

Office of the Commissioner for Human Rights of Poland

Input for the 13th Session of UN OEWGA 3-6 April 2023

Guiding questions for defining the normative content of the issues examined at the twelfth session

Focus Area 1: Contribution of older persons to sustainable development

Definition

1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

The definition of participation and therefore contribution of older persons to sustainable development should include following aspects:

- Affirmation of the right shall stress that:
 - o contribution of older persons means effective participation in social, cultural, political and economic life, taking into account ongoing climate change and the need to turn to more ecological solution in sustainable development as well as digitalisation and development of artificial intelligence.
 - o contribution of older persons to sustainable development facilitates social cohesion and social solidarity, by linking past with present time and also by being part of communities.
- Moreover the definition shall enclose also:
 - o Right to equality and non-discrimination
 - o Right to social participation
 - o Right to belong
 - o Right to education

2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as;

- 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 sustainable development;
- b) elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices;
- 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 his country, directly or through freely chosen representatives;
- g) right to development, including older persons as active participants and beneficiaries of development;
- h) active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes;
- i) access to prompt remedies and redress when older persons' above mentioned rights are violated.

In Poland there are no legal provisions regarding explicitly older persons in context of sustainable development.

As relevant might be indicated:

- 1) Constitution of the Republic of Poland;
- 2) Act of December 3, 2010 on the implementation of some European Union regulations regarding equal treatment;
- 3) Act of June 26, 1974 – Labor Code;
- 4) Act of July 19, 2019 on ensuring accessibility for people with special needs;
- 5) Act of January 5, 2011 - Electoral Code.

State obligations

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' contribution to sustainable development?

One of the aspects of states obligations in this regard should be affirmative actions and reasonable accommodation and providing older persons with information effectively. The latter should include not only social campaigns, educational opportunities provided in a systemic way in every local community, but also reaching out effectively to older persons with limited social connections and in need of everyday support in all settings.

Implementation

4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?

Main challenges:

- Lack of education opportunities provided in a systemic way.
- Not efficient information on the offer of possible support if it's need.

- Loneliness of older persons which affects ability of taking advantage of offered support.
- Paternalistic approach towards older persons in public debate.
- Internalised ageism.

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Focus Area 2: Economic Security

Definition

1. How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

There is no explicit definition of the right to economic security. In Poland right to economic security is guaranteed within social security system consisting of social insurance system, social provision, and additionally social assistance.

Scope of the rights

2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:

a) right to social security; including regular adjustment of benefits with changes in living costs;

As above: there is no explicit definition of the right to economic security, although the social security system takes into account the retirement age.

b) right to adequate standard of living, including housing, clothing, food and water, among others;

c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;

Existing legal provisions in Poland – Act on promotion of employment and institutions on labour market (2004) provide persons aged 50+ with additional instruments facilitate their stay on labour market, like instruments addressed to employers to create and maintain work places for persons aged 50+ .

d) prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;

The Labour Code (1974) states that employees should be treated equally in establishing and termination of employment relationship, conditions of employment, promotion and access to

training in particular on basis of age, gender and disability. Older persons employed on basis of other type of employment than a regular contract are protected against discrimination in the Act of on the implementation of some regulations of European Union regarding equal treatment (2010).

e) the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information;

and rights to peaceful assembly and freedom of association;

f) active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes;

g) access to prompt remedies and redress when older persons' above mentioned rights are violated.

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' economic security?

Implementation

Government should promote longer employment of older persons and their longer stay at labour market. Therefore a state should enable older persons to enhance their skills relevant at labour market and retraining. States should also provide a system of incentives which would retard leaving the labour market by older persons.

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' economic security?

States should adopt:

- solutions regarding work-life balance at each stage of activity on labour market;
- enable informal carers to stay at labour market when receiving at the same time benefits combined with care;
- mainstreaming ageing in all public policies regarding labour market, especially in regard of older persons who are in age of retirement and older.