Addressing Ageism in Polish Ageing Policy – Critical Remarks

Barbara Mikołajczyk¹

¹ University of Silesia. Poland

Date of publication: January 30th, 2023
Edition period: January 2022 - July 2023


To link this article: http://dx.doi.org/10.447/11226

PLEASE SCROLL DOWN FOR ARTICLE

The terms and conditions of use are related to the Open Journal System and to Creative Commons Attribution License (CCAL).
Addressing Ageism in Polish Ageing Policy – Critical Remarks

Barbara Mikołajczyk
University of Silesia. Poland

(Received: 18 October 2022; Accepted: 8 January 2023; Published: 30 January 2023)

Abstract

Poland is one of the European Union Member States ageing the fastest. This dynamic demographic situation calls for an effective ageing policy and law that help to reduce or prevent ageism, which pushes older individuals outside of mainstream society. This paper investigates how ageism is currently being addressed in Polish law and ageing policy and indicates gaps and deficiencies in this area. The research focuses on selected samples of the most recent instruments focused on older persons, including those related to local governments, as they are closest to older residents. The author argues that introducing older persons' issues into the legal agenda and various social strategies is insufficient to bring about the authentic inclusion of older persons into mainstream society without applying a human rights-based approach to ageing and understanding various aspects of ageism. In the author's opinion, the effective ageing policy cannot be considered in isolation from the overall condition of democratic institutions and international human rights law.

Keywords: ageism, ageing policy, older persons, Poland, human rights
Abordando el “Edadismo” en la Política de Envejecimiento en Polonia: Observaciones Críticas

Barbara Mikołajczyk
University of Silesia. Poland

(Recibido: 18 octubre 2022; Aceptado: 8 enero 2023; Publicado: 30 enero 2023)

Resumen
Polonia es uno de los Estados de la Unión Europea que envejece más rápido. Esta dinámica situación demográfica exige una política de envejecimiento efectiva y un marco jurídico que ayude a reducir o a prevenir el edadismo, que excluye a individuos mayores fuera del marco predominante de la sociedad. Este artículo investiga cómo se atiende actualmente el edadismo en la legislación polaca y en la política de envejecimiento, así como indica las brechas y deficiencias en esta área. La investigación se concentra en muestras seleccionadas de los instrumentos más recientes enfocados en las personas mayores, incluidos los relacionados con los gobiernos locales, ya que son los más cercanos a los residentes mayores. La autora argumenta que la introducción del tópico de las personas mayores en la agenda jurídica, así como diversas estrategias sociales, son insuficientes para lograr una inclusión auténtica de las personas mayores en la sociedad mayoritaria si no se aplica al envejecimiento un enfoque basado en los derechos humanos y un entendimiento de los diversos aspectos del envejecimiento. El artículo aduce que la política del envejecimiento no pueden considerarse de forma aislada a la condición general de las instituciones democráticas y el derecho internacional de los derechos humanos.

Palabras clave: edadismo, política de envejecimiento, personas mayores, Polonia, derechos humanos
By 2050, Poland will become one of the European Union Member States with the most advanced population ageing process. The demographic prognosis by Statistics Poland for 2014-2050 shows that the ageing process in Poland is escalating. In 2016, people over 65 accounted for 16.4 per cent of the Polish population, but by 2035, this percentage will have risen to 24.5 per cent and in 2050 to 32.7 per cent (Statistics Poland, 2014). It appears that Poland, one of the youngest countries in the European Union today, will rapidly turn into one of the oldest (EUROSTAT, 2020).

Indeed, the problems connected with rapid ageing differ in various regions of Poland, with marked differences between provinces and large and small municipalities (Statistics Poland, 2021, Perek-Białas et.al., 2017). The largest metropolitan cities can expect to increase their population through internal and external migration, but depopulation processes are progressing in some regions, particularly less developed ones (Duszczyk et al., 2019).

The singularisation and feminisation of old age are other common phenomena in Poland. Older women, without spousal support, face a high risk of living in poverty (Leszko et al., 2015).

In addition, today Poland ranks at the bottom of the Active Ageing Index in all domains – employment, social participation, independent, healthy and secure living, capacity and enabling environment – placing it well below the EU average (UNECE/EU, 2019).

