

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

Responses of the Commissioner for Human Rights of the Republic of Poland to the 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.

The Acts on local governments (Article 5c of the Act on Municipal Government¹; Article 3f of the Act on Powiat (i.e. District) Government²; and Article 10c of the Act on Voivodeship (i.e. Province) Government³) require those governments to foster intergenerational solidarity and to create conditions for stimulating civic activity of older persons in their local communities. The tool for achieving this aim is the possibility to establish, respectively, municipal, district and provincial Seniors Councils. The Seniors Councils may be created on the initiative of the local government's decision-making body, or at the request of the interested community, or at the request of a certain number of residents of a given administrative unit, who are aged 60 or over. The councils are composed of representatives of senior citizens and representatives of entities acting in their support, such as, in particular, non-governmental organizations and bodies conducting third age universities. Seniors Councils play a consultative, advisory and initiative-taking role. The statutes of Seniors Council are awarded by the decision-making body of a given administrative unit. They aim to make use of the potential of entities acting in support of older persons and to ensure efficient election of the councils' members. The statutes contain detailed provisions regarding, e.g., the election of members and the principles and procedures of the councils' operation. According to the Acts, Seniors Councils may address inquiries and requests to the local government's bodies and may request taking a resolution on adopting an initiative (to bodies which, according to the statutes of a given administrative unit,

¹ Act of 8 March 1990 on Municipal Government (Journal of Laws of 2023, item 40, as amended).

² Act of 5 June 1998 on Powiat Government (Journal of Laws of 2024, item 107).

³ Act of 5 June 1998 on Voivodeship Government (Journal of Laws of 2022, item 2094, as amended).

have the power to submit a draft resolution). Members of Seniors Councils may be entitled to reimbursement of expenses related to the participation in their works. Municipalities may authorize their component units (districts, villages) to create Seniors Councils in such units.

Apart from taking part in Seniors Councils, older persons may make use of generally available tools of public participation in local governments (through submitting motions, complaints, petitions, participating in public consultations; they have the right to public information, including the right to participate in meetings of generally elected collegial bodies and to apply for taking resolutions).

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

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.

Projects related to Seniors Councils have been carried out by non-governmental organizations⁴ and within scientific activities⁵. The latest government Report on the Situation of Older Persons in Poland in 2022 contains data on the number of the councils operating in the country⁶.

Data on older people's participation in decision-making processes e.g. in elections are reported only by polling agencies based on polls conducted on election days⁷. The Report on the Situation of Older Persons in Poland in 2019, which was an election year, contained no data on the participation of the older persons in the parliamentary elections⁸).

The provided data includes the number of Members of the Sejm by age, including the group 60+. In the Sejm of the current term, people from this age group make up 27% of MPs⁹; in the previous term, they made up 33%¹⁰ of MPs.

In the context of elections to local governments, the State Election Commission provided statistics on the age of candidates, also broken down by gender¹¹, but we have no knowledge of statistics on persons who have finally been elected. Data is also available on the average age of Members of the European Parliament; such data is provided by the relevant bodies of the European Union¹².

⁴ E.g. an association called Towarzystwo Inicjatyw Twórczych „ę” conducted a project „Zoom on Seniors Councils”; the project website is no longer available.

⁵ E.g. „The functioning of E Seniors Councils in Poland” <https://wrs.waw.pl/wp-content/uploads/2021/08/Rady-seniorow.-Raport-z-badan.pdf> [access: 27.03.2024].

⁶ Report on the Situation of Older Persons in Poland in 2022. Ministry of Family and Social Policy, Warsaw, p. 30-31, <https://www.gov.pl/web/rodzina/informacja-o-sytuacji-osob-starszych-za-2022-r> [access: 27.03.2024].

⁷ IPSOS poll; see press release by the Polish information Agency: <https://www.pap.pl/aktualnosci/ile-kobiet-ilu-mezczyzn-glosowalo-z-jakiej-grupy-wiekowej-bylo-najwiecej-glosujacych>.

