

**Jasmina Igrački\***

## **PREVENTION OF ABUSE-DISCRIMINATION OF ELDERLY PERSONS\***

*Negative stereotypes about older people speak with special reference to their negative effects on mental and physical health. Research on the discrimination of the elderly began in the 60s, and a large number of studies have been conducted to this day. Ageism affects the political, economic and legal aspects of a person's life, and the most questionable consequences that ageism has are on the mental health of old people. Ageism is a big social problem that needs constant attention. Not only because of the fact that we often overlook it, but also because of the fact that the proportion of the elderly in the population is increasing. Adopted negative attitudes about oneself actually lead to faster deterioration of the body in old people. Some studies have shown that some older people, who have adopted negative attitudes about themselves and their abilities, live shorter in their later years. In order for old people to age healthily, we must work together to implement positive discrimination, and politicians, educators, doctors, mental health experts and other health professionals contribute to improving the quality of aging.*

**Keywords:** *prevention, abuse, discrimination, elderly, ageism, society's reaction*

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\* PhD, Research associate at the Institute for Criminological and Sociological Research, Belgrade, <https://orcid.org/0000-0002-0533-9033>, email: [jasminaigrački@yahoo.com](mailto:jasminaigrački@yahoo.com)

\* This paper represents the result of the author's engagement in accordance with the Working Plan and Program of the Institute of Criminological and Sociological Research for 2023 (based on the contract No. 451-03-47/2023-01) with Ministry of Science, Technological Development and Innovation of the Republic of Serbia.

## 1. Introduction

At the end of the 1960s, research into the phenomenon of discrimination against the elderly began. Despite the relatively late focus on the problem of discrimination against the elderly, significant research has been carried out in recent decades and a large number of studies have been published related to the problem of discrimination against the elderly. Maintaining negative attitudes and discriminatory behavior towards old people is known as ageism<sup>1</sup>.

Ageism affects the political, economic and legal aspects of human life, but the most questionable are the consequences that ageism has on the mental health of older people, as well as their employability. Ageism is a big social problem that needs constant attention. Not only because of the fact that we often overlook it, but also because of the fact that the proportion of the elderly in the population is increasing. Finally, let's not forget, we will all one day end up in the category of old people. Perhaps the worst consequence of negative discrimination against the elderly is the appearance of a vicious circle that leads to actual physical and mental deterioration of the elderly. Namely, old people often adopt negative attitudes about themselves, conform to the society they belong to, take on the role assigned to them by that same society. And that is the role of inactive, passive and dependent persons. Society does not expect the elderly to be physically active, sexually active, social, creative and productive. By conforming to these expectations, old people avoid activities in which they would be the opposite of what society expects (how many times have you heard "It doesn't suit his age"). By not being active in any way, the ability of the elderly to be active, creative and productive declines. Actually, adopted negative attitudes about oneself lead to faster deterioration of the organism. Some research have even shown that old people who adopted negative attitudes about their abilities in later years have shorter lives. For example, if your grandfather is hearing impaired, it does not mean that he can no longer play chess, and yes, it is possible that the seventy-year-old neighbor goes to yoga. There are centenarians who drive cars, dance, ride bicycles, participate in many social activities, etc.

The aging of the population has consequences in all areas of life. Gradually, but inevitably, it affects the living conditions of the community, because the support of inactive old people increasingly burdens the working-age population. The age policy is only one aspect of a broader policy that strives to ensure the harmonious development of the entire society, with the aim of enabling everyone to occupy a place that ensures

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<sup>1</sup>The term was coined by the doctor, gerontologist Robert Butler, and came into wider use last decade on our continent precisely as a warning about the emerging negative trend in the attitude towards the elderly throughout Europe.

the most optimal development of his personality at all times, in his own interest, as well as in the interest of the community itself, taking into account both, age and other elements that determine personality. Ageism permeates many institutions and sectors of society, including those providing health and social care, the workplace, the media and the legal system. Older and younger adults are often disadvantaged in the workplace.

