

HUMAN RIGHTS AND CURRENT DISCRIMINATORY MANIFESTATIONS (ON THE EXAMPLE OF AGE DISCRIMINATION IN THE SOCIAL AND COMMUNICATIVE SPHERE)

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Abstract: The article provides a comprehensive analysis of counteracting human rights violations due to age discrimination in the social and communicative sphere to identify problematic aspects of this discrimination; to study current changes in connection with the pandemic threat and generalize a set of legal guarantees to prevent and counteract inappropriate legal policy in this area. The research is based on a humanistic approach, which determines the individual value criterion of the research methodology and is manifested through the ideology of anthropocentrism; a complementary approach to scientific research and a balanced combination of national and international state-building and law-making principles. A synergistic approach made it possible to analyze the legal anti-discrimination policy in the light of pandemic threats. A comparative legal method was used, which made it possible to summarize the legal requirements of various states, including most countries of the European Union, the United Arab Emirates, Great Britain, Serbia, Bosnia and Herzegovina, and Colombia, on measures to counteract the spread of the COVID-19 pandemic. Statistical and information reports of the European Union countries, monitoring of the Equality Representatives of individual countries (Serbia, Lithuania), analytical data, government decisions and practical cases were used. The method of combining theory and practice made it possible to propose a set of measures to overcome age discrimination in modern conditions of nationhood development.

Keywords: Age discrimination, older persons, pandemic crisis, guarantees of anti-discrimination, social and communicative sphere.

SUMMARY: 1. INTRODUCTION. 2. MATERIALS AND METHODS. 3. DOCTRINAL PROVISIONS OF NON-DISCRIMINATION POLICY BY AGE IN SOCIO-COMMUNICATIVE SPHERE. 4. AGE DISCRIMINATION DURING A PANDEMIC THREAT. 5. LEGAL GUARANTEES NEEDED TO COUNTERACT HUMAN RIGHTS VIOLATIONS AND GUARANTEES OF ANTI-DISCRIMINATION AGE POLICY. 6. CONCLUSION.

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1. INTRODUCTION

Modern legal reality has a dominant humanistic orientation; the problem of human rights is such that it needs to be addressed not only at the level of international standards, but also at the state law implementation level. Human rights – is a social and universal category, derived from human nature itself, its dignity and uniqueness, subordinated through the provided opportunities to enjoy the basic, most important benefits and conditions of safe, free existence of the individual in society. However, human rights can be declarative in nature, without a proper legal policy to ensure them. Therefore, we should talk about a set of international and national measures to counteract the devaluation of human rights.

Equality and dignity are the primary factors that shape such public policy, which in turn protect society from discrimination. It should be understood as unfair or prejudiced treatment of people and groups based on certain characteristics. Equalization of persons without personification of personal characteristics of the individual is discrimination that violates the principles of democracy and humanism in society, leads to stigmatization of the individual, is the cause of human anthropological crisis. Discrimination is an obstacle for the realization of a set of human rights and freedoms. O.Yu. Guz (2012, 167) points out that “discrimination is a way of deformation of the subjects legal relations equality or equality of their legal status by changing the interconnection of rights and responsibilities, their security, scope and areas of implementation in order to establish (correct) objectively justified or subjectively motivated parameters of justice and freedom in society”.

There is no unified concept of “discrimination” in international legal regulation and scientific practice. All scientific positions according to the essential content, which is positioned in the definition, are divided into three groups: the position advocating the idea of direct violation of human rights and freedoms in certain areas, violation of its legitimate interests, dignity through discriminatory actions; understanding of discrimination as an illegitimate unjustified distinction on any grounds; a combination of the two above mentioned positions. Such a position is also represented in normative international standards. In total, there are four international documents that contain the definition of discrimination.

Art. 1 of the Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 1979) stipulates that discrimination against women is any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. Art. 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, 1965), which stipulates that the term “racial discrimination” means any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

In addition to these key ones, International Labor Organization (1958) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) states: For the purpose of this Convention the term “discrimination” includes: (a) any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. According to the UNESCO (1966) Convention against Discrimination in Education, for the purposes of this Convention, the term “discrimination” includes any distinction, exclusion, limitation or preference which, being based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education.

The three mentioned, with the exception of the ILO Convention, find discrimination based on “purpose or effect”. It can be concluded that “purpose” contains the meaning of “intention”. ILO Convention 111 refers only to “effect”, omitting the concept of “purpose”. Using the word “or” instead of “and” indicates that “purpose” can be overridden by “effects.” Because the concept of purpose contains the meaning of intent, it is difficult to define and prove the subjective intent necessary to establish a discriminatory act. Therefore, discriminatory intent is not a necessary element of discrimination. The emphasis on the “effect” of the policy, rather than the intention, means that neutral measures will be considered “discriminatory” if, in fact, they negatively affect a group of society that is dedicated to protection.