In the last decade, Polish authorities have drawn up a new social policy to manage the demographical changes and adopted a purposeful normative framework (Skinder, 2021), as the law is one of the essential tools of social influence and setting the limits of acceptable actions.

In the Polish case, there are numerous legal provisions in many branches of law, as well as various policies and programmes, that affect (or potentially affect) the status and everyday lives of older persons and their protection, support and empowerment. Therefore, a common axiological denominator – human dignity – should unite all these instruments into a coherent whole. The dignity of every human being is a value protected by the Polish Constitution (1997). It is also a constitutional principle of a normative nature. Meanwhile, widespread ageism is a major threat to an older person’s dignity, as it throws an older individual outside of mainstream society. Thus, following the constitutional principle of dignity as a binding directive to public authorities
Miłosz Trzciński and Joanna Polak (2018) suggested that the Polish authorities are obliged to counteract ageism. Ageism was defined more than 50 years ago as the prejudice of one age toward other age groups and a process of systematic stereotyping and discrimination against people because they are old, just like racism and sexism (Butler, 1969, 1975). Along with ongoing research the concept of ageism has been evolving and all the time its various aspects are elaborated, not only medical, psychological, gerontological, but also legal ones (e.g. Mikołajczyk 2015; Doron et al., 2018, Hopf et al., 2021).

In 2021, the World Health Organisation (WHO) published “Kicking off a global conversation about ageism: the launch of the first UN Global Report on Ageism (Global Report on Ageism)”, bringing together the global output in identifying ageism and its aspects – stereotypes, prejudices and age discrimination. The report indicates, among other things, that, policies and laws can be used to reduce or eliminate ageism against any age group. They include, among other things, legislation addressing age discrimination inequality, policies to ensure respect for the dignity of all persons regardless of age, and human rights laws (WHO, 2021, p. 94)

In the same year, the United Nations Independent Expert on the enjoyment of all human rights by older persons (further: UN Independent Expert) provided her annual report dedicated exclusively to ageism. She provided many examples of states’ ageist approach towards older citizens, such as mandatory retirement, cut-off social policy entitlements, exclusion from the labour market, a lack of curricula on ageing and expertise in geriatrics, as well as a generally inadequate gerontological culture (UN Independent Expert, 2021). This paper directly or indirectly refers to these aspects addressed in both reports.

**Aims and Methods**

The main goal of this paper is to verify whether and how the Polish authorities are coping with the manifestation of ageism by adopting new laws and policies in the area of ageing. It is reasonable to investigate both the relevant law and the ageing policy, as a policy can be translated into legislation, and legislation may contain a commitment to the formulation of a new policy (WHO, 2021).
Thus, the first question posed in this paper is whether legal acts and policies adopted in recent years address ageism and are sensitive to ageist situations. The second question is about their ability to counteract ageism. The final question is about the willingness to draw on the achievements of international bodies in this area.

The primary assumption of this paper is that introducing older persons’ issues into the legal agenda, providing benefits, and creating various programmes and strategies are not sufficient for the authentic inclusion of older persons into mainstream society if the law and policy lack the common denominator of sensitivity to ageism and the absence of a human rights-based approach. In addition, the Polish case shows that the law and policies toward older persons cannot be considered in isolation from the overall condition of democratic institutions and international human rights law.

There are many publications by Polish sociologists, social gerontologists and economists relating to various aspects of the policy toward ageing and older persons, including those considering ageism (e.g. Szukalski, 2008; Trafialek, 2016; Stypäńska, 2018; Wilińska, 2018). However, there has not been an evaluation of the ability of Polish law and social policy to counteract ageism, as it has been carried out by lawyers, primarily through the prism of the international output and the current decay of democracy in Poland (Balmori de la Miyar, 2021; Sadurski, 2020).

This study refers to the legal framework concerning older persons and the ageing of Polish society, so the research methods used in this paper are characteristic of the discipline of law, including analytical and comparative methods.