"Problems of the elderly" are, above all, a consequence of the life course in the social organization, which has not changed over time in relation to this phenomenon. In the early eighteenth century, at the beginning of the demographic transition, people began to live longer. Michel Philibert pointed out the question "whether the way we consider the "problem of the elderly" in terms of national policy or the medicalization of life is deeply rooted in the 18th century", having said: "What makes the social, economic and political significance of aging is not the multiplication of the number of old people, but the fact that this multiplication takes place in a society that takes the devaluation of old people for granted, instead of seeing it as a feature of its own culture". In that case, we would have a different paradigm than the biomedical paradigm, the age paradigm which is the result of social construction and the course of life in a certain social organization, and the social response would become quite different. Instead of stigmatizing the elderly, the "more than", as a "bad object" who was considered incapable of adapting to change, as the introduction to Larocque's report does, it would be necessary to completely modify the social organization, its values and priorities in order to enable to everyone: the young or old, capable or incapable, to find their place in it, as they are, i.e. what some call an inclusive society today. It is no longer individuals those who need or have to adapt, but the entire social organization must radically change its way of working.

## **2. Some of the Possible Factors of Discrimination of the Elderly**

In this paper, we will focus on the age discrimination, the category which, by pure convention, is called "elderly" (people aged 65 and over)<sup>2</sup>. Old age is biological, psychological, which should be handled with its cognitive and social components and should not be limited by the calendar. One of the reasons for age discrimination is age within one's own framework. The manifestation of old age today is predominantly reflected in negative social representations of these people, presented as a homogeneous

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<sup>2</sup>Every fifth citizen of Serbia (20.2%) or 1,400,000 is over the age of 65, Special Report of the Commissioner on Discrimination of Elderly Citizens,

<https://ravnopravnost.gov.rs/wp-content/uploads/2021/09/poseban-izvestaj-o-diskriminaciji-starijih.pdf>

social group in terms of lifestyle and as the embodiment of "problematic" old age, inevitably deficient, dependent or even demented. But, the age discrimination is equally the result of a public policy on age that has identified the group of "older people" as a problem for the rest of society, especially from a demographic and financial point of view. The trouble with ageism is that it is not perceived as a form of discrimination, and the explanations offered for this phenomenon are that ageism is much more institutionalized than gender and race. Therefore, people do not notice discriminatory behavior towards the elderly when it happens.

Attitudes towards the elderly date back to the sixties of the 20th century, which are the result, mainly, of the implementation of the old age policy, which was supposed to be a problem for the rest of society. The age policy has created an image of this age group as a burden on society, especially because of its "exponential" demographic growth and costs, which should overburden public spending. This coupling of old age support policies and negative social representations gradually transformed this categorization according to age into a form of social discrimination according to age.

The problem of old age is especially prominent at the beginning of the 20th century, as a "social problem" as stated by Elise Feller, according to whom the first institutionalized figure of old age is a poor old man who needs all kinds of help, in various forms. The image of poor old people, an isolated category, insufficiently capable, dependent on national solidarity, old age as a burden of stigmatization by demographers, a poorly productive category and significantly dependent on other people, is produced.

The change in social structure from the past to the present, also affected the institution of the family, which led to the transformation from the extended family to the nuclear family. The elderly are directly affected by this transformation. The low income of the elderly, even if their income is sufficient, may affect their children look on them as an economic burden, then, management is in the hands of their children, so they cannot have a word in their family, etc., are the reasons leading to an elderly person to be exposed to discrimination in family life, as well. Considering an elderly person as a problem for the family in question, takes away the specificity of the implementation of human rights<sup>3</sup>, which must be the obligation of the entire society. This was evident during Covid-19, especially, when old people were denied the use of ventilators or treatment because of their age (Tilovska-Kechedj, 2022:442).

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<sup>3</sup>Organization of American States. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. Washington, D.C.: OAS; 1988. Available from: <https://www.oas.org/juridico/english/treaties/a-52.html>.