A thorough definition of the studied concept was developed by the Swiss Institute of Comparative Law (Kys & Sheremet, 2007). According to it, discrimination is a social event or situation characterized by the presence of distinctions, exceptions, restrictions or advantages based on arbitrary classification of individuals, their groups or categories, based on race, color, sex, language, religion, political or other beliefs, national or social origin, economic status, birth or other circumstances, natural or social characteristics, not related to personal abilities or merits or to specific human behavior, as well as if a certain person, group or category of persons is subject to negative attitude (in the sense that it is perceived as negative) caused by any form of behavior (including inaction) of public authorities or individuals and such that the ultimate purpose is to violate or destroy the recognition, use or exercise of equal human rights and freedoms in political, economic, social, cultural or any other sphere of public life.

The necessity of researching the problems of discrimination and improper implementation of human rights is due to the fact that the concept of human rights and legal policy in the field of non-discrimination is not sustainable, it has progressive historical development and is adjusted to urgent social needs and human development. Therefore, at the scientific and doctrinal level it is necessary to analyze the variable determinants and debatable manifestations of social relations in the socio-legal space, as a set of legal knowledge about a particular legal phenomenon, designed to improve the legal system. The object of the research is legal relations and social reality in the field of discrimination based on age in the modern conditions of the development of statehood. The aim of the article is a comprehensive analysis of counteracting human rights violations

through age discrimination in the social sphere by identifying problematic aspects of such discrimination, studying current changes during the pandemic threat and generalizing a set of legal safeguards that can prevent and counteract this through independent legal policy. To achieve the goal of the article, the authors identified the following research questions: to investigate the doctrinal provisions of the policy of non-discrimination by age in the social and communicative sphere; to analyze manifestations of age discrimination during the pandemic threat; propose a system of effective legal guarantees against human rights violations and anti-discrimination age policy.

2. MATERIALS AND METHODS

Global changes in legal reality have led to the rapid progress of scientific achievements. This accelerated the development of science and pointed to the necessity and demand for complex scientific postulates. The legal policy of the state must be based on scientific expertise and sound socio-legal phenomena. However, the uncertainty of the next progressive scientific development indicates the expansion of research potential, because to predict the vector of development of state, economic, social and political phenomena, can only the field of science as a unique phenomenon of existence. Confirmation of political and legal management decisions by scientific conclusions makes it possible to avoid mistakes and predict shortcomings and trends of a futurological nature. The methodology creates the main paradigms and sets guidelines for future socio-legal existence.

A synergistic approach to the study of declared legal phenomena points to the bifurcation nature of the problem, since threats of a pandemic nature caused uncertainty and unpredictability of the direction and trends of the development of legal regulation in the field of non-discrimination. In particular, a synergistic approach was used in the analysis of part of the problem of age discrimination during the pandemic threat.

The research is based on a humanistic approach, which determines the individual value criterion of research methodology. It is manifested through the ideology of anthropocentrism; the state must accept the manifestation of self-realization of the individual to the full, provided that it is not illegal. The use of a complementary approach to research has made it possible to combine scientific schools of different fields of knowledge, provokes the development of social, public and legal reality, pedagogy, education, technology and medical knowledge. The approach of a balanced combination of national and international state-building and law-making principles points to a coherent policy of optimal interaction of national, mental and global standards, while it is impossible to adopt rules of law that would not be accepted by society just because other states, organizations or groups set them as benchmark.

The comparative legal method made it possible to summarize the legal requirements of various states, including EU countries regarding age non-discrimination policy and the United Arab Emirates, the United Kingdom, Serbia, Bosnia and Herzegovina, and Colombia on measures to counter the spread of the COVID-19 pandemic. Statistical and legal approach indicates the spread of the problem of age discrimination in the socio-

communicative sphere, and provides an opportunity to generalize the global nature of age discrimination worldwide. Monitoring reports, analytical reviews and notes of professional international institutions at the level of UN bodies demonstrate the changing determinants of modern society in the context of trends in population aging and other related population and legal trends.

The method of individualization indicates the need to overcome the group approach to age, and argues the need for subjective consideration of individual issues without focusing on stereotypical approaches to generations. The system-activity method allows to formulate a set of guarantee measures to counteract human rights violations and prevent discriminatory situations, provides an opportunity to identify current positive foreign practices that are necessary for implementation in individual national legal systems.

And finally. The use of the method of combining theory and practice made it possible to propose specific means of improving legal regulation in order to overcome discriminatory policies based on age and to represent proposals for the application of preventive and law enforcement guarantees to achieve an improvement in the situation regarding age discrimination.