Certainly, in the framework of this paper, it is impossible to examine all sectors of the law and the policy on ageing and older persons. Therefore, it is conducted using selected samples of the most recent instruments focused on older persons. The structure of this paper is fairly straightforward. The “results” section is a collection of selected legislation and documents creating policies on ageing. In turn, the “discussion” is an evaluation of the legislation and documents through the prism of effective counteracting ageism.

Particular attention will be paid to the ageing policy on the local level, as it is closest to older residents. The COVID-19 pandemic has revealed the role of local governments, which performed various functions as part of activities supporting older adults when assistance received by older adults from their
family members proved impossible or insufficient. Local government units acted as initiators, coordinators, financing entities or executors (Richert-Każmierska, 2021).

Admittedly, the analysis is limited to a slice of Polish law and policy concerning ageing and older persons, but a universal message can be drawn that should be common to the protection of the rights of older persons, no matter what country or region they live in.

Results – the Decade of Accomplishments

The Polish policy toward older people began to take shape after 2012, on the wave of the European Year for Active Ageing and Intergenerational Solidarity 2012 (European Union, 2011).

Several legal acts of various scopes, aims and power were adopted during the decade. The new generation of regulations overlapped with constitutional principles and long-established laws, such as those on incapacitation, social security and the pension system.

Relevant Principles

The starting point for considering law and policy towards older people in Poland should be the provisions of the Constitution of Poland guiding legislation and public policymaking. Under Article 32, everyone is equal before the law and has the right to equal treatment by public authorities. In addition, no one may be discriminated against in political, social or economic life for any reason, including age.


Among the constitutional principles governing the state, the subsidiary principle expressed in the Preamble to the Constitution is of crucial importance. It stipulates “the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening the powers of citizens and their communities.”
The subsidiarity principle goes hand in hand with decentralisation – another constitutional principle which is recognised as the foundation of civil democracy and is interpreted as the mechanism that allows the implementation of subsidiarity in practice, especially in the administrative-legal sphere. The principle of subsidiarity is also reflected, in the Act on Social Assistance (2004) stating that social assistance is organised by government and local government bodies, cooperating on a partnership basis with social organisations and non-governmental organisations, the Catholic Church, other churches, religious associations, individuals and businesses (Article 2 [2]).

**Selected Legislation**

Among a whole range of acts of fundamental importance are regulations on benefits, minimum pensions and medical care, including geriatric care. The legislation designed to improve the well-being of people with special needs, the Act on Ensuring Accessibility (2019), should be indicated. It is also worth mentioning the latest Act on Social Economy (2022), which allows the creation of social economy entities for the benefit of the local community in the field of social and professional reintegration for people at risk of social exclusion. Persons over 60 are indicated as one of the groups at risk.

Out of the maze of all the legal provisions, mentioned above, the Act on Older Persons (2015) should be indicated. However, contrary to its title, the act is not all about the rights of older citizens. It defines the term “senior policy” (ageing policy) as “all the activities of public administration bodies and other organisations and institutions that carry out tasks and initiatives shaping the conditions for dignified and healthy ageing” (Article 4).

It obliges the government to report annually with information referring to various areas, including the area of equal treatment and countering age discrimination. The act defines the scope of monitoring and the information to be provided on the situation of older persons, the bodies involved in this task and the sources of funding.

Each of them is a report on the socio-economic situation of older persons in Poland at central and regional levels – in particular, the demographic, economic, family, health situation, situation in the labour market, availability and quality of social services (including care), social, civic, educational,
cultural and sports activities. There is also information on activities in the field of equal treatment and anti-discrimination.

Finally, the retirement age legislation is essential, all the more so because this is a topic that arouses a lot of emotion and controversy and implies considerations of discrimination and stereotypes experienced by older people in the context of employment. The retirement age became a hot topic in the 2015 parliamentary election campaign. When the ruling coalition made the retirement age for men and women equal, raising it to 67, this was a factor that contributed to its defeat in the 2015 parliamentary elections. After the Law and Justice Party (PiS) came back into power, the old regulations providing for a retirement age of 60 years for women and 65 years for men were restored (2016). Surprisingly, retirement issues are not explicitly mentioned in strategic ageing policy documents.