It has been shown, for example, that younger people in China have a rather negative attitude towards the elderly (in contrast to the residents of Korea, Japan and the Philippines), and the elderly internalize such attitudes and are consequently more prone to depression and the perception of themselves as a burden on the family. Research in South America has revealed a link between negative attitudes towards the elderly and fear of aging. Particularly anxious about aging were those who expected an absence of support in the years to come.

One survey conducted on the territory of 28 countries (mostly members of the European Union, but also Israel, Turkey, Russia and Ukraine) states, among other things, that even positive discrimination can have its negative consequences. Europeans perceive older people as warmer, but also as less able to work and a potential burden on the health and economic system. Perceiving older people as warm and harmless can negatively affect older people's self-confidence and work performance.

Today, the aging of the population on a global level is an increasingly prominent problem. This demographic change also prompted the United Nations to adopt a resolution aimed at establishing international standards on the protection of the human rights of the elderly. Unfortunately, there are still no significant adopted Conventions establishing rules-standards on the protection of elderly persons. Age discrimination (ageism) can be found in different areas of life, such as the world of work in the employment of personnel, in the health sector, in the financial sector, in the sector of leisure or representation in the media. The Treaty of Lisbon <sup>4</sup> (Simovic, Simovic, 2020: 380) gives guidelines to the European Union on how to "fight against social exclusion and discrimination, promote social justice and social protection, equally for women and men, solidarity between generations and protect the rights of children". Aging must not lead to a reduction in a person's rights, duties and responsibilities, but it must be emphasized that the person may have permanently or temporarily become incapacitated and unable to protect their rights. Most elderly people are weak. Two thirds of people over 80 in Europe are women. More than a third of them suffer from Alzheimer's or dementia, which makes them more vulnerable to abuse. A dependency and vulnerability situations are complex: both for aging persons and for their families, professional and volunteer staff, and therefore it is necessary to facilitate their circumstances in applying and exercising their rights.

The UN adopted the Report, Decade of Healthy Aging (2021-2030), which aims to provide evidence-based information on the health status and well-being of older

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<sup>4</sup>Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, Official Journal C 306, p. 1–271, <http://data.europa.eu/eli/treaty/lis/sign>, accessed on 10.07.2023

adults in the Americas region. This initiative consists of four parts, namely: the demographic situation in the region, aging and health, different areas of action. A feature of the Report is to present the health status of older people in the Americas region, based on a number of indicators including life expectancy, healthy life expectancy at birth, and age 60, burden of disease and mortality from 2000 to 2019, as well as excess mortality related to the Corona virus disease (COVID-19) in older people from 2020 to 2021<sup>5</sup>. In the Americas region, life expectancy at birth, for both sexes increased by three years between 2000 and 2019 (77.2 years), while the regional value of the indicator was 3.8 years, and is higher than the global value.

According to research in France<sup>6</sup>: only 30% of people over the age of 65 believe that discrimination occurs "often to very often". The study reveals a form of "hierarchy" in the perception of discrimination according to criteria: older people are more likely to experience discrimination based on origin or skin color (28%) than discrimination related to age or gender, for example (less than 20%). Among people over 65, 17% say they have experienced age discrimination at least once in the past 5 years. For these people, discrimination was most often manifested in the following contexts: public transport (42%), relations with public services (39%) and access to private goods and services (34%). Employment remains an area considered highly discriminatory as more than a third of people who were working at the time of the survey said they had experienced age discrimination in employment. Almost one out of five older people said they have experienced age discrimination. Reported situations of discrimination most often concern public transport, relations with public services or even access to goods and private services (banks, insurance, etc.). Only 12% of them said they have filed a lawsuit. These age discriminations are rarely exclusive, the criteria of health, origin and insecurity are also often cited. In addition, a quarter of people over 65 said they faced difficulties in administrative procedures, which raises the question of access to rights for this population in conditions of increasing dematerialization public services<sup>7</sup>. In 2019, in the European Union, four out of ten respondents (40%) believe that discrimination based on being perceived as too old or too young is widespread. In France, at least half of the respondents (54%) believe that this type of discrimination is widespread.

