

Discrimination of older persons

a perspective of National Human Rights Institution and Equality Body in Poland

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Why do we need a Convention on the Rights of Older Persons?

Values and their influence on equal treatment of older persons

Values fostered by a given society change over time
(World Values Survey)

- they underpin certain specific attitudes and behaviours
- in direct and indirect relations
- they either do or do not foster diversity
- they influence partnership or paternalistic treatment of older persons.

Communicating values strengthen them in society

Key statistics

The Polish society is aging rapidly

	in 2015	by 2035
persons aged 65 and over	15.6%	23.2%
persons aged 85 and over	1.8%	3.1%

Poland's Central Statistical Office (based on EHIS):
in 2014 **one third of persons aged 65+ had problems with everyday activities. 45% of those persons had no one to turn to and ask for help.**

In 2030 as much as 53.3% one-person households will be run by persons aged at least 65, including 17.3% by persons aged 80+

Direct discrimination on the labour market

The Polish law prohibits discrimination on the grounds of age only in the sector of employment, in line with the relevant EU legislation.

Termination of employment for the sole reason of achieving retirement age **is not regarded as discrimination by 39%** of Poles.

Only **33%** of the citizens are **aware of the legislation which prohibits discrimination on the labour market**

(Legislative Awareness ...2016)

Discrimination of older persons in the area of access to community care services (deinstitutionalization)

The lack of community infrastructure and community care services means the impossibility to independently decide where to live.

Poland's Supreme Audit Office:

In the period **2011-2014**, the number of people using community care services in the inspected municipalities remained relatively stable, whereas **the number of people referred to residential homes increased by 40%**.

Why do we need a Convention on the Rights of Older Persons?

Soft law fails to sufficiently engage the governments

The Madrid Plan of Action on Ageing, as a soft law, is not a key point of reference for the Polish government.

There is a need for a regional and global trend towards making binding commitments to fulfil the rights of older persons.

Work on the Convention would make decision-makers see the political and social capital to be raised on joining the process.

Why do we need a Convention on the Rights of Older Persons?

Soft law fails to protect the weakest

In Poland, soft law and public schemes support the most active municipalities, i.e. those which apply for public funds on their own initiative.

In other municipalities, the elderly are left to themselves.

Why do we need a Convention on the Rights of Older Persons? Soft law fails to protect against age discrimination

The Madrid Plan fails to guarantee the actual fulfilment of all human rights in a situation of ill-treatment due to age discrimination.

The Convention would facilitate measures ensuring legal protection against discrimination in Poland in such areas as e.g. access to services, including accommodation services, access to healthcare, education, etc.

Why do we need a Convention on the Rights of Older Persons?

Soft law fails to provide a basis for taking comprehensive positive actions

In Poland, state policies are not verified from the point of view of their influence on the lives of older persons and their indirect discrimination.

We need an equal opportunities instrument which would trigger changes across the whole system, e.g. changes facilitating access to support for older persons living alone.

Sources:

Statistics :

- 1) Central Statistical Office, Health of Older Persons in the Light of Public Statistics, 19.02.2016.
- 2) Central Statistical Office, Population Forecast for the period 2014-2050, Warsaw 2014, p. 160.
- 3) Supreme Audit Office, Information concerning the results of audit into providing care to older persons by municipalities and districts, 2.02.2016.
Results of social surveys carried out for the Commissioner for Human Rights.

- 1) *Legislative Awareness in the Area of Equality*, December 2016.
https://www.rpo.gov.pl/sites/default/files/ulotka_RzPO-1.pdf
- 2) *Availability of community support for the elderly from the point of view of representatives of municipalities of the Dolnośląskie province*. Analysis and Recommendations from the report in English:
<https://www.rpo.gov.pl/en/content/chr%E2%80%99s-report-%E2%80%9Eavailability-community-support-elderly-point-view-representatives-municipalities>

Other sources:

- 1) World Values Survey <http://www.worldvaluessurvey.org/WVSContents.jsp> (Findings & Insights) as in June 2017
- 2) PIRC, *The Common Cause Handbook*, United Kingdom 2012
- 3) Equinet, PIRC, *Valuing Equality*, 2013,
http://www.igfse.pt/upload/docs/2014/valuing_equality.pdf

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O PRAWACH OSÓB STARSZYCH

For our old age and yours!

Let's talk about Convention
on the rights of older persons

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Commissioner of Human Rights' action for development and
adoption of the Convention on the Rights of Older Persons
<https://www.rpo.gov.pl/en/content/campaign-our-old-age-and-yours>

Thank you

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