⁸ Report on the Situation of Older Persons in Poland in 2019. Ministry of Family and Social Policy, Warsaw, p. 30-31, <https://www.gov.pl/web/rodzina/informacja-o-sytuacji-osob-starszych-w-polsce-za-rok-2019> [access: 27.03.2024].

⁹ See: https://sejm.gov.pl/Sejm10.nsf/page.xsp/poslowie_wybory [access: 03.04.2024].

¹⁰ See: https://www.sejm.gov.pl/sejm8.nsf/page.xsp/poslowie_poczatek_kad. [access: 03.04.2024]

¹¹ See: https://wybory2018.pkw.gov.pl/pl/geografia#general_committee_stat and <https://samorząd.pap.pl/kategoria/wybory-samorzadowe-2024/wybory-samorzadowe-2024-kim-sa-kandydaci-na-wojtow-burmistrzow-i> [access: 03.04.2024].

¹² <https://facts-and-figures.europarl.europa.eu/snapshot/term-9/current> ; for full document see: [https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637976/EPRS_ATA\(2019\)637976_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2019/637976/EPRS_ATA(2019)637976_EN.pdf) [access: 03.04.2024].

Equality and non-discrimination

4. What are the challenges and barriers that older persons face regarding participation in public life and in decision-making processes, including the impact of intersectional discrimination and inequality based on age, gender, disability, race, ethnicity, migratory status and other grounds?

Note should be taken of the positive changes in the electoral law, which have facilitated the participation in general elections. However, infrastructural obstacles to seniors' full electoral participation still remain, e.g. in the form of non-adapted polling stations¹³. According to the current legislation (Article 18691) of the Electoral Code¹⁴) only half of the polling stations in a municipality have to be adapted to the needs of people with disabilities (in practice, the same obstacles concern older persons). The Regulation of the Minister of Infrastructure of 29 July 2011 on polling stations adapted to the needs of voters with disabilities does not set out requirements applicable to the surroundings of the buildings where polling stations are located. Such non-adapted surrounding (lack of parking spaces, gravel paths) often poses an obstacle for older persons who intend to take part in voting.

Older persons (aged 60 and over) have the option of voting by proxy or voting by mail (so-called alternative voting methods). The latter method, in particular, has the potential to increase seniors' participation in elections. However, gaps in the regulation on voting by mail have raised concerns among older people and the objections of the CHR¹⁵. Efforts should be taken to regulate the so-called alternative voting methods so as to make them attractive and widely accessible for older persons.

The situation of older persons living in so-called family care homes is also problematic. Such facilities are not referred to in Article 12(4) of the Electoral Code, and thus no polling stations are created in them. At the same time, their residents are often people who, due to their age and related disabilities, are unable to vote in any other place. This problem probably affects thousands of people¹⁶.

Moreover, the Act on Municipal Government regulates in a very narrow way the elections to municipality supporting units, e.g. elections to the positions of head of a village and village council member. Such regulations, included in the statutes of the supporting units, which are adopted by municipalities, often do not provide for any facilitations for older persons (such as alternative voting methods, the possibility of transportation to a polling station, appropriate information policy), although such solutions have been requested by citizens in their letters to the CHR¹⁷.

Accountability

5. 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?

No specific mechanisms are in place for older persons in this regard.

¹³ Report of the Commissioner for Human Rights on the inspection of polling stations adapted to the needs of people with disabilities during the elections to the Sejm and Senate of the Republic of Poland and the referendum in 2023, <https://bip.brpo.gov.pl/pl/content/rpo-raport-dostepnosc-lokali-wyborczych-2023> [access: 27.03.2024].

¹⁴ Act of 5 June 2011 – Electoral Code (Journal of Laws of 2023, item 2408).

¹⁵ Letters of the Commissioner for Human Rights nos. VII.602.59.2023 and VII.602.3.2021.

¹⁶ Letter of the Commissioner for Human Rights no. VII.602.78.2023.

¹⁷ Letters of the Commissioner for Human Rights nos. VII.602.14.2016 and VII.602.2.2023.