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<sup>5</sup>[https://iris.paho.org/bitstream/handle/10665.2/57795/9789275126714\\_eng.pdf?sequence=1&isAllowed=y](https://iris.paho.org/bitstream/handle/10665.2/57795/9789275126714_eng.pdf?sequence=1&isAllowed=y)

<sup>6</sup>Discrimination in European Union, Special Eurobarometer 493, May, 2019 [https://europedirect-reims.fr/files/2019/10/ebs\\_493\\_sum\\_fr.pdf](https://europedirect-reims.fr/files/2019/10/ebs_493_sum_fr.pdf), accessed on 06.7.2023

<sup>7</sup>INSEE reports that in 2019, 26,7% people age 60-74 and 67,2% those older than 75 was illiterate ( Insee premiere , n°1780, October, 2019). Illiteracy refers to the fact that you do not have basic digital skills (sending e-mail, consulting online accounts, using software, etc.) or not using the Internet (inability or material impossibility).

### 3. Prevention of Abuse-Discrimination of the Elderly

The aging of the world population is a reality. In the modern world, there is a united opinion that the life and bodily integrity of a person represent a social value, the preservation of which is not only aparticular, individual, but a general common interest of society (Igracki, 2014: 140). A very important place in the system of legal protection is prevention, within which mechanisms of family law and criminal law protection of the elderly are of particular importance. The degree of effectiveness and efficiency of these mechanisms depends on a number of factors, the key being their connection with other institutional protection systems, such as the social protection system, healthcare and other institutions. In addition to the action of social institutions, the action of certain non-institutional factors is also important, among which non-governmental organizations and professional associations, volunteer services, play a particularly important role. Every part of the complex system of protection of the elderly, as well as every institution in it, have its place and carries its share of responsibility for the successful functioning of the legal protection system.

On the international level, numerous instruments have been brought in order to prevent and reduce ageism. In 1990, the General Assembly of the United Nations adopted Resolution 45/106<sup>8</sup>, which, among other things, declared October 1 as the International Day of Older Persons. In 1991, the General Assembly of the United Nations adopted the Principles of the Nation for Older Persons<sup>9</sup>, listing 18 rights of older persons under the themes of independence, social participation, care, self-fulfillment and dignity; In 1992, the International Conference on Aging met to revise the Plan of Action, and the Proclamation on Aging<sup>10</sup> was adopted; The General Assembly of the United Nations declared 1999 the International Year of the Elderly<sup>11</sup>; In 2002, at the Second

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<sup>8</sup> United Nations General Assembly. Implementation of the International Plan of Action on Aging and related activities [resolution A/RES/45/106].45th Session of the General Assembly, 68th plenary meeting; 14 December 1990. New York: United Nations; 1991. Available from: <https://documentsddsny.un.org/doc/Resolution/Gen/Nr0/564/95/Img/Nr056495.pdf?OpenElement>.

<sup>9</sup> United Nations General Assembly. Implementation of the International Plan of Action on Aging and related activities [resolution A/RES/46/91].46th Session of the General Assembly, 74th plenary meeting; 16 December 1991. New York: United Nations; 1992. Available from: <https://documentsddsny.un.org/doc/Resolution/Gen/Nr0/581/79/Img/Nr058179.pdf?OpenElement>.

<sup>10</sup> United Nations General Assembly. Proclamation on Ageing [resolution A/ RES/47/5]. 47th Session of the General Assembly, 42nd plenary meeting; 16 October 1992. New York: United Nations; 1992. Available from: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/023/73/IMG/NR002373.Pdf?Openement>.

<sup>11</sup> United Nations General Assembly. International Year of Older Persons, 1999 [resolution A/RES/53/109].53rd Session of the General Assembly, 85th plenary meeting; 9 December 1998. Available from: <https://documentsdds-ny.un.org/doc/UNDOC/GEN/N99/763/15/PDF/N9976315.pdf>.

