings. Upon that information court is obligated to organise the proceeding according to their needs.(i.e. appropriate and easy accessible courtroom, hearing aids, audio - video hearings etc…).

**Equalisation of Opportunities for Persons with Disabilities Act** grants accessibility for all public building (including courts) and furthermore forbids any kind of discrimination on ground of disability in regard of participation in public services and in relation with public administration. The provision of latter act concerns also older people facing challenges of ageing.

Moreover, **Legal Aid Act** also regulates the condition for free legal aid, which can be granted in case of vulnerable social situation. The purpose of free legal aid is to exercise the right to justice on the principle of equality, considering the social situation of a person who could not exercise that right without harm to his or her livelihood and the livelihood of his family.

**6) Access to information: How do you raise awareness about violence against older persons in the public? How does information about access to essential services (e.g. healthcare, legal assistance, social services, access to shelters) is made accessible and available for older persons**?

Social work centers (SWC) are a key place for informing individuals and the general public about possible forms of violence. The central point is represented by the so-called the first social aid in SWC, which provides basic information about solving social hardships, about services and benefits.

As already explained in point 1, 16 regional services for coordination and assistance to victims of violence were established at social work centers, including an intervention service and a crisis center.

Nursing homes also play an important role in informing about violence and social welfare services. Given that they are embedded in the local environment, they also play an important role in raising awareness about social services among the population

**7)** **Please provide examples of good practices for preventing, monitoring and address violence and abuse against older persons.**

National Preventive Mechanism in the Republic of Slovenia under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which operates within the framework of the Ombudsman for Human Rights, also regularly visits residential homes for older persons (the last accessible report is for 2021: [Porocilo\_DPM\_za\_leto\_2021.pdf (varuh-rs.si)](https://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Letna_porocila_DPM/Porocilo_DPM_za_leto_2021.pdf)**.**

The examples of good practices are the following:

a) In 2008 the Slovenian Federation of Pensioners’ Organisations, which is the largest non-governmental organisation of older persons in Slovenia, started a project entitled “**Older people improving the quality of their lives and the lives of their peers with voluntary work (Older for Older)”.** Project is ongoing.

Under this project, volunteers, who are generally representatives of older generations, visit older persons in their neighbourhoods. Before the start of the project, the volunteers and coordinators participating in it underwent a training programme, so that visits to older persons are in accordance with the agreed procedure. The aim of the project is to identify the needs of older persons, particularly of those who have no contact with other people.

In cases when the needs of older persons are greater or when violence or abuse is found, the volunteers inform the competent social work centre accordingly. In recent years, cooperation with social work centres has been particularly enhanced, as older persons have become better informed and more aware of what constitutes abuse and other forms of discrimination. The volunteers report every case of suspected violence against or abuse of an older person to the project coordinator, who contacts the competent services, usually a social work center, which then deals with the case in accordance with professional practice.

The volunteer who is familiar with the case is often involved in the process, helping the expert team to prepare an action programme for the case.

Volunteers from pensioners’ organisations note that there is increasing number of cases of violence against older persons within the family. It has also been observed that violence against persons with dementia is growing as life expectancy is getting longer. Relatives often do not recognise the nature of changes their older relative is undergoing and respond to his or her altered behaviour inappropriately. The volunteers, together with expert staff inform social work centres and care homes, help relatives to understand the changes in the behaviour of an elderly person and assist them with his or her care.

b) Among many programs, in 2022 the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-financed a development social welfare program in the field of violence against older persons entitled "**Aging without violence**", which is implemented by the Anton Trstenjak Institute for Gerontology and Intergenerational Coexistence. The purpose of this program is to prevent violence against fragile older persons, especially in their home environment, where they are most exposed to it. The program includes an innovative and interdisciplinary approach to violence prevention and covers legal, sociological and psychological aspects. The target group of users are older residents of the local community and their family members. In doing so, the participants formulate their views on dignified aging, which excludes any form of violence; they become aware of their basic human right to ensure personal security regardless of age; prepare to deal with situations that may lead to violence; and learn to recognize protective mechanisms against violence and use them according to their abilities. Some of the participants get involved in socially useful work (volunteering) and take more active care of their own psychosocial health.

c) The Ministry of Labour, Family, Social Affairs and Equal Opportunities co-finances a program aimed at **preventing violence against older persons**. The target group of users of this program are older residents of the local community, especially those who depend on informal care, have a small social network and are at greater risk of poverty. About 3,700 users are included in this program