3. DOCTRINAL PROVISIONS OF NON-DISCRIMINATION POLICY BY AGE IN SOCIO-COMMUNICATIVE SPHERE

Age discrimination can be manifested in general in relation to any cohort of the population, in any sphere of life of society. It is expressed in assessing the possibility of any role performed by a person only on the basis of his/her age. A person may not get a chance to earn a certain status and fulfill a social role as his/her biological age is considered in a society “inappropriate” to a certain status. This absolutization of age stereotypes is an urgent problem of nowadays, since it leads to oppression of human rights (Kikinezhdi, 2021; Horobets et al., 2021). The peculiarity of discrimination by the age in socio-communicative sphere is that it spreads in the most group of situations among older persons people. This reflects the individual approach we previously highlighted in the methodology. It is necessary to agree with P. Voss (Voss et al., 2017) that relatively young older persons people are mostly complaining about discrimination by age at work, while people relatively older are more focused on the experience, which they encountered in the medical and social context.

The Eurobarometer Report on Discrimination in the EU for 2019 (European Commission, 2019) shows that respondents perceive discrimination that occurs not only in the employment context, but also in public places (23%), including cafes, restaurants, bars and nightclubs (8%), shops or banks (7%), health care (6%), or school or university staff (6%), 4% of respondents found discrimination in buying or renting an apartment or house and 4% also reported discrimination or harassment by social workers. Statistical methodology helps to reveal the practical aspect of the problem. Thus, we can state that there are a wide range of problematic issues regarding age discrimination outside the workplace.

N. Savikko and others (Savikko et al., 2007) argued that age discrimination increases social isolation and loneliness in three main ways. Firstly, it can lead to feelings of unwillingness, betrayal and social rejection, which can lead to social exclusion. Secondly, as a factor of “self-fulfilling prophecy,” older people can adopt ageist stereotypes — for example, that old age is a time of social isolation and low social participation — and then act accordingly, towards departure from society. Thirdly, old social laws, norms, and practices, such as mandatory retirement or constructive features of living environment (e.g., inaccessibility of transportation, humpy sidewalks, lack of elevators), act as barriers for older people's participation in social activities that lead to social isolation and loneliness.

Age discrimination can lead to an anthropological crisis of personality as a person's inability to adapt to external conditions. The previously declared individualization in approaches should become the methodological basis of legal regulation. Researchers from many countries state that the crisis is rising. In particular, scientific research in countries such as Norway and Sweden, has shown that age discrimination can lead to negative feelings such as futility, powerlessness and low self-esteem. This study develops and approves a scale for monitoring age discrimination in the workplace (Furunes & Mykletun, 2010). According to the analysis of the situation in Poland, experts state that ageism can be a chronic stress factor, which leads to both deteriorating of physical health and reduced activity in healthy behavior (Nelson, 2016). The problem is that prevention requires not only stereotypes and prejudices, but very real situations of discrimination. Analysis of studies by a number of foreign experts allows us to identify areas of social activity and communication where older people experience discrimination.

- Sphere of public mobility:

V. Klusmann (2018) points out that infrastructure constraints lead to reduced mobility of older people due to the lack of infrastructure in public transport or the lack of consideration of the needs of older people in urban planning. Please note that the problem is significant for all European countries, but the provision of social age mobility depends on the national policy of a separate state and its attention to this issue. The evolution of the social participation of the older persons shows two distinct patterns. According to experts, the domain “Social participation” for all countries grew at the same pace until 2012, then in some, the growth continued in the following years (Austria, Belgium, Cyprus, France, Luxembourg, Malta, Denmark, Finland, the Netherlands and Sweden), and in others - stagnation or a slight decrease (Bulgaria, Croatia, Greece, Hungary, Italy, Poland, Romania, Slovakia, Slovenia, Spain, Czech Republic, Estonia, Ireland, Germany, Latvia, Lithuania and Portugal) (UNECE, 2019).

- Information sphere:

E. Loos and L. Ivan (2018) argue that the older persons people are also underrepresented in the media, and they are portrayed very selectively, focusing on the extreme cases of weak and dependent older persons people or highly effective, wise and

successful “golden people” (Mounk, 2020). L.A. Zebrowitz and J.M. Montepare (2000) illustrate the underrepresentation of older people in the media. Only 1.5% of television characters in the United States were older people, and most had minor roles and were often portrayed for comic effect, describing stereotypes of physical, cognitive, and sexual inefficiency. E. Kessler's (Kessler et al., 2004) analysis of prime-time television series in Germany found that only 8.5% of the characters were of older age.

