

The Commissioner for Human Rights of the Republic of Poland
Submission to the Eleventh working session, New York, 6-9 April 2020

**Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group:
Education, Training, Life-long Learning and Capacity-building**

Definition

1. What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The right of older persons to education arises from Article 70(1) and (4) of the Constitution: *Everyone shall have the right to education; Public authorities shall ensure universal and equal access to education for citizens.*

In the preamble to the Act of 14 December 2016 on the System of Education it is emphasized that education constitutes a common good of the whole society. Among the objectives of the system of education, the Act indicates the fulfilment of the right of every citizen of the Republic of Poland to education, and the possibility for adults to complete general education as well as to acquire or change their professional or specialist qualifications.

The provision should read: Public authorities shall take steps to promote and guarantee lifelong access to education in accordance with the highest standards, and shall emphasize the significance of mainstreaming the issue of older people's education in relevant public health and safety policies.

Scope of the right

2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.

Availability: Educational facilities' availability for older persons should be ensured. This applies, in particular, to school buildings and other buildings in the municipality, to sanitary facilities, room equipment and teaching aids, e.g. computers. The state should provide support to both public and private entities so as to develop a wide range of educational services in close proximity to citizens' places of residence. In particular, it would be possible to determine the maximum distance to the establishment within a given voivodeship i.e. province, and the transport option to be ensured by the municipality, or to ensure distance learning. (e-learning).

Accessibility. Educational establishments should be accessible to everyone in a manner which does not discriminate or exclude anybody. Therefore, account should be taken of transport accessibility as

well as health condition and financial status of older persons. Third age universities and other educational establishments for adults in Poland are often dependent on fees collected from their candidates and students, which may lead to the exclusion of less well-off people.

Acceptability. The curricula and teaching methods should be adjusted to the needs and capabilities of older learners who should have the possibility to take part in decision-making processes regarding their educational and integration programmes. Teaching standards should be at an equally high level as in the case of children and young people. The education offer should also take into account the current needs of the labour market.

Adaptability. The curricula should be flexible and teachers should be given large autonomy. Educational establishments should be able to quickly respond to reported needs and adjust to social changes.

State obligations

3. What are the measures that should be undertaken by the State to respect, protect and fulfil the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?

The state authorities should take efforts to better identify the needs of older persons. In those efforts, they should not limit themselves to retired persons but should also promote organized learning at workplace so that older persons, if they wish so, can remain employed for the longest possible time. Older persons should be able to actively participate in the decision making process regarding their educational programmes.

More active promotion of older person's educational activity is necessary, in particular among men (women make up 84% of students of third age universities). It is of importance to increase public awareness of the benefits of lifelong learning and continuous increase of competences, including with regard to public health and safety. Methods of getting through directly to older persons and their family members should be considered.

Public authorities should provide a framework for international cooperation and exchange of information between educational establishments across the world.

The state should monitor the situation in the field of the observance of the principle of equal treatment and the prohibition of discrimination, as well as ensure appropriate procedures to effectively react to instances of non-compliance with the law. Yet, at the same time, the state should not excessively interfere in the methods of implementing the educational tasks and objectives, so as to preserve the autonomy of universities/educational establishments.

As regards the state support to private educational service providers, the funding allocation rules should be transparent and fair.

It is also of importance to ensure adequate training of teachers, taking into account the needs of older persons. The state should take active measures to increase the attractiveness of the teaching profession and to constantly increase the quality of teaching.

The state should promote the use of the Internet, facilitate access to digital services and demonstrate the benefits of them.

Local authorities should create a framework to facilitate local communities' organization for the purposes of mutual education, and support them through administrative activities and co-financing.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

The issues that should be considered include:

- a large number of state bodies that may be interested in the issue of older persons' education, and the related need to coordinate the activities (the Minister of National Education, the Minister of Science and Higher Education, the Minister of Family, Labour and Social Policy, the Minister of Health, the Government Plenipotentiary for Equal Treatment, as well as local government bodies)
- excessive burden on municipalities in terms of incurring the costs of the education system maintenance - no regulation of the scope of funding from the state budget
- transport exclusion
- non-adjustment of the educational offer to the needs of persons with disabilities
- reluctance to use modern technologies such as e-learning or online magazines
- persistent stereotypes about the goals of education
- persistent stereotypes about the cognitive capabilities of older people and their usefulness in the labour market

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity- building?

Non-state entities should carry out their tasks in accordance with all principles relating to the prohibition of discrimination and the principle of equal treatment.

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

The best practice regarding the adoption of the normative framework on education for older persons is to conduct extensive public consultations, and then to analyse and implement the resulting conclusions.

The main challenge is to make the concerned entities aware of the benefits of implementing and conducting a good education policy, covering all age groups, for the whole society. Recently in

Poland, the teaching conditions have deteriorated in connection with the 2016 education system reform. Efforts are taken to reduce the negative effects of the introduced changes, including to solve problems with ensuring adequate teaching personnel. Furthermore, teachers still leave their profession due to low salaries and the feeling that their work is not sufficiently appreciated. As a result, the educational needs of older persons may not be a priority for the ruling authorities.