World Assembly on Aging held in Madrid, the Political Declaration and the Madrid International Plan of Action on Aging<sup>12</sup> were adopted, which calls for a change in attitudes, policies and practices at all levels in order to use the enormous potential of the elderly in the 21st century ( Petrusic, Todorovic, Vracevic, 2015: 37).

According to data of the World Health Organization (WHO)<sup>13</sup>, the number of elderly people is expected to double from 962 million to 2.1 billion by 2050 and triple to 3.1 billion by 2100. By 2050, the number of people aged 65 and over, worldwide, will be almost the same as the number of children under 12 years of age. In Latin America, the share of the population aged 65 and over will increase from 9% in 2022 to 19% by 2050<sup>14</sup>. The Commission for Latin America (ECLAC) also reports that around 2040 there will be more elderly than children in the subregion<sup>15</sup>. Given this reality, the United Nations has declared the period 2021-2030 as the Decade of Healthy Aging with the aim of working together to improve the lives of older people, their families and their communities<sup>16</sup>. The Decade includes four key areas of action covering the rights and protection of older persons. The Convention also defines other important concepts for advancing the human rights of older persons, such as abandonment, palliative care, abuse, neglect, old age, aging, home unit or household, older persons receiving long-term care, and integrated social and health services.

Recognition of the specific rights of the elderly is one of the reasons why the Convention is undoubtedly important and relevant. The members of the OAS have recognized 27 specific rights<sup>17</sup> for this group: Equality and non-discrimination on the basis

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<sup>12</sup>United Nations General Assembly. Report of the Second World Assembly on Ageing [report A/CONF.197/9]. Second World Assembly on Ageing; 8 to 12 April 2002. New York: United Nations; 2002. Available from: [https:// documents-dds-ny.un.org/doc/UNDOC/GEN/N02/397/51/PDF/N0239751.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/397/51/PDF/N0239751.pdf?OpenElement).

<sup>13</sup>United Nations Department of Economic and Social Affairs. World Population Prospects. The 2017 revision: key findings and advance tables [working document ESA/P/WP/248]. New York: United Nations; 2017. Available from: [https://population.un.org/wpp/publications/files/wpp2017\\_keyfindings.pdf](https://population.un.org/wpp/publications/files/wpp2017_keyfindings.pdf)

<sup>14</sup>United Nations Department of Economic and Social Affairs. World Population Prospects 2022: Summary of Results [UN report DESA/ POP/2022/TR/NO. 3]. New York: United Nations; 2022. Available from: [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/wpp2022\\_summary\\_of\\_results.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/wpp2022_summary_of_results.pdf).

<sup>15</sup>Economic Commission for Latin America and the Caribbean. América Latina y el Caribe: desafíos y oportunidades de una sociedad que envejece. Santiago, Chile: CELADE; 2006. (Temas de Población y Desarrollo, n.º 5). Available in Spanish from: <https://www.cepal.org/es/publicaciones/37307-america-latina-caribe-desafios-opportunidades-sociedad-que-envejece>.

<sup>16</sup>World Health Organization. Decade of Healthy Ageing Geneva: WHO; 2020 [accessed 20 June 2022]. Available from: <https://www.who.int/initiatives/decade-of-healthy-ageing>.

<sup>17</sup>Organization of American States. Inter-American Convention on Protecting the Human Rights of Older Persons Washington, D.C.: OAS; 2015. Available from: [https://www.oas.org/en/sla/dil/docs/inter\\_american\\_treaties\\_A-70\\_human\\_rights\\_older\\_persons.pdf](https://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-70_human_rights_older_persons.pdf).



of age, Right to life and dignity in old age, Right to independence and autonomy, Right to participation and integration in the community, Right to security and life without violence of any kind, The right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, The right to give free and informed consent on health matters, The rights of elderly people receiving long-term care, The right to personal liberty, The right to freedom of expression and opinion and access to information and many other rights (Simović, Simović, 2020).