- Finance and insurance:

In particular Acierno (Acierno et al., 2010), has shown that in the financial context, older people are at greater risk of fraud and financial abuse, or denied access to credit, start-up financing or insurance options due to their age. A report from the UK's Financial Conduct Authority stated that older people are most likely to fall victim to age discrimination in financial services precisely because of age rather than gender or race. It can occur as a risk factor in the pricing of financial products and therefore financial institutions may refuse to provide products for certain age groups (Tykhonova et al., 2019). For example, because insurance risks are not evenly distributed across age groups, older age limits are set for most new travel insurance, policies, mortgages and private health insurance premiums are higher for older people (Hejny, 2016).

Financial and insurance providers often argue that age is an appropriate risk assessment factor for the provision of a particular banking or insurance product and that, as a result, access to such products should be either prohibited, minimized or provided at a much higher cost depending on the applicant's age. EU Member States have responded very differently to this challenge. Some group of EU Member States which provide that for insurance should be provided complete exclusion of the banking industry, whose services are based on risk calculations and as such have no protection of the person against differential treatment based on age (Slovenia). Some EU Member States apply the generally accepted normative principle of age discrimination, i.e. any differences in treatment based on age must be justified and proportionate (Bulgaria).

In other EU Member States, strengthening protection by regulating the sector, in addition to the usual test of justification and proportionality, additional exceptions can be defined only in this area (Hungary). There is a growing number of EU Member States that are taking even more proactive measures to reduce the potential for age discrimination, requiring financial and insurance providers to demonstrate a test for the reasonableness of the exclusion (Ireland, Portugal and Germany) or to fully justify the legitimacy of the exclusion through the prima facie test of proportionality (Czech Republic) (European Commission, 2020).

- And even the legal sphere.

S.T. Kwong See and others (Kwong See et al., 2001) presented an extended analysis, which argues that the testimony of older people is less valued than the testimony of young people in legal proceedings.

We should add that in our opinion not all spheres are reflected in researches of scientists. In particular, discrimination in advertising is intensifying. We will use the comparative legal methodology to represent this thesis. The Equality Ombudsman of the Republic of Lithuania (2020) considered a complaint about advertising openly ridiculing the older persons. Visually, the ad contains the slogan: “A little left.” The company motivates that with such a phrase it wanted to indicate that the old portal has been replaced by a new one. The commissioner pointed out that it was not clearly understood what was being advertised in the ad; experts noted that it contained ambiguities, hints of old age, it was shown that older people are more lethargic, pessimistic, attentive, aware of the inevitable end of life and have nothing to enjoy in life.

European national legislation differs over the possibility of providing a reference to the prohibition of discrimination. By using the comparative legal method, we can group the peculiarities of the legal regulation of a number of countries of the world in the researched area. Some EU Member States have special national anti-discrimination laws that explicitly prohibit direct age discrimination in the social sphere (Belgium, Bulgaria, Croatia, the Czech Republic, Finland, France, Germany, Ireland, Latvia, Luxembourg, Romania, Slovakia, Slovenia and Sweden); in education (Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Lithuania, Luxembourg, Romania, Slovakia, Slovenia and Sweden), housing (Bulgaria, Croatia, Czech Republic, Finland, France, Germany, Lithuania, Luxembourg, Romania, Slovakia, Slovenia and Sweden); on access to goods and services (Belgium, Bulgaria, Croatia, the Czech Republic, Finland, France, Germany, Greece, Ireland, Lithuania, Luxembourg, Romania, Slovenia and Sweden).

However, most EU Member States follow the model of partial protection, which is due to the lack of clear legislation, where protection is provided by constitutional or international law, national domestic administrative law (Cyprus, Article 28 of the Constitution; Estonia, Article 12 of the Constitution; Italy, Article 3 of the Constitution; Malta, Article 45 of the Constitution; Portugal, Article 13 (2) of the Constitution). There are only two EU Member States (Greece and Poland) that do not provide explicit or implicit protection against direct discrimination on the grounds of age outside the labor market.

4. AGE DISCRIMINATION DURING A PANDEMIC THREAT

The pandemic crisis has intensified age discrimination in social activities and communication. It caused the uncertainty of legal regulation, so we will use a synergistic research methodology to study changes in legal regulation in a crisis situation. Because the older persons is at risk of increased mortality from COVID-19, there are regulatory guidelines, and sometimes even legal requirements to isolate them at home. This leads to differences in attitudes towards people. For example, in Ukraine, the Resolution of the Cabinet of Ministers (2020) “On Prevention of the Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus” required self-isolation of persons over 60 years old. The problem is not only discrimination of the right to move, but also of the ability to communicate and engage in social activity. Even before the pandemic, reports

showed that many older people were already more socially isolated and lonelier than the rest of the population (Britchenko et al., 2018).

