



REPUBLIC OF CROATIA
Ombudsman

Zagreb, 5 May 2017

Formal input for the Eighth Session of the Open-ended Working Group on Ageing
- Equality and non-discrimination

Following the request by his Excellency, Mr. Martín García Moritán, the Ombudswoman of the Republic of Croatia, as an “A status” NHRI hereby submits formal input to the work of the forthcoming Eighth Session of the Open-ended Working group on Ageing, on the issue of equality and non-discrimination.

The Croatian Constitution stipulates equal rights as one of the highest values of the constitutional order and guarantees rights and freedoms to all, without mentioning age explicitly. The Anti-Discrimination Act, on the other hand lists age as one of the 17 discrimination grounds enumerated in a closed list to which it provides protection and promotion of equality while regulating protection from discrimination.

In 2016, out of the total number of discrimination complaints received by the Ombudswoman, 7% pointed to age discrimination, which makes it the third most commonly reported discrimination ground, a decrease from 2015 when it was almost 10%. Nevertheless, one should bear in mind that only a fraction of all age discrimination incidents get reported and that age discrimination is more widespread than believed. This is particularly true in the climate of public figures and even advertisers who openly cross the line of offensive speech with unfounded stereotypes and those who call older persons greedy and selfish, mock, ridicule and blame them for various problems in society. That constitutes a very public and direct strike at the dignity of older persons.

It should be noted that older persons in Croatia have a hard time making ends meet since pensioners on average receive very low pensions, often insufficient to cover their full living expenses. Financial reasons make it impossible to pay for private LTCs since most of them are too expensive. On the other hand, there is a shortage of vacancies in public care homes which are more affordable but have long waiting lists and admission criteria that lack transparency. Under the ENNHRI project on the Human Rights of Older Persons in LTC, the Ombudswoman monitored the standard and service in different LTC facilities, only to discover differences in the level of service provided, including additional hidden fees. It revealed that in many cases family members signed the request for accommodation instead of



REPUBLIC OF CROATIA

Ombudsman

the older person, despite being legally capable. Furthermore, some accommodation agreements contain a clause according to which the full pension of a legally capable resident goes directly into the account of the LTC facility to cover their costs, and only afterwards the remaining sum is paid to the resident in cash. While some highly demanded medical services (dental or gynecological) were unavailable in LTC facilities, there were instances where older persons were subjected to unwanted psychological evaluation, without giving consent. This is clearly dangerous since that could be an introduction into legal capacity assessment proceedings. One LTC facility even refused to admit an older person only on the basis of mental health issues, without actual medical reasons. Although the relevant ministry ordered the removal of all discriminatory provisions from the internal acts of the LTC, the applicant was waitlisted, which brings us back to the problem of long waiting lists, as mentioned earlier.

Family members of older persons who live at home and require care have long been left to themselves to balance their work and care duties. The Welfare Strategy for Older Persons for the period 2017-2020, currently under discussion, proposes regulating the status of the „caregiver to the elderly person“, and is expected to improve the quality of care while reducing the demand for LTC.

It is also necessary to rethink the increased use of modern means of communications by service providers and government bodies which proved to create a communication barrier and have a negative effect on the older population. If a service or a government office is only reachable by e-mail, and not by traditional means of communication, it, in fact, becomes inaccessible to older persons. By accommodating through help desks and call agents, the older persons are able to receive vital information without feeling excluded. The same approach should be adopted by the government when proposing amendments to statutes and strategies, especially when they impact the older population.

With all that was said above, the Ombudswoman fully supports the efforts to create an international legal instrument to promote and protect the rights and dignity of older persons, based on the holistic approach in the work carried out in the fields of social development, human rights and non-discrimination, as well as gender equality and the empowerment of women, with the intention that such an instrument promotes and protects the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection.

OMBUDSWOMAN OF CROATIA

Lora Vidović