**Core Ageing Policy Documents**

At the public policy level, the key document is “Social Policy for Older Persons 2030. Safety – Participation – Solidarity” (SPOP) adopted in 2018 by the Council of Ministers in its resolution No 161 as the long-term senior citizens policy (Council of Ministers 2018).

The document is programmatic in nature and provides for the implementation of a number of activities for older persons in the area of shaping a positive perception of old age in society, participation in social life and supporting all forms of civic, social, cultural, artistic, sports and religious activities.

Its aim is to create conditions for solidarity and intergenerational integration, and for the use of the potential of older adults as active participants in economic life and the labour market, adapted to their psychophysical capabilities and family situation. It refers to activities in the areas of education, health and safety of older persons.

Another crucial document with the potential to counteract age discrimination and ageism was adopted in May 2022 – the Council of Ministers’ Resolution on the National Action Programme for Equal Treatment for 2022-2030 – NAPET. The programme is being developed by the Government Plenipotentiary for Equal Treatment (GPET) and is aimed at raising public awareness of equal treatment, including the roots and
consequences of violations of the principle of equal treatment; countering violations of the principle of equal treatment; cooperation with social partners, NGOs and other entities in the field of equal treatment (Council of Ministers, 2022).

**Programmes**

According to the information provided by the Ministry of Family and Social Policy (MFSP), many initiatives and programmes for older citizens have been developed in Poland in recent years. The ministry indicates, for example, the annual indexation of old age and disability pensions and the introduction of new additional annual benefits. Since 2019, the Parental Supplementary Benefit—“Mother 4+ Programme”, has been paid to parents (usually mothers) who raised at least four children, which prevented them from taking up professional employment and so did not acquire the right to pension benefits.

In addition, there are long-term programmes, including the “Active+” Programme for 2021-2025. Its aim is to support NGOs by providing funding for projects in four priority areas: education, social activity promoting intra- and inter-generational integration, social participation and social services for older persons. The “Accessibility +” Programme 2018-2025 was adopted to ensure access to goods, services and the ability to participate in social and public life for people with special needs, including older people. Another programme, “Senior+” for 2021-2025 is addressed to local government units and consists in developing a network of day-care facilities for older adults. The “Care 75+” Programme is addressed to local authorities of up to 60 thousand residents, which receive financial support of up to 50% of the expected costs of providing care services, including specialist care services (MFSP, 2021a).

There are certainly also many other programmes and projects conducted by NGOs, local governments, and other stakeholders that have an intergenerational character and are a response to the current needs of older adults, for example during the COVID-19 pandemic (Lutomski et al., 2021).
Main Stakeholders

As noted above, the Act on Social Assistance indicates the actors that are (or could be) involved in the social policy. The main role is undoubtedly played by the state government and local governments, with their units responsible for social and family welfare, nursing and residence homes, specialised counselling centres, family support centres and/or crisis intervention centres.

Since 2012, a number of varied specialised bodies have been established to define directions for older citizens, to carry out tasks in the field of active ageing and intergenerational affairs, and to monitor or give opinions on the implemented solutions. At the state level, the Department of Senior Policy was established within the ministry responsible for social policy in 2012. In 2013 the first Senior Policy Council was created as a consultative body of the Minister of Family, Labour and Social Policy – MFLSP (since 2020 Minister of Family and Social Policy). Since 2016, all ministerial documents referring to older citizens are consulted with its 30 expert members.

The Senior Policy Commission was also established in the lower chamber of parliament (the Sejm) as a standing committee.

There are also relevant commissions at local levels. In 2013, the Act on Municipal Local Government of 1990 was amended by providing the possibility to establish municipal “councils of senior citizens” of a consultative, advisory and initiative nature. The purpose of this amendment was to secure the right of older people to actively participate in the life of the local community and to have a greater influence on the representation of their interests by ensuring close interaction with the bodies of local government (Frączkiewicz-Wronka et al., 2019).