In international law and treaties, this group of people was probably not specifically included in any legislative text, because they did not exist in such a percentage, but today we see that this gap must be repaired in order to prevent the stigma from rising (Tilovska-Kechedji, 2022: 440 ). The plan is specific, and the recommendations for action give priority to the elderly in order to preserve health and well-being in old age as well as a favorable environment for the elderly. The Inter-American Convention on the Protection of Human Rights for the Elderly is the first regional treaty that fully recognizes the human rights of the elderly. "The purpose of this convention is to promote, protect and ensure the recognition and full enjoyment and realization, on an equal basis, of all human rights and basic freedoms of the elderly, in order to contribute to their full inclusion, integration and participation in society"<sup>18</sup>. By adopting the Convention, the OAS marked a historic milestone in promoting and protecting the human rights of older persons in the Region of the Americas and around the world. The United Nations notes that thousands of older persons in the Region experience discrimination and neglect, particularly women, Afro-descendants, indigenous peoples, refugees, displaced and stateless persons, LGBTI persons and persons with disabilities. These groups are exposed to discrimination on several fronts<sup>19</sup>, and the Convention represents an important instrument for improving the protection of the elderly in the Americas region. In addition to the global anti-aging campaign, this represents a global movement that seeks to change the way we think, feel and behave in relation to age and aging.

In this sense, the Republic of Serbia has taken significant steps in terms of harmonizing its legislative framework of family law and criminal law with relevant international and European standards in order to prevent, establish effective protection, and reduce discrimination against the elderly. In the Republic of Serbia, there are several legal acts which provisions are of great importance in the prevention and protection

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<sup>18</sup>Organization of American States. Inter-American Convention on Protecting the Human Rights of Older Persons Washington, D.C.: OAS; 2015. Available from:

[https://www.oas.org/en/sla/dil/docs/inter\\_american\\_treaties\\_A-70\\_human\\_rights\\_older\\_persons.pdf](https://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-70_human_rights_older_persons.pdf).

<sup>19</sup>United Nations. World Elder Abuse Awareness Day. New York: United Nations; 2021 2022 [accessed 20 June 2022]. Available from: <https://www.un.org/en/observances/elder-abuse-awareness-day>.

of the rights of the elderly and preventing their discrimination, including: the Constitution of the Republic of Serbia<sup>20</sup>, the Law on the Prohibition of Discrimination<sup>21</sup>, the Law on the Prevention of Discrimination of Persons with Disabilities<sup>22</sup>, the Law on Health Care<sup>23</sup>, the Law on Health Insurance<sup>24</sup>, the Law on the Protection of Persons with Mental Problems<sup>25</sup>, the Law on Social Protection<sup>26</sup>, the Law on the Prevention of Domestic Violence<sup>27</sup>, the Criminal Code of the Republic of Serbia<sup>28</sup> and many others. In order to prevent and fight against all forms of socially unacceptable behavior, strategic documents were adopted too, which certainly affect the issues of the elderly: Strategy for the prevention and protection against discrimination for the period from 2022 to 2030<sup>29</sup>, Strategy for the improvement of the position of persons with disabilities 2020-2024<sup>30</sup>, Strategy for the prevention and suppression of gender-based violence against women and violence in the family for the period from 2021 to 2025<sup>31</sup> and others.

#### **4. The Phenomenon of Discrimination of the Elderly in Serbia**

The phenomenon of the increase in the elderly population, on a global level, also characterizes our country and is becoming a serious social challenge, and above all, it requires taking a range of diverse measures in order to slow down the existing trend. A special problem is the increasingly pronounced discrimination of the elderly population in almost all life segments. A considerable number of elderly people live alone,

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<sup>20</sup>Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia No. 98/2006, 115/2021 and 16/2022.

<sup>21</sup>Law on the prohibition of discrimination, Official Gazette of the Republic of Serbia No. 22/2009 and 52/2021.