Numerous studies and reviews have shown that social isolation and loneliness have a serious impact on the mortality of older people, on their physical health and functioning (e.g., heart diseases, diabetes, mobility, daily activities) and on their mental health (e.g., depression, anxiety and decreased cognitive abilities) (Social isolation..., 2020). Coronavirus control measures, including containment, physical distancing, and restriction of movement and social gatherings, have increased the risk of social isolation and loneliness (Courtin & Knapp, 2017). Protecting the older persons from the effects of COVID-19 through social distance, creates the potential for social isolation and loneliness, which can negatively affect the mental and physical health of the older persons. During the pandemic, adults become increasingly separated and socially isolated, especially older adults who are geographically distant from their family members. Many older people who rely on social contacts from community centers and places of worship also experience significant disruptions in their social network and relationships (Armitage & Nellums, 2020). Chronological age was also used to determine the measures of physical isolation in different countries.

For example, in the UK, people over the age of 70 have been instructed on the legal requirement of 4 months of self-isolation (Paton, 2020); in Bosnia and Herzegovina, the older persons were not allowed to leave their homes for several weeks during the outbreaks (Cerimovic et al., 2020); and in Colombia (So et al., 2020) and Serbia (Jackson, 2020) quarantine measures targeted only the older persons people. Strategies for lifting quarantine in many countries also differed in chronological age. For example, in the United Arab Emirates, people over the age of 60 were not allowed into shopping malls or restaurants after they reopened after a period of isolation. Similarly, in the Philippines, people over the age of 60 were prohibited from using the four Manila subway rail systems after they have resumed to work for others (Subingsubing, 2020).

The issue of such normative human rights violations has repeatedly been a matter for the constitutional jurisdiction of nation states, but we do not yet know of any cases that would clearly indicate human rights violations. For example, the Constitutional Court of Serbia (2020) ruled No. IUo - 45/2020 of 28.10.2020, which determined that certain articles of the Decree on measures during the state of emergency and the Decree on misdemeanors for violation of the order of the Minister of Internal Affairs on restrictions and prohibitions of movement of persons on the territory during its operation were not adopted in accordance with Constitution and ratified international treaty. However, in the part concerning the constitutionality and legality of certain provisions of these acts in connection with the ban on the movement of persons over 65 or 70 years old, the Constitutional Court suspended the procedure.

The use of chronological age as the only criterion for measures of physical isolation and prolongation of forced deprivation of the right to move is discriminatory, as it is not taken into account for the very diverse opportunities and needs of the older persons. Such

measures may increase the risks of social exclusion and loneliness, limit the opportunities for older people to self-care and challenge the health and social care system's response to existing medical and social needs of older people, which may ultimately have detrimental effects on health and the well-being of the older persons. It should be noted that the issues of counteracting isolation are also typical for minors. In Serbia, the Equality Commissioner (2020) stated in a 2020 report that he had been approached en masse by parents of children with autism about measures to restrict movement during the state of emergency. However, in this case, we should talk about indirect discrimination on the grounds of health rather than age discrimination.

The pandemic crisis has exacerbated the problem of discrimination against older people and exacerbated the intergenerational crisis. Media research shows a current trend, with a quarter of tweets “downplaying the importance of COVID-19 because it was more deadly among the older persons, and 14% with offensive content or jokes about the older generation” (Jimenez-Sotomayor et al., 2020). News headlines were based on statements such as: “Death from coronavirus so far experience mostly older persons men” (Skipper & Rose, 2020).

5. LEGAL GUARANTEES NEEDED TO COUNTERACT HUMAN RIGHTS VIOLATIONS AND GUARANTEES OF ANTI-DISCRIMINATION AGE POLICY

Examination of exclusively problematic issues does not provide a comprehensive solution to the problem, for which it is appropriate to apply the method of combining theory and practice. So in the framework of this study it is necessary to address the issue of preventive and law enforcement safeguards to achieve an improvement in the situation of age discrimination. We suggest the following measures. Firstly, the intensification of contact between generations. Although the causal role of negative age stereotypes and norms for age discrimination is not yet clear, they certainly serve to stabilize, perpetuate and rationalize ageistic agendas; to justify practices and behaviors that discriminate against older people. Thus, challenging age beliefs and norms is an important component of combating age discrimination.

Generations do not communicate with each other, preferring their own and close age group. A survey of people in 28 European countries showed that people's friendships are limited by age. For example, across Europe, 80 percent of 15–24-year-old reported no friends over the age of 70 and 70% of 75+ people reported no friends beneath the age of 30 (Swift et al., 2018). Changing age stereotypes and norms is not easy, given their lifelong interiorization and the fact that they are almost never reflected. Research shows that age stereotypes and norms are usually quite persistent, similar to traits. However, age stereotypes can be changed by addressing them directly or indirectly. Providing information, arguments, and counterexamples can help falsify stereotypes or demonstrate their unsuitability for certain people (Beyer et al., 2019).