Finally, the Act on Equal Treatment indicates two other bodies that can play a special role in combating ageism and working for social inclusion – the Commissioner for Human Rights (ombudsperson) and the Government Plenipotentiary for Equal Treatment. The Commissioner is an independent body while the Plenipotentiary’s task is the implementation of government policy within the scope of the principle of equal treatment, including the prevention of discrimination (Article 21). It is worth noting that the Expert Commission on Older Persons at the ombudsperson inaugurated its activities even before the European Year for Active Ageing and Intergenerational Solidarity 2012.
Discussion – the Other Side of the Coin

The legal framework indicated above, policies, as well as the various programmes, give the impression of certain success in overcoming the barriers to the inclusion of Polish older adults in mainstream society. However, contrary to the first impression, a number of criticisms can be made of the Polish solution, also in the context of eliminating ageism.

Thus, the discussion devoted to the Polish ageing policy documents, as selected above, will target the awareness of ageism, decentralisation and an openness to international achievements in combating ageism. This approach enriches the current state of the art on the Polish ageing policy, which comes under constant scrutiny from economic and social gerontology perspectives (Błędowski, 2018; Lutomski et al., 2021; Perek-Białas, 2016; Szatur-Jaworska, 2015, 2018; Skinder, 2021).

Addressing Ageism

Before 2018, the Polish long-term policy on older persons focused mainly on active ageing and selected issues related to the care of people in need of support and healthcare, while making a relatively cursory reference to activities in the area of intergenerational solidarity (mainly in the family), and a completely marginal reference to the issue of age discrimination, paying more attention only to the need to build a positive image of older people in Polish society.

In this context, the SPOP adopted in 2018 is much more progressive. There are more references to discrimination, and significantly, ageism is also addressed. The SPOP is supplemented by a glossary explaining “age discrimination and ageism” as

the process of judging a person or a group not on the basis of actual competence, but on the basis of age and an assumed, age-related, generalised belief about their physical and mental condition (stereotype) to all individuals of a given age, leading to actions that differentiate access to various resources on the basis of age (Council of Ministers 2018, p. 111).

Both these terms are mainly placed in the section of the SPOP relating to the diagnosis of violence against older persons. They are much less
emphasised in the other parts of this document, although it seems that the prevention of ageism and age discrimination should be present in all areas. Undoubtedly, ageism results in various degrading situations, not only in elder abuse.

With regard to activities indicated in this area, it was assumed that counteracting ageism and age discrimination would be carried out by making individuals aware of the scope of their rights, sensitising them to manifestations of inferior treatment and providing information on the possibility of obtaining free legal assistance if needed.

The proposed measures include appropriate social campaigns and competitions in which various stakeholders, such as NGOs, can compete by presenting their projects. Other activities promote raising public awareness (especially with employers) of the importance of older people's participation in social and economic life; countering negative stereotypes of old age through social education campaigns and promoting ideas and activities aimed at preparing for old age and maintaining independence for as long as possible.

Thus, it is easy to observe that the SPOP proposes a soft and long-term approach to counteracting ageism and its aspects. In addition, the SPOP seems to be a good diagnosis of the situation of older persons and sets out reasonable directions for the ageing policy. However, the stigmatisation of ageism and the discrimination against older people in key social policy documents does not transpose into the priorities of competitions for NGOs’ projects, for example in the framework of the “Active+ Programme” or for local government units in the “Senior+ Programme”.

Another strategic document in the discussed area is the National Action Program on Equal Treatment for 2021-2030 (NAPET). It indicates and explains ageism together with age discrimination, stressing the need to create a positive image of old age because negative stereotypes prevail, which is why an attitude of discrimination against older persons, or ageism, is born and persists.

NAPET also indicates reasons for the Government Plenipotentiary for Equal Treatment’s various valuable actions to combat ageism and age discrimination in the form of a public debate, training of staff of state offices, and an information campaign on social media, especially aimed at employers. After all, NAPET states that “in the face of declining birth rates and a progressively ageing population, it is necessary to undertake educational,
informational and social activities that will present a positive image of older persons also on the labour market” (Council of Ministers, 2022, p.120).

Thus, it seems that, according to NAPET, ageism (here in form of stereotypes) should be eliminated not because it violates human dignity and is a barrier to the exercise of human rights by older persons, but because the demographic situation is challenging. This approach appears to be a form of instrumentalising older people.

