

14th session of the Open-ended Working Group on Ageing

Guiding questions for the focus area on participation in public life and in decision-making processes

National and local legal and policy framework

1. *What are the national and local legal provisions and policy frameworks in your country that guarantee*

- a) right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of participation in public life and in decision-making processes;*
- b) elimination of all forms of ageism and age discrimination from laws, frameworks, programs, policies, strategies and practices regarding participation in public life and in decision-making processes;*
- c) right to freedom of expression, including freedom to seek, receive and impart information;*
- d) right of peaceful assembly;*
- e) right to freedom of association;*
- f) right to take part in the government of one's country, directly or through freely chosen representatives;*
- g) active, free and meaningful participation of older persons and their representative organizations in all matters related to participation in public life and in decision-making processes;*
- h) access to prompt remedies and redress when older persons' above mentioned rights are violated.*

In accordance with the Law of Ukraine "On the Basic Principles of Social Protection of Labor Veterans and Other Elderly Citizens in Ukraine" of December 16, 1993, No. 3721-XII, elderly citizens enjoy all socio-economic and personal rights and freedoms enshrined in the Constitution of Ukraine and other legislative acts.

Discrimination against older persons in the field of labor, health care, social welfare, housing and other areas is prohibited, and officials who violate these guarantees are held accountable in accordance with the current legislation.

Older citizens have the right to participate in decision making process that directly affects their interests and to receive necessary information.

Ukrainian legislation provides broad opportunities for citizens to participate in decision-making process at the local level and to influence the authorities in a positive context.

These include: national and local referendum; appeal; electronic petition; local initiative; request for public information; public hearings; general meetings; peaceful assemblies; public consultations; and bodies of self-organization.

According to the current legislation, citizens can apply to the authorities by mail, telephone, via the Internet, or in person. An appeal may be submitted in person or through a representative.

2. *What steps have been taken to ensure participation in public life and in decision-making processes without discrimination?*

The state policy is aimed at bringing digital technologies closer to vulnerable social groups, ensuring unimpeded access to the Internet and the ability to access information on the websites of public authorities, providing online medical services, online consultations, accessibility of web space, etc. Simplified access to digital and analog public and social services ensures equal participation of older people in all spheres of social life.

Data and research

3. *What data and research are available regarding older persons' participation in public life and in decision-making processes? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor older persons' participation in public life and in decision-making processes.*

A brief overview of the participation of older people in public life and decision-making processes was conducted by the National Institute for Strategic Studies (NISS), which is the basic research institution for scientific and analytical support of the activities of the President of Ukraine and the National Security and Defense Council of Ukraine. NISS is also an advisory body to the President of Ukraine¹. The results of the review showed the need to direct Ukraine's social policy towards older people to expand their opportunities to be engaged in social activities and to actively participate in decision-making processes regarding their lives.

Accountability

4. *What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress when their right to participate in public life and in decision-making processes is violated?*

Older persons may apply to state authorities, local self-government bodies, associations of citizens, enterprises, institutions, organisations regardless of ownership, media, officials in accordance with their functional responsibilities with an application or petition regarding the enjoyment of their socio-economic, political and personal rights and legitimate interests or with a complaint about their violation in accordance with the Law of Ukraine "On Citizens' Appeals".

The protection of rights, freedoms or legitimate interests of a man and a citizen is also possible in administrative proceedings in accordance with the Law of Ukraine "On Administrative Procedure", which entered into force on December 15, 2023², this Law ensures the right of a person to participate in decision-making process that affects their rights and obligations at the stage before the decision is made, and introduces adversarial rules similar to those in court proceedings.

An elderly person may apply to the Ukrainian Parliament Commissioner for Human Rights for protection of his/her violated right in accordance with the Law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights"³.

Every person has the right to apply to court for protection of their violated rights, freedoms or interests, and one of the ways of judicial protection, in particular in administrative proceedings⁴ (when the actions of a public authority are appealed), is to recover from the defendant funds to compensate for the damage caused by his or her unlawful decisions, actions or omissions.

¹ <https://niss.gov.ua/news/komentari-ekspertiv/ohlyad-pidkhodiv-do-zaluchennya-lyudey-povazhnoho-viku-do-ukhvalennya>

² <https://zakon.rada.gov.ua/laws/show/2073-20#Text>

³ <https://zakon.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80#Text>

⁴ <https://zakon.rada.gov.ua/laws/show/2747-15#Text>