<sup>22</sup>Law on the prevention of discrimination of persons with disability, Official Gazette of the Republic of Serbia No. 33/2006 and 13/2016.

<sup>23</sup> Law on health protection, Official Gazette of the Republic of Serbia, No. 25/2019

<sup>24</sup> Law on health insurance, Official Gazette of the Republic of Serbia, No. 25/2019.

<sup>25</sup> Law on the protection of persons with mental health issues, Official Gazette of the Republic of Serbia, No. 45/2013

<sup>26</sup>Law on social protection, Official Gazette of the Republic of Serbia, No. 24/2011.

<sup>27</sup> Law on the prevention of family violence, Official Gazette of the Republic of Serbia, No. 94/2016

<sup>28</sup> Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019

<sup>29</sup>Strategy for the prevention of and protection from discrimination for the period from 2022 until 2030, Official Gazette of the Republic of Serbia, No. 12/2022.

<sup>30</sup>Strategy for the improvement of the position of persons with disabilities 2020-2024, Official Gazette of the Republic of Serbia, No.44/2020.

<sup>31</sup> Strategy for the prevention and suppression of gender-based violence against women and family violence for the period between 2021 and 2025, Official Gazette of the Republic of Serbia, No. 47/2021.

have health problems, are becoming increasingly poor, marginalized, exposed to humiliation and abuse, disrespect, etc. Various forms of discrimination are present in our environment, and ageism could become the most prevalent form of discrimination in the 21st century. According to the Special Report of the Commissioner on Discrimination of Elderly Citizens<sup>32</sup>, for the year 2019, the population of the Republic of Serbia aged 65 and over is 20.7%, and those under 15 are 14.3%. Demographic characteristics indicate that the birth rate is declining, that the mortality rate is high, that there is a negative natural increase, low fertility, depopulation and intensive aging of the population, as well as that the number of women over the age of 80 has almost doubled.

The Republic of Serbia follows European and international standards and thus strives to lay the foundations of existing anti-discrimination legislation for the promotion of equality and suppression of discrimination, to improve and harmonize legal acts with the legal *acquis* of the European Union and international standards.

According to the available data from the Report on progress in the achievement of the Sustainable Development Goals by 2030 in the Republic of Serbia, the poverty risk rate was 24.3% in 2018, i.e. it had a tendency to decrease and indicated slight progress in all age categories except for the oldest of the population (65+) in which a moderate decline is recorded<sup>33</sup>. At the same time, according to relevant data, more than half of users on the records of centers for social work belong to the group of financially disadvantaged users (the percentage of this user group in 2019 increased by 33.5% since 2011), while those over 65 make up a share of 10.9% of the total number of recipients of cash social assistance<sup>34</sup>.

A constant problem in Serbia is domestic violence despite the development of various legal and other protective mechanisms, especially when it comes to women and children. The National Strategy on Aging<sup>35</sup>, in which one of the objectives of actions against elder abuse, especially domestic violence, expired in 2015, and the new one has not yet been adopted, and studies on the issue of elder abuse at the territory of the Republic of Serbia have not been conducted, so there are no precise data.

However, older men can also become victims of domestic violence, even its severe forms (which most likely lead to criminal prosecution and a judicial epilogue). Namely, a study conducted before the introduction of the criminalization of domestic

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<sup>32</sup> The Special Report of the Commissioner on Discrimination of Elderly Citizens

<https://ravnopravnost.gov.rs/wp-content/uploads/2021/09/poseban-izvestaj-o-diskriminaciji-starijih.pdf>

<sup>33</sup> *Ibidem*.

<sup>34</sup> *Ibidem*.

<sup>35</sup> Government of the Republic of Serbia, National Strategy on Aging 2006-2015, available at: <https://gs.gov.rs/lat/strategije-vs.htm>, accessed on: 06.07.2023.

violence into criminal law suggests that older people are more often victims of severe forms of violence (serious physical injury) in the family context than outside it. It also indicates a higher percentage of men as victims, while on the other hand, sons are most often the perpetrators (Jovanovic, 2022: 494).