An even worse approach can be observed in the draft of the “Demographic Strategy 2040” presented in 2021 by the Plenipotentiary for Demographic Policy (PDP). The document focuses only on the area of fertility, which is not wrong in itself, but the draft inadvertently (one hopes) promotes an ageist message as it recognises older persons as a burden and ageing as a negative phenomenon that should be overcome by increasing the fertility rate. In addition, the draft presents older adults solely as caretakers of their grandchildren, or as people these grandchildren will care for (PDP Policy/MFSP, 2021). As of writing this text, the draft has not yet been adopted by the government, however, this proposal is alarming as it reveals a lack of awareness of ageism among officials creating the demographic policy of Poland. This approach should be considered in the context of new forms of ageism. Indeed, it is not uncommon to see the introduction of policies and strategies that are seemingly designed to meet the needs of older people, but which actually treat them instrumentally, stigmatise them or require them to be constantly active, regardless of their capabilities (Hopf et al., 2021).

The Act on Older Persons does not contain any references to ageism or age discrimination, but the annual reports (the Information) on the situation of older people in Poland, submitted to parliament under this act, contain an extensive diagnosis of the situation of older people both nationally and regionally and include entire sections devoted to discrimination. However, even they usually do not label ageism. A reference to ageism appeared only once in the Information for 2019. An action called “Shaping the image of older people and improving intergenerational relations” was launched in the framework of the social policy of the Silesian Province for the years 2016-2020. This action included, among other things, conducting social campaigns promoting the image of older people and old age as a natural, diverse and valuable stage of life; stimulating and disseminating initiatives to improve intergenerational relations and counteract ageism; supporting education for
old age (MFSP, 2020). Unfortunately, this example can no longer be found in the next reports.

On the other hand, with regard to the reported activities in the provinces, a huge number of initiatives called “anti-discrimination” are indicated each year. However, it appears that discrimination as such and anti-discrimination actions are understood differently and described in a random way. For example, various educational programmes aimed at older persons and/or officials on anti-discrimination topics, including issues related to reporting discriminatory behaviour and similar violations, were regarded (and rightly so) as anti-discriminatory measures. At the same time, a meeting or an excursion for dozens of older adults organised by a parish was also reported as an anti-discrimination activity (MFSP, 2020, 2021b).

However, it is disappointing that the Plenipotentiaries for Equal Treatment do not name and shame ageism in their part of the information. In the documents for 2019 and 2020, the plenipotentiary performs particularly modestly against the background of the bodies and institutions that are taking action in the field of ageing policy.

On the other hand, it is worth noting that the “Information for 2018” also outlined the activities of the Commissioner for Human Rights. The commissioner intervened in cases where the method of determining the amount of the pension actively discriminated against some older women and in cases regarding age discrimination against pensioners in relation to fees for public transportation (MFLSP, 2019).

Recently, the commissioner challenged provisions forcing bailiffs to retire at 65. In this case, the Supreme Administrative Court (SAC) judged that the fact that a bailiff had reached the age of 65 cannot be the basis for removing him or her from office. The court emphasised that reaching retirement age has no impact on the speed and efficiency of proceedings, particularly as none of the enforcement activities requires a bailiff to be physically fit, which would distinguish him/her from other legal professions. According to the court, the disputed provision is a manifestation of direct discrimination and could not be applied (SAC, 2021). This ruling seems to be crucial for raising awareness of age discrimination and ageism.
Outside the Central Level

Intergenerational conflicts appear to be inevitable when a significant percentage of society is made up of people at a post-working age. The differences between younger and older generations may take the form of a conflict over the access to labour market, costly benefits, healthcare and social services. It is most successful and most effective to avoid or reduce such social conflicts at a local level.

For this reason, efforts to counter ageism and strive towards social inclusion of excluded older people should be rooted in local government’s understanding of this phenomenon. The ability to identify ageism in everyday life, in people’s local areas is the basis for conducting effective administrative and legal policy (Mędrzycki, 2021). However, the effectiveness of the local government in this regard depends, among other things, on the tasks assigned to it under the general ageing policy.