Studies show that experiencing positive contact between members of different age groups leads to positive intergroup attitudes and relationships (Levchenko et al., 2021).

Positive personal relationships, especially friendly with members of other groups, are important determinants of reducing prejudice between different groups. Thus, the degree and type of contact are relevant indicators of exclusion and discrimination of different age groups in a given society (Schneider, 2004).

Social contact between groups is a common strategy for overcoming intergroup conflicts, and special programs to counteract age discrimination have been built around the idea of intergroup contacts between generations (Del Carmen Requena et al., 2018). In general, it is important to:

- (a) raise awareness of age discrimination,
- (b) challenge age-discriminatory norms and stereotypes,
- (c) change discriminatory institutional and social practices and rules.

A recent meta-analysis showed that combined activities with education and intergenerational contacts have been most effective in changing the central motivational essences of attitudes / assessments, expectations and knowledge as central levers to reduce age discrimination (Burnes et al., 2019). Stimulation of the situations that encourage intergroup collaboration has been carefully tested in practice with different racial and ethnic groups, people with disabilities and mental health (Pettigrew & Tropp, 2008). Scientists and experts are convinced that it should also work in the concept of age differences between groups. State anti-discrimination campaigns aimed at raising the level of legal knowledge of the public, raising the level of legal awareness and legal culture. They consist of purposeful attempts to inform or influence the behavior of a large audience over a period of time through an organized set of communication activities and contain a series of delivered indirect messages through several channels for the production of non-commercial products and benefits for individuals and society.

Educational programs that raise awareness of the mechanisms of prejudice and intolerance, their impact on discrimination and oppression; and promote understanding of diversity and encourage tolerance; activities of civil society that condemn discrimination and prejudice, combat hate crimes and hate speech, assist victims of discrimination or promote changes in legislation. Educational activities recognize the need to develop a tolerant and non-discriminatory attitude in each person to create a learning environment that recognizes the benefits of diversity, rather than ignoring it. As part of this development, those who work with children or young people, as well as children and young people themselves, need to be aware of their own and others' discriminatory behavior. For example, educational activities in the context of raising awareness of human rights can help participants develop understanding and compassion, on the one hand, and resilience and self-confidence, on the other, so that people can avoid, prevent or combat discrimination. Intercultural learning is a process of learning about diversity and is a central approach in European youth work. In the Council of Europe's youth field, intercultural learning is presented as “a process of social education aimed at promoting positive relations between people and groups with different cultural backgrounds” (Ramberg, 2009), which promotes mutual respect and solidarity.

It is important to involve community leaders, political and opinion leaders, the media and the general public to increase visibility of the problem, change perceptions of those responsible and mobilize the public, all this to create an environment that facilitate the changes in individual behavior. Campaigns can offer promising strategies to combat discrimination and age stereotypes. Even if campaigns have only a small effect, with sufficient coverage and public penetration, they can still lead to significant changes. Systematics and targeted audience, in our opinion, are the main criteria for the effectiveness of such a campaign. The U.S. Centers for Disease Control and Prevention has experimentally proven that anti-tobacco advertising must air for at least six months to influence awareness, 12 to 18 months to influence attitudes, and 18 to 24 months to influence behavior (Schar et al., 2006). Therefore, one-time calls or actions will not have the desired effect. Only a state campaign to intensify the problem, raise it at the national level, demonstrate the problematic aspects can bring the desired results over time.

Increased attention to human rights violations of civil society institutions. The use of this guarantee has been proven by the empirical experience of a number of leading institutions. Five organizations in Canada, Colombia, Kenya, India and the United Kingdom founded HelpAge International in 1983 to build a strong network to support older people. This year, current organization has 158 members and offices in 86 countries and is now a global network, it is a truly international movement for change. The main goal is to create a fairer world for older people so that they can live a safe, healthy and dignified life (Global network, 2021). In Europe, in particular, such a movement is represented by the Croatian Red Cross Society in Valpovo; Czech Republic Zivot 90; Nadace Krása Pomoci Foundation; Denmark is represented by two organizations: Globale Seniorer and DaneAge; Finland “Valli”; Germany HelpAge Deutschland; Ireland Age Action Ireland CLG; Italy HelpAge Italia Onlus; Malta Caritas; Netherlands “World Granny”, “Dorcas”, Spain “HelpAge International España”; Sweden Pensionärernas Riksorganisation; Switzerland Kwa Wazee ; United Kingdom Age International.