In 2019, 2,014 men were victims of murder, suicide and accidents and 819 women, 404 men and 130 women were killed in traffic accidents, and 12,525 men and 7,881 women were injured. In the same year, 472 women and 3,701 men were convicted of crimes against marriage and the family (neglect and abuse of minors, domestic violence and failure to provide maintenance). Perpetrators of domestic violence are men in 90% of cases - 4,561 men and 462 women were convicted of this crime<sup>36</sup>.

In the next 20 years, significant changes will be visible, due to the relative decline of the working-age population and aging. During the period 1995-2015, the 20-29 age group will decrease in number by 11 million (-20 percent), while the 50-64 age group will increase by 16.5 million (more than 25 percent). A strong focus is needed on the age-related aspects of human resource management, a factor that has been neglected until now. It also means rethinking policies that encourage early exit from the labor market, instead of lifelong learning and new opportunities.

There is also pressure on pension systems and the creation of public finances from the increasing number of pensioners and the decline of the working age population. In the next 20 years, the population over the standard retirement age of 65 will increase by 17 million. Within this group, the very old, older than 80 years, will increase by 5.5 million. The pension system should be made less sensitive to demographic and other changes. According to data from the Republic Fund for Pension and Disability Insurance from January 2021, the average amount of pension was 29,378 dinars, while the average amount of agricultural pension was 11,896 dinars. When the available data are compared, more than 75% of pension beneficiaries receive a monthly pension amount less than the amount of the minimum consumer basket (in September 2020 - 37,741.06 dinars)<sup>37</sup>. Such incomes do not provide economic security in old age, but reproduce poverty and dependence on other family members and society as a community.

The large increase in the number of very old people in need of care will lead to an increasing demand on formal care systems. These systems will need to be further developed to cope with the new situation. At the same time, there should be policies to reduce the growth in dependency through the promotion of healthy aging, accident

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<sup>36</sup>The Special Report of the Commissioner on Discrimination of Elderly Citizens

<https://ravnapravnost.gov.rs/wp-content/uploads/2021/09/poseban-izvestaj-o-diskriminaciji-starijih.pdf>

<sup>37</sup>Ibidem.

prevention and rehabilitation after death. Differences in family and housing situation, educational and health status and in income and wealth decisively determine the quality of life of older people. Policies are required that better reflect the diversity of the social situations of the elderly, i.e. better mobilize the resources available to large segments of older people and that more effectively fight against the risk of social exclusion in the later years of life.

## **5. Conclusion**

Discrimination is a complex and socially dangerous phenomenon, which can be directed towards different categories of persons, taking into account their personal characteristics, and implies unjustified distinctions, unequal treatment in all areas of life. Untimely suppression of discrimination can seriously affect the development of society as a whole. Realizing the importance of respect for human rights and respect for the principle of equality, the Republic of Serbia adopted a series of legal documents on the prohibition of discrimination on all grounds based on age and the preservation of dignified living conditions without discrimination, with reference to equal access and protection from neglect.

The United Nations has provided a number of sources, which indicate demographic changes worldwide, resulting in a sharp increase in the number of elderly people, who may be directly affected by age discrimination and ageism. Numerous universal conventions and declarations of the United Nations on human rights, as well as documents such as the Political Declaration on the Madrid Plan on Aging and the United Nations Principles for the Elderly, are particularly important for the position of older citizens. With the adoption of the Sustainable Development Goals 2030, the elderly are recognized as a particularly important group when it comes to ending poverty, ensuring a healthy life and promoting well-being for all generations, enabling lifelong learning, gender equality, and creating inclusive and safe environments. The aging of the population affects all spheres of society that need to adapt to the social and economic implications.

In addition to universal documents such as the Charter of Fundamental Rights and the Revision of the European Social Charter of the Council of Europe, the European Union's directive on equal treatment and prohibition of discrimination stands out. The European Commission has paid great attention to demographic changes and the challenges that these changes bring.

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