Meanwhile, it appears that the authors of the SPOP failed to recognise the potential of local government in this area. GPET, as well as various entities belonging to the government administration, were indicated as the main coordinating entities in the area of shaping a positive image of older citizens. Local government units were mentioned only as “cooperating entities” and, for example, with regard to “cooperation of kindergartens and schools with senior organisations” (Council of Ministers, 2018, p.75). The trend toward centralising various policies, including the ageing policy, especially concerning the prevention of ageism and its components is worrying.

This gives the impression that in the framework of the SPOP in this area, local governments and NGOs, as well as the private sector, are treated as second-category partners and their independent initiative has been underestimated. Instead, the SPOP mentions churches and religious associations as partners in carrying out tasks in the field of social policy toward older adults.

Moreover, the role of older persons themselves, as participants in the decision-making process in public policy, has been rather marginalised. They appear as passive recipients rather than active subjects, but with one exception. The SPOP encourages municipal governments to set up mentioned senior citizens' councils. These can have a positive impact on solving problems that arise, for example, against the background of spending on
support programmes for the growing number of older people. They can also influence local activities in the field of healthcare and the local economy. Undoubtedly, they also have the potential to contribute to the elimination of ageism and all its components.

On the other hand, we should not be over-optimistic about such bodies and obtain some reflection with regard to senior citizens' councils. The question should be asked what is the ratio legis of the councils of seniors and whether the creation of such councils helps or stigmatises older residents of the community as being “too old” to be a member of local governments actually exercising power in the municipality. After all, they have the active and passive right to run for municipal councils, districts and local government assemblies in provinces. So why should they only advise and consult, rather than making decisions?

Establishing separate bodies at many levels of administration leads to the belief that older persons exist “alongside” mainstream society. Perhaps consideration should be given to transforming various bodies from “senior” to inclusive “intergenerational solidarity” ones that would take into account the needs of older persons within a given community. Moreover, they would fit in with the increasingly internationally popular concept of age mainstreaming (UNECE, 2021).

**Missing International Output**

The analysis of the core documents that make up the Polish policy towards older people clearly shows one more deficit. It is surprising that the policy documents adopted in recent years do not refer to the acquis developed internationally – not to human rights treaties binding Poland nor to the soft law, which is significant. There are no references to the UN action plans, particularly the 2002 Madrid Action Plan on Aging, whose central message is promoting the development of a society for all ages (United Nations, 2002). There is also no mention of the 1991 UN Principles for Older Persons (United Nations, 1991) and the Council of Europe documents, in particular, the 2014 Recommendation of the Committee of Ministers to the Member States on the Promotion of the Rights of Older Persons (Council of Europe, 2014).

It is also worth noting that Poland is not a party to the Revised European Social Charter (despite signing it in 2005), which is an instrument capable to
provide a response to ageism and re-frame law and policy on older persons (Quinn & Doron, 2021).

Apart from the Commissioner for Human Rights, there is no evidence that the Polish institutions follow the reports of the Independent Expert on the enjoyment of all human rights by older persons, and the resolutions of the Human Rights Council (especially the resolution of 7 October 2021 on the rights of older person). In addition, Poland has consistently failed to participate in the works on the future Convention on the Rights of Older Persons, despite the Commissioner for Human Rights making repeated calls for the MFSP to be more involved in the activities of the Open-Ended Working Group on Ageing (Commissioner for Human Rights, 2022).

This reluctance to get involved internationally leaves Poland outside of global trends in addressing and counteracting ageism. It appears that Polish social policy toward older persons is moving in a slightly different direction than the global trends. Internationally, there is more emphasis on the dignity and autonomy of older individuals, with the focus shifting from older persons as a separate group to encouraging the elimination of barriers that prevent older people from participating in mainstream society. It is essential “to leave no one behind” according to Agenda 2030 for Sustainable Development (United Nations, 2015). This prompts a call for a change in the perspective of how older persons are viewed by both public administration bodies and the public. Moreover, the 2030 Agenda’s motto corresponds with the human rights-based approach, based on human rights principles, the dignity of every human being and empowering the disadvantaged and marginalised groups in enjoying their human rights (Lewis et al., 2020).