Ensuring the right to education and intensifying the digitalization of the older persons. In order to prevent discrimination against the older persons in the field of culture and education, especially guaranteed and ensured the rights of these persons to:

- 1) realization of their potential in the field of literary, artistic, scientific and technical creativity;
- 2) free access to cultural values, objects of material and spiritual culture and cultural services;
- 3) equal conditions of access to education (including professional), training and obtaining documents on education in educational institutions of all categories.

Educational programs should include the ability to improve access to technical data. The rapid development of new digital technologies is constantly changing our societies and the world in which we live. For most people, including the older persons, this means embracing technology as a core part of everyday life and constantly adapting to integrate

new digital technologies into everyday life and the living environment. Technological advances and great political and social efforts are needed for people of all ages, genders, cultures, socio-economic backgrounds and geographical locations to use these benefits and positives. Policies and solutions that enable older persons to participate equally in the digitalization of the world, to make digital technologies more available, approachable and open to people of all ages, recognizing the heterogeneity and diversity of needs and interests of older people.

According to the findings of the European Union Survey on Fundamental Rights (2020), it was shown that only one in five respondents at age 75 and older at least occasionally engaged in Internet activities, compared to 98% of those at age 16-29. However, a survey conducted by the Pew Research Center in the United States found a general trend towards greater digital integration of older age groups, found that the use of social networks (Facebook) has increased significantly among older people. While 21 percent of people born in 1945 or earlier used Facebook in 2012, 37 percent used it in 2019. Among the baby boomer generation (born between 1946 and 1964), 60 percent of respondents reported using Facebook in 2019, compared with 43 percent in 2012 (Vogels, 2019). The Silver Surfer project in Luxembourg attracts older persons volunteers who have been specially trained in online security to instruct other older people to use digital technologies safely and securely (Lytvyn et al., 2022). As well as promoting digital literacy among older people, it also encourages the active participation of older people in society. They transfer their knowledge to other senior citizens through conferences, for instance during senior citizens events, at senior citizens' clubs or in senior citizens' associations and work as multipliers. This promotes volunteering among older people and encourages lifelong learning, as older people receive basic training, which is then complemented by regular additional training on specific topics; it supports the active participation of older people in society and values their contribution and competence.

Availability of design and interface of digital technologies and services. Physical and cognitive disabilities in later life can prevent older people from using digital technologies or lead to their breakdown, even if they have used digital technology regularly before. For example, vision or hearing impairment may be an obstacle for using and benefiting from information and communication technologies. Complicating of usage can increase frustration and hinder engagement, if adequate support is lacking. Cognitive impairments, such as dementia, can make it difficult for older people to navigate the digital environment or quickly become aware of changing technologies. If individual interventions take into account these circumstances and needs, for example in the case of dementia, digital skills can be learned and benefit from, for example, providing social connections with family members through video calls or stimulating memory training through virtual real experiences.

Unfriendly digital design or irrelevance for the older persons can be a barrier to use. Interface design often does not meet the needs of different users and may not meet the criteria of accessibility and inclusiveness. It can negatively affect the older persons, especially those with physical or cognitive impairments. Design processes often take place without the involvement of all end users, creating preconceived judgments about who is expected

to use a particular digital technology. When digital technology is designed specifically for the older persons or people with a disability, it often reflects the implicit stereotypes of designers about 'older' users. Digital technology design for older people is often overly focused on health care technologies and rarely focused on digital leisure technology that reflects the health paradigm and social assumptions about the needs of older people.

We will positively assess the experience and legislation of the European Union in this direction. The European Web Accessibility Directive was adopted by EU Member States in 2016 to make all public sector organizations more accessible on the Internet. The directive requires public websites and mobile applications of sectoral authorities to meet specific technical accessibility standards, including a statement of accessibility for each website and a mobile application, a feedback mechanism that allows users to report accessibility issues or request information published in the unavailable format and regular monitoring and reporting of public sector websites and programs (European Parliament, & Council, 2016).

The European Accessibility Act 2019 reflects the obligations of the Web Accessibility Directive and was designed to facilitate trade of affordable goods and services between EU Member States. It covers everyday digital products and services with potentially different availability requirements in EU countries, such as computers, ATMs, ticket and registration machines, smartphones, banking services, e-books, and e-commerce. In order to avoid and minimize social exclusion from important everyday technologies, countries need to ensure the possibility of using non-digital services, despite the constant development of technological functions or interfaces ((European Parliament, & Council, 2019).