Limitations

Certainly, the research presented in this paper has limitations and does not include an assessment of all aspects of social policy towards older citizens. As indicated above, they focus primarily on the approach to ageism at the central level, as well as the favourable or unfavourable solutions to the involvement of local governments and other stakeholders in eliminating ageism. On the other hand, this research can encourage the exploration of areas that should be developed to improve the social inclusion of older people. This paper may spark further research on the relationship between the smooth functioning of
local governments and good ageing in place, as well as analyses of factors that could diminish certain states' reluctance to adopt a convention on older persons' rights.

**Conclusion**

There is no doubt that the last decade has brought significant changes in the Polish approach to ageing. Laws, policies and various programmes have been adopted that were not even thought of 10 years ago.

Moreover, the concept of ageism has started to emerge in the policy on older persons. This should be recognised as progress, because by identifying and naming the phenomenon, there are greater chances of reducing it.

However, it seems that in the case of Poland, we cannot talk about a comprehensive ageing policy, but rather a policy toward older persons in certain areas. The adopted or proposed policy documents give the impression that older persons’ problems are separate from those of the rest of society.

In most of the described documents, older people are still presented primarily as recipients of services (even those promoting active ageing) rather than as human rights holders. Their contribution to society is mentioned marginally and rather in a way that reinforces stereotypes. Thus, they do not go to the roots of ageism dividing society into different age groups and, consequently, can hardly be considered effective defence mechanisms against ageism and its components – discrimination, stereotypes, and prejudice.

Moreover, it should be stressed that the SPOP was adopted as a resolution of the Council of Ministers and so has an internal character, applying only to subordinate governmental units. This means that older citizens do not derive any rights from it, including protection against ageism, despite it being addressed there.

Meanwhile, the legislation does not address ageism, meaning that administrative authorities and courts have no legal directive guiding the fight against ageism. There is also a lack of any decision-making institution focused exclusively on older citizens that could bring together all the concerns relevant to ageing and promote a human rights-based approach to ageing.

Certainly, the adoption of the Act on Older Persons in 2015 should be evaluated positively, because a good social policy cannot be created without a good diagnosis. However, it is the beginning of the road to facing the rapidly
approaching demographic changes and avoiding social conflicts, including those arising from ageism. Apart from diagnosis, there are also other stages of the ageing policy, including the process of decision-making and, most importantly, implementation and evaluation (Klimczuk, 2017). In the Polish case, these parts are much weaker. In general, Polish law and policy in the discussed area need rethinking.

However, is that possible in times of a profound crisis of democracy? According to the Democracy Index, between 2014 and 2021, Poland dropped significantly in the ranking of democracy parameters, falling from 7.47 to 6.80 points (Economist Intelligence, 2022). Poland suffers from a populist force on the political scene, destroying constitutional democracy and undermining human rights (Sadurski, 2020). One of the symptoms of the decay in democracy is the centralisation of public policy and diminishing the role of local government. In such circumstances, combating ageism is much more difficult. Top-down solutions may fail to recognise ageism and the discrimination that happens locally. Other symptoms are the authorities’ reluctance to cooperate at the international level and a failure to heed the calls of the Commissioner for Human Rights.

Thus, the current political climate does not foster holistic ageing policy solutions, as it is much easier for authorities to win over older voters by granting additional benefits than by developing a comprehensive ageing policy aimed, among other things, at counteracting ageism.

Meanwhile, laws and policies on ageing should be independent of political turmoil. The situation needs stability, predictability and accountability from national and local institutions. The policymakers should be aware of ageism’s aspects, manifestations and types. Finally, ageism is a global phenomenon, so states should not be fighting against it in isolation.

**Funding**

The paper has been prepared in the framework of Project no. 2018/31/B/HS5/00435 (OPUS 16) – “Social and digital inclusion of older people as a special task for NGOs: a perspective of international human rights law” – financed by the National Science Centre, Poland.


MFSP. (2020). Ministerstwo Rodziny i Polityki Społecznej. Informacja o sytuacji osób starszych w Polsce za rok 2019 [Ministry of Family and


Ustawa z 5 sierpnia 2022 r. o ekonomii społecznej [Act on Social Economy] Dz.U. 2022, poz. 1812.


**Barbara Mikołajczyk.** Professor of University of Silesia in Katowice · International Public Law and European Law

**Contact Address:** barbara.mikolajczyk@us.edu.pl