The experience of individual countries in improving accessibility deserves to be implemented. The National Digital Strategy for Ireland has included an awareness and motivation campaign outlining some of the key benefits of online communication for older people through short video clips covering social network, email or video calling sites, and online transactions (Department of Communications, Energy and Natural Resources, 2013). Slovenia, Spain and Romania have identified the need to provide sufficient resources and tools to help older people learn to use digital technologies. In Romania, public libraries have started providing free e-skills training to the older persons and other “hard-to-reach” citizens as part of the “Biblionet” program. Israel's National Digital Program highlights ways to use technology to reduce economic inequality and social inequality, for example, through distance learning in rural or isolated areas, providing greater opportunities for older people (UNECE, 2021).

Financial services are provided online more often, offering the bank's customers the convenience of accessing their bank accounts and making financial transfers from home. According to 2020 data in the EU - 27, 57% of people in the age group from 45 to 54 used the Internet for online banking, compared to less than a third (31%) of people aged from 65 to 74 years. To support senior customers in using digital technology services, financial institutions can provide targeted support services. This progressive practice can be encouraged through government action. In Canada, the new Code of Conduct,

which entered into force in 2021, contains the basic principles that should guide banks in providing banking services to meet the needs of older people (National Research Council Canada, 2013). To encourage older people to start using digital banking, a mobile banking car with facilities was developed and visited up to 40 destinations every two weeks, providing advice and demonstrating how older people can use mobile phones (and other digital devices) to provide online banking services. Such a policy consists of the proper protection of human rights, which is the primary responsibility of the state (Kovalchuk et al., 2021) and civil society, institutional bodies of various directions.

6. CONCLUSION

Human rights require a comprehensive legal policy to combat discrimination, ensure equality and human dignity. Discrimination of human rights manifests itself through an illegitimate and unjustified infringement or oppression, difference, exclusion, restriction or advantage that denies or reduces the equal exercise of rights based on the physical or biological characteristics of a person. Based on statistical information, it has been proven that age discrimination is one of the most common types of discrimination in modern legal reality, as it affects all age groups in any country. The peculiarity of age discrimination in the social and communicative sphere is that it extends to the older persons in the predominant group of situations. It is generalized that age discrimination can lead to anthropological crisis of personality as a person's inability to adapt to external conditions.

The spheres of social activity and communication are grouped, where older persons people experience the greatest manifestations of discrimination: the sphere of public mobility; information sphere; financial and insurance sphere; legal sphere; advertising sphere. The pandemic crisis has exacerbated age discrimination in social activities and communication, as national coronavirus control measures, including containment, physical distancing, and restrictions of movement and social gatherings, have increased the risk of social exclusion and loneliness. The chronological age was also used to determine the measures of physical isolation in different countries, including the United Arab Emirates, Great Britain, Serbia, Bosnia and Herzegovina, Colombia, Ukraine. The use of chronological age as the only criterion for measures of physical isolation and prolongation of forced deprivation of the right to move is discriminatory, as it does not take into account the very diverse opportunities and needs of the older persons. Such measures can increase the risks of social isolation and loneliness, limit the ability of older people to self-care, and challenge the health and social care system to respond to the existing medical and social needs of older people.

In general, we can offer the following set of age discrimination counteraction in the social and communicative sphere:

- measures aimed at intensifying intergenerational contact in the context of changing age stereotypes and customary norms by encouraging individual social contacts between groups;
- state anti-discrimination campaigns to raise public awareness, raise legal awareness and legal culture, promote understanding of diversity and promote tolerance; civil

society activities that condemn discrimination and prejudice, and counter hate crimes;

- involve community leaders, political and opinion leaders, the media and the general public to increase the visibility of the problem, change perceptions of who is responsible for the problem and mobilize the public;
- intensification of attention to human rights violations of civil society institutions, in particular specialized public organizations;
- ensuring the rights of the older persons in the field of culture and education, especially the rights of these persons are guaranteed and provided to: realize their potential in the field of literary, artistic, scientific and technical creativity; free access to cultural values, objects of material and spiritual culture and cultural services; equal conditions of access to education.
- measures aimed at intensifying the digitalization of the older persons, including a policy of equal opportunities for older people, equal participation in the digitalization of the world, making digital technologies more available, approachable and open to people of all ages, recognizing the heterogeneity and diversity of needs and interests.
- measures to ensure the availability of design and interface of digital technologies and services.
- a set of targeted support services in the sectors of the national economy (including financial).

However, it is important to understand that manifestations of age discrimination have an individual character and are determined by additional circumstances, such as the characteristics of a person's age group (children, youth, persons of working age, the older persons), their gender, ethnic and racial affiliation, nationality, and other factors. Therefore, the perspectives of future research would be appropriate to recognize the combination of age and other group discrimination as a multiple form that occurs most often. Therefore, the complexity of the legal policy of prevention and combating it is of great practical importance.

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